

STATE OF NORTH DAKOTA

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**Journal of the Senate**

of the

**Forty-Fifth Session**

of the

**Legislative Assembly**

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Begun and held at the Capitol Building at Bismarck,  
December 7, 8, 9, 1976 and January 4 to April 8, 1977

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WAYNE SANSTEAD  
Minot, North Dakota  
President of the Senate

LEO LEIDHOLM  
Underwood, North Dakota  
Secretary of the Senate

## MEMBERS OF THE SENATE, 1977

| Dist. | County                                   | Name                     | Address     | Business<br>or<br>Occupation | Marital<br>Status | Member<br>During<br>Session of              |
|-------|--|--------------------------|-------------|------------------------------|-------------------|---|
| 1     | Pt. Williams                             | Frank Wenstrom           | Williston   | Banker                       | Married           | 1957-67-69-71-73-75-77                      |
| 2     | Divide, Pt. Williams,<br>Pt. Burke       | George Rait              | Noonan      | Farmer                       | Married           | 1965-67-69-71-73-75-77                      |
| 3     | Renville, Pt. Ward                       | Rodney A. Mau            | Mohall      | Farmer                       | Single            | 1977  |
| 4     | Pt. Burke, Mountrail                     | Stanley Wright           | Stanley     | Implement Dealer             | Married           | 1973-75-77                                  |
| 5     | Pt. Ward                                 | Hai Christensen          | Minot       | Manager KHRT Radio           | Married           | 1975-77                                     |
| 6     | Bottineau, Pt. McHenry                   | Walter Erdman            | Bottineau   | Farmer                       | Married           | 1971-73-75-77                               |
| 7     | Pierce, Pt. McHenry                      | Ernest M. Sands          | Velva       | Businessman                  | Married           | 1967-69-73-75-77                            |
| 8     | McLean, Pt. Ward                         | Shirley W. Lee           | Turtle Lake | Housewife                    | Married           | 1973-75-77                                  |
| 9     | Rolette, Pt. Towner                      | Phillip Berube           | Belcourt    | Farmer                       | Married           | 1953-55-57-59-61-63-65<br>67-69-71-73-75-77 |
| 10    | Cavalier, Pt. Towner                     | Frank Shablow            | Langdon     | Farmer                       | Married           | 1973-75-77                                  |
| 11    | Pembina, Pt. Walsh                       | F. Kent Vosper           | Neche       | Farmer                       | Married           | 1975-77                                     |
| 12    | Benson, Eddy                             | S. F. (Buckshot) Hoffner | Esmond      | Farmer                       | Married           | 1973-75-77                                  |
| 13    | Pt. Cass                                 | Clayton A. Lodoen        | West Fargo  | Realtor                      | Married           | 1977  |
| 14    | Foster, Wells                            | Stephen H. Farrington    | Harvey      | Newspaper Publisher          | Married           | 1977  |
| 15    | Pt. Ramsey                               | Kent Jones               | Webster     | Farmer                       | Married           | 1971-73-75-77                               |
| 16    | Pt. Walsh                                | Harvey D. Tallackson     | Grafton     | Farm Owner                   | Married           | 1977  |
| 17    | Pt. Grand Forks                          | Raymon E. Holmberg       | Grand Forks | Teacher                      | Married           | 1977  |
| 18    | Pt. Grand Forks                          | C. W. (Chuck) Goodman    | Grand Forks | Businessman, Farm Management | Married           | 1973-75-77                                  |
| 19    | Pt. Grand Forks, Pt. Nelson<br>Pt. Walsh | Arnold Pietron           | Larimore    | Farmer                       | Married           | 1977  |
| 20    | Trail, Pt. Cass,<br>Pt. Grand Forks      | Gilman Strand            | Portland    | Farmer                       | Married           | 1973-75-77                                  |
| 21    | Pt. Cass                                 | Herschel Lashkowitz      | Fargo       | Attorney                     | Single            | 1965-75-77                                  |
| 22    | Pt. Cass, Pt. Barnes                     | Gary J. Nelson           | Casselton   | Farmer                       | Married           | 1977  |
| 23    | Griggs, Steele, Pt. Nelson<br>Pt. Ramsey | Lester Larson            | Brockton    | Farmer                       | Married           | 1965-67-69-71-73-75-77                      |

|       |  |                        |             |   |         |                                       |
|-------|--|------------------------|-------------|---|---------|---------------------------------------|
| 24    | Pt. Barnes   | Theron L. Strinden     | Litchville  | Businessman   | Married | 1963-65-69-71-73-75-77                |
| 25    | Pt. Richland   | Russell T. Thane       | Wahpeton    | Farmer, Stock Feeder                                    | Married | 1971-73-75-77                         |
| 26    | Dickey, Sargent                                      | James Smykowski        | Cayuga      | Farmer, Auctioneer, Real Est.                           | Married | 1973-75-77                            |
| 27    | Ransom, Pt. Richland                                 | Kenneth Morgan         | Walcott     | Farmer  | Married | 1957-59-61-63-65-67-69<br>71-73-75-77 |
| 28    | LaMoure, Logan,<br>Pt. Dickey                        | Claire A. Sandness     | LaMoure     | Farmer  | Married | 1973-75-77                            |
| 29    | Pt. Stutsman   | Robert Melland         | Jamestown   | Businessman   | Married | 1967-69-71-73-75-77                   |
| 30    | Emmons, McIntosh                                     | L.L. (Pete) Naaden     | Braddock    | Farmer, Rancher   | Married | 1973-75-77                            |
| 31    | Kidder, Sheridan,<br>Pt. Burleigh                    | Harry Iszler           | Streeter    | Rancher   | Married | 1973-75-77                            |
| 32    | Pt. Burleigh   | Bonnie Miller          | Bismarck    | Teacher   | Single  | 1977                                  |
| 33    | Pt. Mercer, Oliver,<br>Pt. Morton                    | Robert Albers          | Hazen       | Farmer, Cattlefeeder                                    | Married | 1977                                  |
| 34    | Pt. Morton   | Lester J. Schirado     | Mandan      | Lawyer  | Married | 1977                                  |
| 35    | Grant, Sioux, Pt. Morton                             | Francis Barth          | Solen       | Farmer, Rancher   | Married | 1971-73-75-77                         |
| 36    | Dunn, Mckenzie, Pt. Mercer                           | J. Garvin Jacobson     | Alexander   | Farmer, Rancher   | Married | 1967-69-71-73-75-77                   |
| 37    | Pt. Stark  | Howard A. Freed        | Dickinson   | Attorney  | Married | 1967-69-71-73-75-77                   |
| 38    | Adams, Hettinger, Pt. Stark                          | Adam Krauter           | Regent      | Farmer  | Married | 1977                                  |
| 39    | Billings, Bowman, Golden<br>Valley, Slope, Pt. Stark | John F. Maher          | Bowman      | Businessman   | Married | 1975-77                               |
| 40&50 | Pt. Ward combined                                    | Chet Reiten            | Minot       | President Radio & TV                                    | Married | 1975-77                               |
|       |  | Roland Redlin          | Minot       | Banker  | Married | 1959-61-63-73-75-77                   |
| 41    | Pt. Ward   | Jerome L. Walsh        | Minot       | Farmer & Businessman                                    | Married | 1975-77                               |
| 42    | Pt. Grand Forks                                      | Charles (Chuck) Orange | Grand Forks | Electronic Technician,<br>Businessman, Commercial Pilot | Single  | 1977                                  |
| 43    | Pt. Grand Forks                                      | Stella Fritzell        | Grand Forks | Retired Stockbroker                                     | Widow   | 1973-75-77                            |
| 44    | Pt. Cass   | Curtis N. Peterson     | Fargo       | Project Engineer, NW Bell                               | Married | 1973-75-77                            |
| 45    | Pt. Cass   | Donald W. Hanson       | Fargo       | Businessman   | Married | 1977                                  |
| 46    | Pt. Cass   | Jens J. Tennefos       | Fargo       | Businessman   | Married | 1977                                  |
| 47    | Pt. Burleigh   | Evan E. Lips           | Bismarck    | Insurance   | Married | 1961-63-65-67-69-71-73-75-77          |
| 48    | Pt. Stutsman, Pt. Barnes                             | David E. Nething       | Jamestown   | Attorney  | Married | 1967-69-71-73-75-77                   |
| 49    | Pt. Burleigh   | I.E. (Esky) Solberg    | Bismarck    | Consultant  | Married | 1973-75-77                            |

**OFFICERS AND EMPLOYEES  
OF THE  
SENATE OF NORTH DAKOTA  
OF THE**

**FORTY-FIFTH LEGISLATIVE ASSEMBLY**

| Name                       | Position  | Address   |
|----------------------------|---|-----------|
| Leo Leidholm .....         | Secretary of the Senate .....                     | Underwood |
| J. Vernon Asheim .....     | Assistant Secretary of the Senate .....           | Mohall    |
| Doris McMahan .....        | Desk Reporter .....                               | Bismarck  |
| Sandra Boehler .....       | Bill Clerk .....                                  | Bismarck  |
| Marry Alice Simonson ..... | Chief Stenographer &<br>Payroll Clerk .....       | Bismarck  |
| Peggy Ormseth .....        | Chief Committee Clerk .....                       | Bismarck  |
| Eleanor Runyan .....       | Appropriations Committee Clerk .....              | Mandan    |
| A. E. Bradley .....        | Sergeant-at-Arms .....                            | Rock Lake |
| Joanne Hetland .....       | Chief Page .....                                  | Bismarck  |
| Carl Bjerke .....          | Deputy Sergeant-at-Arms .....                     | Enderlin  |
| Ray David .....            | Chief Bill and Journal Room Clerk .....           | Dickinson |
| Eileen Gerl .....          | Secretary to the President .....                  | Mandan    |
| Lois Scherr .....          | Secretary to the<br>Majority Floor Leader .....   | Bismarck  |
| Dee Hanson .....           | Secretary to the<br>Minority Floor Leader .....   | Bismarck  |
| Richard Olschlager .....   | Calendar Clerk .....                              | Bowdon    |
| Lyla Flagg .....           | Committee Clerk .....                             | Bismarck  |
| Liane Johnson .....        | Committee Clerk .....                             | Maddock   |
| Brenda Lee .....           | Committee Clerk .....                             | Buxton    |
| Paulette Wilson .....      | Committee Clerk .....                             | Bismarck  |
| Elsie Christensen .....    | Committee Clerk .....                             | Bismarck  |
| Lorraine Moos .....        | Committee Clerk-Steno .....                       | Mandan    |
| Arlene Reich .....         | Committee Clerk-Steno .....                       | Bismarck  |
| Christine Hill .....       | Committee Clerk-Steno .....                       | Bismarck  |
| Darlene Hedstrom .....     | Committee Clerk-Steno .....                       | Bismarck  |
| Thomas Neill .....         | Enrolling and Engrossing Clerk .....              | Mandan    |
| Mary Rust .....            | Assistant Enrolling and<br>Engrossing Clerk ..... | Cogswell  |
| Marion Hadzor .....        | Journal Proofreader .....                         | Bismarck  |
| Grace Goehring .....       | Journal Proofreader .....                         | Menoken   |
| Marie Harper .....         | Typist .....                                      | Bismarck  |
| Sharon Tesky .....         | Stenographer .....                                | Bismarck  |
| Michelle Igoe .....        | Stenographer .....                                | Bismarck  |

## OFFICERS AND EMPLOYEES—(Continued)

| Name              | Position                                    | Address     |
|-------------------|---|-------------|
| Jane Thoemke      | Stenographer                                | Bismarck    |
| Ruth Moyer        | Telephone Attendant                         | Mandan      |
| Jane Schiele      | Telephone Attendant                         | Bismarck    |
| Joe Wolf          | Parking Lot Attendant                       | Bismarck    |
| Stanley Schultz   | Assistant Sergeant-at-Arms                  | Lisbon      |
| Olger Sandven     | Assistant Sergeant-at-Arms                  | York        |
| Jack Whereatt     | Assistant Sergeant-at-Arms                  | Bismarck    |
| Sewall Peterson   | Assistant Sergeant-at-Arms                  | Minot       |
| Esther Davis      | Information Desk Attendant                  | Mandan      |
| Gina Smith        | Page  | Litchville  |
| Laurie Natwick    | Page  | Williston   |
| Elaine Stern      | Page  | Garrison    |
| Tobyn Anderson    | Page  | Valley City |
| Teri Schuster     | Page  | Minot       |
| Robert Evanenko   | Bill Book Clerk                             | Butte       |
| Sheryl Manstrom   | Bill Book Clerk                             | Wyndmere    |
| Kelly Whalen      | Bill Book Clerk                             | York        |
| Dorothy Yule      | Bill Room Clerk                             | Bismarck    |
| Earl Boyd         | Bill Room Clerk                             | Rock Lake   |
| Loren Vannett     | Journal Room Clerk                          | Mayville    |
| Ernest Halvorson  | Journal Room Clerk                          | Fort Yates  |
| Kari Lee          | Assistant Appropriations<br>Committee Clerk | Bismarck    |
| Joleen Neidermann | Assistant to Committee Clerks               | Elgin       |

## SENATE MEMBERS

| Dist. | County   | Name                    | Address     |
|-------|--|-------------------------|-------------|
| 1     | Pt. Williams   | Frank Wenstrom          | Williston   |
| 2     | Divide, Pt. Williams, Pt. Burke                      | George Rait             | Noonan      |
| 3     | Renville & Pt. Ward                                  | Rodney A. Mau           | Mohall      |
| 4     | Pt. Burke, Mountrail                                 | Stanley Wright          | Stanley     |
| 5     | Pt. Ward   | Hal Christensen         | Minot       |
| 6     | Bottineau & Pt. McHenry                              | Walter Erdman           | Bottineau   |
| 7     | Pierce & Pt. McHenry                                 | Ernest M. Sands         | Velva       |
| 8     | McLean, Pt. Ward                                     | Shirley W. Lee          | Turtle Lake |
| 9     | Rolette & Pt. Towner                                 | Phillip Berube          | Belcourt    |
| 10    | Cavalier, Pt. Towner                                 | Frank Shablow           | Langdon     |
| 11    | Pembina & Pt. Walsh                                  | F. Kent Vosper          | Neche       |
| 12    | Benson, Eddy   | S.F. (Buckshot) Hoffner | Esmond      |
| 13    | Pt. Cass   | Clayton A. Lodoen       | West Fargo  |
| 14    | Foster, Wells  | Stephen H. Farrington   | Harvey      |
| 15    | Pt. Ramsey   | Kent Jones              | Webster     |
| 16    | Pt. Walsh  | Harvey D. Tallackson    | Grafton     |
| 17    | Pt. Grand Forks                                      | Raymon E. Holmberg      | Grand Forks |
| 18    | Pt. Grand Forks                                      | C.W. Goodman            | Grand Forks |
| 19    | Pt. Grand Forks, Pt. Nelson,<br>Pt. Walsh            | Arnold Pietron          | Larimore    |
| 20    | Traill, Pt. Cass,<br>Pt. Grand Forks                 | Gilman Strand           | Portland    |
| 21    | Pt. Cass   | Herschel Lashkowitz     | Fargo       |
| 22    | Pt. Cass, Pt. Barnes                                 | Gary J. Nelson          | Casselton   |
| 23    | Griggs, Steele, Pt. Nelson,<br>Pt. Ramsey            | Lester Larson           | Brocket     |
| 24    | Pt. Barnes   | Theron L. Strinden      | Litchville  |
| 25    | Pt. Richland   | Russell T. Thane        | Wahpeton    |
| 26    | Dickey, Sargent                                      | James Smykowski         | Cayuga      |
| 27    | Ransom, Pt. Richland                                 | Kenneth Morgan          | Walcott     |
| 28    | LaMoure, Logan, Pt. Dickey                           | Claire A. Sandness      | LaMoure     |
| 29    | Pt. Stutsman   | Robert Melland          | Jamestown   |
| 30    | Emmons, McIntosh                                     | L.L. (Pete) Naaden      | Braddock    |
| 31    | Kidder, Sheridan, Pt. Burleigh                       | Harry Iszler            | Streeter    |
| 32    | Pt. Burleigh   | Bonnie Miller           | Bismarck    |
| 33    | Pt. Mercer, Oliver, Pt. Morton                       | Robert Albers           | Hazen       |
| 34    | Pt. Morton   | Lester J. Schirado      | Mandan      |
| 35    | Grant, Sioux, Pt. Morton                             | Francis Barth           | Solen       |
| 36    | Dunn, McKenzie, Pt. Mercer                           | J. Garvin Jacobson      | Alexander   |
| 37    | Pt. Stark  | Howard A. Freed         | Dickinson   |
| 38    | Adams, Hettinger, Pt. Stark                          | Adam Krauter            | Regent      |
| 39    | Billings, Bowman, Golden<br>Valley, Slope, Pt. Stark | John F. Maher           | Bowman      |
| 40&50 | Pt. Ward combined                                    | Chet Reiten             | Minot       |
|       |  | Rolland Redlin          | Minot       |
| 41    | Pt. Ward   | Jerome L. Walsh         | Minot       |
| 42    | Pt. Grand Forks                                      | Charles Orange          | Grand Forks |
| 43    | Pt. Grand Forks                                      | Stella Fritzell         | Grand Forks |
| 44    | Pt. Cass   | Curtis N. Peterson      | Fargo       |
| 45    | Pt. Cass   | Donald W. Hanson        | Fargo       |
| 46    | Pt. Cass   | Jens J. Tennefos        | Fargo       |
| 47    | Pt. Burleigh   | Evan E. Lips            | Bismarck    |
| 48    | Pt. Stutsman, Pt. Barnes                             | David E. Nething        | Jamestown   |
| 49    | Pt. Burleigh   | I.E. (Eskey) Solberg    | Bismarck    |

## House of Representative Members

| Dist. | County                      | Name                  | Address     |
|-------|-----------------------------|-----------------------|-------------|
| 1     | Pt. Williams                | Charles Scofield      | Williston   |
| 1     | Pt. Williams                | Dean Winkjer          | Williston   |
| 2     | Divide, Pt. Williams        |                       |             |
|       | Pt. Burke                   | Irven Jacobson        | Alamo       |
| 2     | Divide, Pt. Williams        |                       |             |
|       | Pt. Burke                   | Olaf Opedahl          | Tioga       |
| 3     | Renville & Pt. Ward         | Richard J. Backes     | Glenburn    |
| 3     | Renville & Pt. Ward         | Pauline M. Benedict   | Berthold    |
| 4     | Pt. Burke, Mountrail        | Ruth Meiers           | Ross        |
| 4     | Pt. Burke, Mountrail        | Larry E. Tinjum       | Powers Lake |
| 5     | Pt. Ward                    | Marjorie Kermott      | Minot       |
| 5     | Pt. Ward                    | Mike Timm             | Minot       |
| 6     | Bottineau & Pt. McHenry     | Lawrence Marsden      | Bottineau   |
| 6     | Bottineau & Pt. McHenry     | Larry Herslip         | Souris      |
| 7     | Pierce & Pt. McHenry        | Fern E. Lee           | Towner      |
| 7     | Pierce & Pt. McHenry        | Richard Rocheleau     | Rugby       |
| 8     | McLean & Pt. Ward           | Gordon Hill           | Roseglen    |
| 8     | McLean & Pt. Ward           | Robert O'Shea         | Turtle Lake |
| 9     | Rolette & Pt. Towner        | Allen Richard         | Dunseith    |
| 9     | Rolette & Pt. Towner        | Oscar Solberg         | Rolla       |
| 10    | Cavalier & Pt. Towner       | Eugene Nicholas       | Cando       |
| 10    | Cavalier & Pt. Towner       | John McGauvran        | Osnabrock   |
| 11    | Pembina & Pt. Walsh         | Alice Olson           | Cavalier    |
| 11    | Pembina & Pt. Walsh         | Charles F. Fleming    | Hamilton    |
| 12    | Benson, Eddy                | Byron J. Langley      | Warwick     |
| 12    | Benson, Eddy                | Bruce W. Larson       | Sheyenne    |
| 13    | Pt. Cass                    | L. E. Berger          | West Fargo  |
| 13    | Pt. Cass                    | H. M. (Ray) Metzger   | West Fargo  |
| 14    | Foster, Wells               | Bert F. Miller        | Harvey      |
| 14    | Foster, Wells               | Sister Mary Beauclair | Carrington  |
| 15    | Pt. Ramsey                  | Gordon Berg           | Devils Lake |
| 15    | Pt. Ramsey                  | Charles Mertens       | Devils Lake |
| 16    | Pt. Walsh                   | Howard C. Johnson     | Fairdale    |
| 16    | Pt. Walsh                   | Henry O. Lundene      | Adams       |
| 17    | Pt. Grand Forks             | Louise Roseanne Black | Grand Forks |
| 17    | Pt. Grand Forks             | Burness Reed          | Grand Forks |
| 18    | Pt. Grand Forks             | Tom Kuchera           | Grand Forks |
| 18    | Pt. Grand Forks             | Earl Strinden         | Grand Forks |
| 19    | Pt. Grand Forks, Pt. Nelson |                       |             |
|       | Pt. Walsh                   | Oben Gunderson        | McCanna     |
| 19    | Pt. Grand Forks, Pt. Nelson |                       |             |
|       | Pt. Walsh                   | Enoch Thorsgard       | Northwood   |
| 20    | Trail, Pt. Cass             |                       |             |
|       | Pt. Grand Forks             | Peter Lipsiea         | Mayville    |
| 20    | Trail, Pt. Cass             |                       |             |
|       | Pt. Grand Forks             | Malcolm Tweten        | Buxton      |
| 21    | Pt. Cass                    | Paul L. DuBord        | Fargo       |
| 21    | Pt. Cass                    | Patricia (Tish) Kelly | Fargo       |
| 22    | Pt. Cass, Pt. Barnes        | Anna Powers           | Leonard     |
| 22    | Pt. Cass, Pt. Barnes        | Francis W. Weber      | Wheatland   |
| 23    | Griggs, Steele              |                       |             |
|       | Pt. Nelson, Pt. Ramsey      | Arnold Gronneberg     | Hamaford    |
| 23    | Griggs, Steele              |                       |             |
|       | Pt. Nelson, Pt. Ramsey      | Bruce Laughlin        | Finley      |

## HOUSE MEMBERS (Continued)

| Dist. | County   | Name                   | Address      |
|-------|--|------------------------|--------------|
| 24    | Pt. Barnes   | Dean K. Horgan         | Valley City  |
| 24    | Pt. Barnes   | Ralph M. Winge         | Litchville   |
| 25    | Pt. Richland   | Roy Hausauer           | Wahpeton     |
| 25    | Pt. Richland   | Warren Schuette        | Wahpeton     |
| 26    | Dickey, Sargent                                      | John D. Crabtree       | Ellendale    |
| 26    | Dickey, Sargent                                      | LeRoy Erickson         | DeLamere     |
| 27    | Ransom, Pt. Richland                                 | Bernie Anderson        | Lisbon       |
| 27    | Ransom, Pt. Richland                                 | Ralph C. Dotzenrød     | Wyndmere     |
| 28    | LaMoure, Logan                                       |                        |              |
|       | Pt. Dickey   | William F. Gackle      | Kulm         |
| 28    | LaMoure, Logan                                       |                        |              |
|       | Pt. Dickey   | Reuben L. Metz         | Alfred       |
| 29    | Pt. Stutsman   | Duane Rau              | Medina       |
| 29    | Pt. Stutsman   | Gordon Larson          | Jamestown    |
| 30    | Emmons, McIntosh                                     | Wilbur VanderVorst     | Hague        |
| 30    | Emmons, McIntosh                                     | Wm. E. Kretschmar      | Venturia     |
| 31    | Kidder, Sheridan                                     |                        |              |
|       | Pt. Burleigh   | Theodore A. (Ted) Lang | Sterling     |
| 31    | Kidder, Sheridan                                     |                        |              |
|       | Pt. Burleigh   | Orville Schindler      | McClusky     |
| 32    | Pt. Burleigh   | Harold Mund            | Bismarck     |
| 32    | Pt. Burleigh   | Larry Richter          | Bismarck     |
| 33    | Pt. Mercer, Oliver                                   |                        |              |
|       | Pt. Morton   | Ronald Gunsch          | Zap          |
| 33    | Pt. Mercer, Oliver                                   |                        |              |
|       | Pt. Morton   | Ralph Hickie           | Center       |
| 34    | Pt. Morton   | James Gerl             | Mandan       |
| 34    | Pt. Morton   | Corliss Mushik         | Mandan       |
| 35    | Grant, Sioux   |                        |              |
|       | Pt. Morton   | Walter A. Meyer        | Flasher      |
| 35    | Grant, Sioux   |                        |              |
|       | Pt. Morton   | Emil J. Riehl          | Raleigh      |
| 36    | Dunn, McKenzie                                       |                        |              |
|       | Pt. Mercer   | Ralph M. Christensen   | Watford City |
| 36    | Dunn, McKenzie                                       |                        |              |
|       | Pt. Mercer   | J. R. (Jack) Murphy    | Killdeer     |
| 37    | Pt. Stark  | John F. Gengler        | Dickinson    |
| 37    | Pt. Stark  | William J. Lardy       | Dickinson    |
| 38    | Adams, Hettinger                                     |                        |              |
|       | Pt. Stark  | Kenneth Knudson        | Taylor       |
| 38    | Adams, Hettinger                                     |                        |              |
|       | Pt. Stark  | Clarence Martin        | Lefor        |
| 39    | Billings, Bowman, Golden<br>Valley, Slope, Pt. Stark | Douglas M. Nordby      | Amidon       |
| 39    | Billings, Bowman, Golden<br>Valley, Slope, Pt. Stark | R. R. (Rick) Maixner   | New England  |
| 40&50 | Pt. Ward Combined                                    | Brynhild Haugland      | Minot        |
| 40&50 | Pt. Ward Combined                                    | Jim Peterson           | Minot        |
| 40&50 | Pt. Ward Combined                                    | Roy Rued               | Minot        |
| 40&50 | Pt. Ward Combined                                    | Richard Lokken         | Minot        |
| 41    | Pt. Ward   | Janet Wentz            | Minot        |
| 41    | Pt. Ward   | J. Mikel Walsh         | Minot        |
| 42    | Pt. Grand Forks                                      | Wayne Stenehjem        | Grand Forks  |



**HOUSE MEMBERS (Continued)**

| <b>Dist.</b> | <b>County</b>            | <b>Name</b>         | <b>Address</b> |
|--------------|--------------------------|---------------------|----------------|
| 42           | Pt. Grand Forks          | Joann McCaffrey     | Grand Forks    |
| 43           | Pt. Grand Forks          | Gene Martin         | Grand Forks    |
| 43           | Pt. Grand Forks          | Dan Rylance         | Grand Forks    |
| 44           | Pt. Cass                 | Jean Herman         | Fargo          |
| 44           | Pt. Cass                 | Craig M. Richie     | Fargo          |
| 45           | Pt. Cass                 | Steven J. Swiontek  | Fargo          |
| 45           | Pt. Cass                 | Tom Matchie         | Fargo          |
| 46           | Pt. Cass                 | Aloha Eagles        | Fargo          |
| 46           | Pt. Cass                 | Richard W. Kloubec  | Fargo          |
| 47           | Pt. Burleigh             | Patrick A. Conmy    | Bismarck       |
| 47           | Pt. Burleigh             | Vernon E. Wagner    | Bismarck       |
| 48           | Pt. Stutsman, Pt. Barnes | Charles A. Russell  | Buchanan       |
| 48           | Pt. Stutsman, Pt. Barnes | Michael Unhjem      | Jamestown      |
| 49           | Pt. Burleigh             | Alvin Hausauer      | Bismarck       |
| 49           | Pt. Burleigh             | Robert W. Martinson | Bismarck       |

**Organizational and Orientation Session  
December 7, 8, 9, 1976**

**Journal of the Senate**

Forty-fifth Legislative Assembly

FIRST DAY

Bismarck, December 7, 1976

At the hour of nine o'clock A.M., on the seventh day of December, 1976, according to the Constitution and Statutes of the State of North Dakota, the holdover members and members elected to the Senate of the Forty-Fifth Legislative Assembly of the State of North Dakota, assembled in the North Dakota State Capitol Building at Bismarck, North Dakota, and were called to order by the Honorable Wayne G. Sanstead, Lieutenant Governor of the State of North Dakota.

COMMUNICATIONS

The list of the qualified members as certified by the Secretary of State was read by the Secretary:

STATE OF NORTH DAKOTA  
DEPARTMENT OF STATE

Bismarck

December 1, 1976

Secretary of the Senate  
Forty-fifth Legislative Assembly  
Bismarck, North Dakota 58505  
Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of those duly elected as members of the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota:

| Dist. | County                          | Name                    | Address     |
|-------|---------------------------------|-------------------------|-------------|
| 2.    | Divide, Pt. Williams, Pt. Burke | George Rait             | Noonan      |
| 3.    | Renville & Pt. Ward             | Rodney A. Mau           | Mohall      |
| 4.    | Pt. Burke, Mountrail            | Stanley Wright          | Stanley     |
| 5.    | Pt. Ward                        | Hal Christensen         | Minot       |
| 6.    | Bottineau & Pt. McHenry         | Walter Erdman           | Bottineau   |
| 8.    | McLean, Pt. Ward                | Shirley W. Lee          | Turtle Lake |
| 10.   | Cavalier, Pt. Towner            | Frank Shablow           | Langdon     |
| 11.   | Pembina & Pt. Walsh             | F. Kent Vosper          | Neche       |
| 12.   | Benson, Eddy                    | S.F. (Buckshot) Hoffner | Esmond      |
| 13.   | Pt. Cass                        | Clayton A. Lodoen       | West Fargo  |
| 14.   | Foster, Wells                   | Stephen H. Farrington   | Harvey      |

| Dist.     | County                                    | Name  | Address     |
|-----------|---|---|-------------|
| 16.       | Pt. Walsh                                 | Harvey D. Tallackson  | Grafton     |
| 17.       | Pt. Grand Forks                           | Raymon E. Holmberg  | Grand Forks |
| 18.       | Pt. Grand Forks                           | C. W. (Chuck) Goodman                                       | Grand Forks |
| 19.       | Pt. Grand Forks, Pt. Nelson,<br>Pt. Walsh | Arnold Pietron  | Larimore    |
| 20.       | Traill, Pt. Cass, Pt. Grand<br>Forks      | Gilman Strand   | Portland    |
| 21.       | Pt. Cass                                  | Herschel Lashkowitz   | Fargo       |
| 22.       | Pt. Cass, Pt. Barnes                      | Gary J. Nelson  | Cassellton  |
| 23.       | Griggs, Steele, Pt. Nelson, Pt.<br>Ramsey | Lester Larson   | Brocket     |
| 24.       | Pt. Barnes                                | Theron L. Strinden  | Litchville  |
| 26.       | Dickey, Sargent                           | James Smykowski   | Cayuga      |
| 28.       | LaMoure, Logan, Pt. Dickey                | Claire A. Sandness  | LaMoure     |
| 29.       | Pt. Stutsman                              | Robert Melland  | Jamestown   |
| 30.       | Emmons, McIntosh                          | L.L. (Pete) Naaden  | Braddock    |
| 32.       | Pt. Burleigh                              | Bonnie Miller   | Bismarck    |
| 33.       | Pt. Mercer, Oliver, Pt. Morton            | Robert Albers   | Hazen       |
| 34.       | Pt. Morton                                | Lester J. Schirado  | Mandan      |
| 36.       | Dunn, McKenzie, Pt. Mercer                | J. Garvin Jacobson  | Alexander   |
| 38.       | Adams, Hettinger, Pt. Stark               | Adam Krauter  | Regent      |
| 40. & 50. | Pt. Ward Combined                         | Chet Reiten   | Minot       |
|           |   | Rolland Redlin  | Minot       |
| 41.       | Pt. Ward                                  | Jerome L. Walsh   | Minot       |
| 42.       | Pt. Grand Forks                           | Charles (Chuck) Orange                                      | Grand Forks |
| 43.       | Pt. Grand Forks                           | Stella Fritzell   | Grand Forks |
| 44.       | Pt. Cass                                  | Curtis N. Peterson  | Fargo       |
| 45.       | Pt. Cass                                  | Donald W. Hanson  | Fargo       |
| 46.       | Pt. Cass                                  | Jens J. Tennesfos   | Fargo       |
| 47.       | Pt. Burleigh                              | Evan E. Lips  | Bismarck    |
| 48.       | Pt. Stutsman, Pt. Barnes                  | David E. Nething  | Jamestown   |
| 49.       | Pt. Burleigh                              | I.E. (Esky) Solberg   | Bismarck    |
| 50. & 40. | Pt. Ward Combined                         | See Information under the 40th &<br>50th District Combined. |             |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 1st day of December, 1976.

(Great Seal)

BEN MEIER,  
Secretary of State  
State of North Dakota

STATE OF NORTH DAKOTA  
DEPARTMENT OF STATE  
Bismarck

December 1, 1976

Secretary of the Senate  
Forth-fifth Legislative Assembly  
Bismarck, North Dakota 58505  
Dear Sir:

I hereby certify that the following is, according to the records of my office, a true and correct list of the names and addresses of the hold-over senators, elected at the general election in 1974, and duly qualified by the forty-fourth Legislative Assembly.

| Dist. | County  | Name             | Address   |
|-------|---|------------------|-----------|
| 1.    | Pt. Williams                                      | Frank Wenstrom   | Williston |
| 7.    | Pierce & Pt. McHenry                              | Ernest M. Sands  | Velva     |
| 9.    | Rolette & Pt. Towner                              | Phillip Berube   | Belcourt  |
| 15.   | Pt. Ramsey  | Kent Jones       | Webster   |
| 25.   | Pt. Richland                                      | Russell T. Thane | Wahpeton  |
| 27.   | Ransom, Pt. Richland                              | Kenneth Morgan   | Walcott   |
| 31.   | Kidder, Sheridan, Pt. Burleigh                    | Harry Iszler     | Streeter  |
| 35.   | Grant, Sioux, Pt. Morton                          | Francis Barth    | Solen     |
| 37.   | Pt. Stark   | Howard A. Freed  | Dickinson |
| 39.   | Billings, Bowman, Golden Valley, Slope, Pt. Stark | John F. Maher    | Bowman    |

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of North Dakota, this 1st day of December, 1976.

BEN MEIER  
Secretary of State  
State of North Dakota

(Great Seal)

Roll Call revealed all Senators present.

A quorum was declared by President Sanstead.

Senator Nething moved that a committee of two be appointed to escort Associate Justice Paulson to the rostrum for the purpose of administering the Oath of Office to the newly elected Senators. The motion prevailed and the President appointed as such committee Senators Berube and Morgan.

Associate Justice Paulson was escorted to the rostrum and administered the Oath of Office to the newly elected Senators.

Prayer was offered by Reverend David Knecht, McCabe United Methodist Church, Bismarck.

“Our Heavenly Father, give us, in these moments, an awesome sense that it is not our business, nor even the State of North Dakota’s business we are about—but Your business. And may we remember that all we do here will have reverberations around Your world. Give us a healthy sense of time, that we may use it as the precious gift it is. In the midst of our busyness, let us take time to set our priorities, knowing with the saint of old, that ‘except the Lord build the house, they labor in vain that build it.’ We would rely on your strength to sustain us according to our need—and we give You thanks for the bountiful graces which surround us. Amen.”

Mileage slips and other materials were distributed and explained.

Senator Nething moved that the Senate stand recessed until 1:30 P.M., which motion prevailed.

The Senate reconvened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

**ELECTION OF PRESIDENT PRO-TEM**

Senator Wenstrom: “Mr. President, members of the Senate:

“I rise to place in nomination the name of one of our distinguished colleagues for the important position of the President Pro-Tem of the North Dakota Senate, the Honorable Howard A. Freed. Our colleague is a

native of Dickinson, North Dakota and received his early education in that area. He is a graduate of the law school of Marquette University. He served his nation ably in World War II. Senator Freed was elected to the North Dakota Senate and served in his first session in 1967 representing the 37th legislative district. During his career in the Senate he has served ably on the Senate Committee on Judiciary, on Political Subdivisions and the committees on Social Welfare and Veterans Affairs. In the legislative sessions of 1973 and 1975 he served as chairman of the Committee on Judiciary. Senator Freed served as a member of the Legislative Council in 1973, and has been chairman of numerous committees of the Council, all pertaining to the work of the Judiciary Committee. When I became a member of the North Dakota Senate in 1957, Howard Freed's father, the Honorable Amos Freed, was a member of this body. It has been my great privilege to have served in this Senate with these great individuals, first Senator Amos Freed, and later years his son, the Honorable Howard Freed, who is now one of our trusted colleagues. The late Senator Freed, Amos, served as President Pro Tem of this body in 1959. Mr. President, and members of the Senate, I am happy and deem it a high honor to place in nomination for the position of President Pro-Tem of the North Dakota Senate the Honorable Howard A. Freed."

Senator Rait: "Mr. President, members of the Senate, I would like to place in nomination, the name of a man who is no stranger to this North Dakota Senate, Senator Lester Larson. Senator Larson has served in this body for 12 years and two years prior to that time was a member of the House of Representatives. He is a member of the Appropriations Committee of the Senate and has been Assistant Minority Leader and has also served on the Employment Committee. It gives me a great deal of pleasure to submit the name of Senator Lester Larson as President Pro Tem of the North Dakota Senate."

Senator Nething moved that nominations cease, which motion prevailed.

#### ROLL CALL

The question being on the selection of President Pro Tem, the roll was called and revealed 32 votes for Freed, and 18 votes for Larson.

Those voting for Freed were:

|             |          |           |          |
|-------------|----------|-----------|----------|
| Albers      | Larson   | Naaden    | Solberg  |
| Christensen | Jacobson | Nelson    | Strand   |
| Farrington  | Jones    | Nething   | Strinden |
| Fritzell    | Lee      | Peterson  | Tennefos |
| Goodman     | Lips     | Reiten    | Thane    |
| Hanson      | Lodoen   | Sandness  | Vosper   |
| Holmberg    | Melland  | Sands     | Wenstrom |
| Iszler      | Morgan   | Smykowski | Wright   |

Those voting for Larson were:

|         |            |         |            |
|---------|------------|---------|------------|
| Barth   | Krauter    | Orange  | Schirado   |
| Berube  | Lashkowitz | Pietron | Shablow    |
| Erdman  | Maher      | Rait    | Tallackson |
| Freed   | Mau        | Redlin  | Walsh      |
| Hoffner | Miller     |         |            |

Senator Larson: "Mr. President, members of the Senate. First of all I want to thank the Senator from the second district for the nomination and also all those who supported me. Secondly, I would like to congratulate the Senator from the 37th district for his election to this very important

position. He is a fine man, and an outstanding individual. I know he will do a splendid job for us when he is asked to preside over the Senate."

Senator Larson moved that the Secretary record a unanimous ballot for Senator Freed as President Pro Tem, which motion prevailed.

Senator Nething moved that a committee of two be appointed to escort the newly elected President Pro Tem to the rostrum to receive the Oath of Office. The motion prevailed, and the President appointed as such committee, Senators Larson and Melland. President Pro Tem Freed was escorted to the rostrum.

The President then administered the Oath of Office to Senator Freed as President Pro Tem and Senator Freed was invited to address the Senate.

Senator Freed: "Mr. President, ladies and gentlemen of the Senate, I've been waiting for this for a long time. I want to thank you for this honor. I will try to be fair to all in the event that our President, Lt. Governor Sanstead finds it necessary to be absent and to Senator Larson, might I say that you would do just as good a job as I would in this position, I know, and I believe it would be a lot more livlier. Thank you."

Senator Nething moved that the Rules of the Forty-fourth Legislative Assembly, with amendments, be adopted as the temporary Rules of the Senate, which motion prevailed.

Senator Nething moved that Senate Rule 39 be amended as follows:

**PROPOSED AMENDMENT TO SENATE RULE No. 39**

**SECTION 1. AMENDMENT.)** The opening language of Senate Rule No. 39 is hereby amended to read as follows:

**39. STANDING COMMITTEES**

The Senate shall elect a Committee on Committees (((to consist))) consisting of eight members (((of which the President of the Senate shall be the Chairman, and which committee))). **The Majority Floor Leader, by virtue of his office, shall be a member of the committee and shall serve as its chairman. The committee shall appoint the following standing committees classified in accordance with the usual amount of work and concerned with matters in the field as indicated:**

**SECTION 2. AMENDMENT.)** Subsection d of Rule 7 is hereby repealed.

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

**SELECTION OF SENATE SEATS**

The President announced that the Senate will be at ease while the Senators selected their seats for the session.

The Senate reconvened, the President presiding.

**PROCEDURAL COMMITTEES**

Senator Nething moved that a committee of three be appointed to notify the Governor and the House that the Senate is organized and ready to transact business, which motion prevailed. The President appointed as such committee, Senators Wenstrom, Iszler and Shablow.

Senator Nething moved that a committee of seven be appointed to form the Committee on Committees, which motion prevailed. The President appointed as such committee Senators Thane, Strinden, Jacobson, Smykowski, Hoffner, Redlin and Berube.

Senator Nething moved that a committee of three be appointed to act as the Committee on Arrangements for Senate Committee Rooms, which motion prevailed. The President appointed as such committee Senators Iszler, Melland and Maher.

Senator Nething moved that a committee of eight be appointed to act as a Committee on Employment, which motion prevailed. The President appointed as such committee Senators Solberg, Thane, Freed, Strinden, Morgan, Redlin, Barth and Mau.

Senator Nething moved that a committee of three be appointed to act as a committee on Correction and Revision of the Journal, which motion prevailed. The President appointed as such committee, Senators Vosper, Farrington and Shablow.

Senator Nething moved that a committee of nine be appointed to act as a Committee on Senate and Joint Rules, which motion prevailed. The President appointed as such committee Senators Thane, Nething, Strinden, Sands, Melland, Smykowski, Hoffner, Schirado and Lashkowitz.

Senator Nething moved that a committee of three be appointed to act as a Committee on Photography, which motion prevailed. The President appointed as such committee Senators Christensen, Holmberg and Miller.

Senator Wenstrom announced that the committee appointed to inform the Governor and the House that the Senate was organized and ready to transact business, had performed its duty and requested that they be discharged, which request was granted.

Senator Nething moved that the Senate recess until Wednesday, December 8, 1976 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

SECOND DAY OF  
LEGISLATIVE ORGANIZATIONAL SESSION

Bismarck, December 8, 1976

The Senate convened at 9:00 A.M., pursuant to recess taken, President Sanstead presiding.

Roll call revealed all Senators present except Barth and Jacobson.

A quorum was declared by the President.

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

President Sanstead announced he had appointed to the Inaugural Planning Committee, Senators Fritzell, Lashkowitz and Jones.

Senator Nething moved that the Senate stand recessed until Thursday, December 9, 1976, at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary





THIRD DAY  
OF LEGISLATIVE ORGANIZATIONAL SESSION

Bismarck, December 9, 1976

The Senate convened at 9:00 A.M., pursuant to recess taken, President Sanstead presiding.

Roll Call revealed all Senators present with the exception of Freed, Naaden and Walsh.

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

A quorum was declared by the President.

Senator Nething moved that the name of Leo Leidholm of McLean County be placed in nomination for the office of Secretary of the Senate. Senator Thane moved that nominations cease, which motion prevailed.

ROLL CALL

The question being on the selection of Leo Leidholm as Secretary of the Senate, the roll was called and there were ayes: 48; nays: 0; absent and not voting: 2.

Those voting for Leidholm were:

|             |            |          |            |
|-------------|------------|----------|------------|
| Albers      | Jacobson   | Morgan   | Shablow    |
| Barth       | Jones      | Nelson   | Smykowski  |
| Berube      | Krauter    | Nething  | Solberg    |
| Christensen | Larson     | Orange   | Strand     |
| Erdman      | Lashkowitz | Peterson | Strinden   |
| Farrington  | Lee        | Pietron  | Tallackson |
| Fritzell    | Lips       | Rait     | Tennefos   |
| Goodman     | Lodoen     | Redlin   | Thane      |
| Hanson      | Maher      | Reiten   | Vosper     |
| Hoffner     | Mau        | Sandness | Walsh      |
| Holmberg    | Melland    | Sands    | Wenstrom   |
| Iszler      | Miller     | Schirado | Wright     |

Absent and not voting:

Freed                      Naaden

Leo Leidholm was declared elected Secretary of the Senate.

President Sanstead then administered the Oath of Office to the Secretary of the Senate.

Senator Nething moved that the name of Doris McMahon of Burleigh County be placed in nomination for the office of Desk Reporter of the Senate. Senator Thane moved that nominations cease, which motion prevailed.

ROLL CALL

The question being on the selection of Doris McMahon as Desk Reporter of the Senate, the roll was called and there were ayes 48; nays 0; absent and not voting 2.

Those voting for McMahon were:

|             |            |          |            |
|-------------|------------|----------|------------|
| Albers      | Jacobson   | Morgan   | Shablow    |
| Barth       | Jones      | Nelson   | Smykowski  |
| Berube      | Krauter    | Nothing  | Solberg    |
| Christensen | Larson     | Orange   | Strand     |
| Erdman      | Lashkowitz | Peterson | Strinden   |
| Farrington  | Lee        | Pietron  | Tallackson |
| Fritzell    | Lips       | Rait     | Tennefos   |
| Goodman     | Lodoen     | Redlin   | Thane      |
| Hanson      | Maher      | Reiten   | Vosper     |
| Hoffner     | Mau        | Sandness | Walsh      |
| Holmberg    | Melland    | Sands    | Wenstrom   |
| Iszler      | Miller     | Schirado | Wright     |

Absent and not voting:

Freed Naaden

Doris McMahon was declared elected Desk Reporter of the Senate. President Sanstead then administered the Oath of Office to the Desk Reporter.

Senator Nothing moved that the name of A. E. Bradley of Towner County be placed in nomination for the position of Sergeant-at-Arms. Senator Thane moved that nominations cease, which motion prevailed.

#### ROLL CALL

The question being on the selection of A. E. Bradley as Sergeant-at-Arms, the roll was called and there were ayes 48; nays 0; absent and not voting 2.

Those voting for Bradley were:

|             |            |          |            |
|-------------|------------|----------|------------|
| Albers      | Jacobson   | Morgan   | Shablow    |
| Barth       | Jones      | Nelson   | Smykowski  |
| Berube      | Krauter    | Nothing  | Solberg    |
| Christensen | Larson     | Orange   | Strand     |
| Erdman      | Lashkowitz | Peterson | Strinden   |
| Farrington  | Lee        | Pietron  | Tallackson |
| Fritzell    | Lips       | Rait     | Tennefos   |
| Goodman     | Lodoen     | Redlin   | Thane      |
| Hanson      | Maher      | Reiten   | Vosper     |
| Hoffner     | Mau        | Sandness | Walsh      |
| Holmberg    | Melland    | Sands    | Wenstrom   |
| Iszler      | Miller     | Schirado | Wright     |

Absent and not voting:

Freed Naaden

A. E. Bradley was declared elected Sergeant-at-Arms of the Senate. The President then administered the Oath of Office to the Sergeant-at-Arms.

#### REPORT OF SELECT COMMITTEE

Mr. President:

Your Select Committee on Senate Committee Rooms has met, has examined potential meeting rooms and other space, has heard certain witnesses, and makes the following recommendations:

#### SENATE COMMITTEE ROOM ASSIGNMENTS 1977 Session

| Committee:                              | Meeting Days: | Suggested Room Assignment:       |
|---|---------------|----------------------------------|
| Appropriations .....                    | MTWThF .....  | Gold Room                        |
| Finance and Taxation .....              | MTW .....     | Atty General's Licensing Office  |
| Judiciary .....                         | MTW .....     | 207                              |
| Industry, Business & Labor .....        | MTW .....     | Sen. Conf. Room                  |
| Education .....                         | MTW .....     | Trail Room                       |
| State and Federal Government .....      | MTW .....     | 205                              |
| Political Subdivisions .....            | ThF .....     | Trail Room                       |
| Social Welfare & Veterans Affairs ..... | ThF .....     | 205                              |
| Transportation .....                    | ThF .....     | Atty. General's Licensing Office |
| Agriculture .....                       | ThF .....     | 207                              |
| Natural Resources .....                 | ThF .....     | Sen. Conf. Room                  |

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

Senator Nothing moved that the Senate stand in recess until 1:30 P.M., which motion prevailed.

The Senate reconvened, President Sanstead presiding.

**REPORT OF PROCEDURAL COMMITTEE**

Mr. President: Your Committee on Rules, appointed to recommend legislative rules, has had the same under consideration and recommends that the Senate and Joint Rules of the Forty-fourth Legislative Assembly, with the following amendments, be adopted as the permanent rules of the Senate during the Forty-fifth Legislative Assembly.

SECTION 1. AMENDMENT.) Senate Rules Nos. 4, 39, 46, 47, and 54 are hereby amended to read as follows:

**4. ORDER OF BUSINESS**

The order of business shall be as follows:

1. Prayer by the Chaplain.
2. Calling of Roll.
3. Reference to the Journal.
4. Presentation of Petitions and Communications.
5. Reports of Standing Committees.
6. (((a.))) Consideration of Amendments (((; and b. Committee reports for Indefinite Postponement))).
7. Reports of Select Committees.
8. Motions and Resolutions.
9. First Reading of Senate Bills, Memorials, and Resolutions.
10. Consideration of Bills and Resolutions on Consent Calendar.
11. Second Reading of Senate Bills, Memorials, and Resolutions.
12. Consideration of messages from the House.
13. First Reading of House Bills, Memorials, and Resolutions.
14. Second Reading of the same.
15. Unfinished Business.
16. Signing of Bills, Memorials, and Resolutions.
17. Announcements.

**39. STANDING COMMITTEES**

The Senate shall elect a Committee on Committees (((to consist))) consisting of eight members (((of which the President of the Senate shall be the chairman, and which committee))). **The Majority Floor Leader, by virtue of his office, shall be a member of the committee and shall serve**

as its chairman. The committee shall appoint the following standing committees classified in accordance with the usual amount of work and concerned with matters in the field as indicated:

1. AGRICULTURE: (7 members)  
Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.
2. APPROPRIATIONS: (((13))) 12 members)  
All bills calling for appropriations in excess of five thousand dollars. All bills and resolutions proposing a change in the audit or fiscal procedures of state agencies or institutions.
3. EDUCATION: (8 members)  
Public Schools; Libraries; and Institutions of Higher Learning.
4. FINANCE AND TAXATION: (8 members)  
Public Debt; Taxes and Tax Laws.
5. JUDICIARY: (7 members)  
Elections and Election Privileges; Judiciary.
6. STATE AND FEDERAL GOVERNMENT: (7 members)  
State and Federal Affairs; Director of Institutions and Industrial Commission and institutions under their supervision; State Historical Society and State Parks; Immigration and Statistics.
7. INDUSTRY, BUSINESS AND LABOR: (((7))) 6 members)  
Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workmen's Compensation; Unemployment Compensation; Labor Laws and kindred subjects.
8. NATURAL RESOURCES: (7 members)  
Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.
9. POLITICAL SUBDIVISIONS: (((7))) 8 members)  
Cities; Counties; Townships; Park Districts; Apportionment.
10. SOCIAL WELFARE AND VETERANS' AFFAIRS: (8 members)  
Public Welfare; Public Health; Public Safety; Temperance; Matters affecting the Military and Veterans.
11. TRANSPORTATION: (((7))) 6 members)  
Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

#### PROCEDURAL COMMITTEES

12. DELAYED BILLS, to consist of five members.
  13. EMPLOYMENT, to consist of eight members.
  14. ENROLLED AND ENGROSSED BILLS, to consist of five members.
  15. REVISION AND CORRECTION OF JOURNAL, to consist of three members.
  16. RULES, to consist of nine members.
  17. LEGISLATIVE COUNCIL RESOLUTIONS, to consist of five members, one of whom may be a member of the Legislative Council.
- In all cases, a majority of the committee shall be a quorum, except that fifty percent of the membership of a committee with an even number of members shall constitute a quorum. The committee chairman or such person who is duly appointed to act as chairman shall ensure that minutes of each committee meeting be kept. Such minutes shall include the names of all committee members present and absent; the time of commencement and adjournment of each meeting; the bills or resolutions discussed, designated by number, and a short phrase explaining what such bill or resolution relates to; and the names and ad-

dresses of all persons who appear in relation to any certain bill or resolution and a brief summary of their remarks. The minutes shall also include a record of recommended amendments to bills and resolutions, and (((the total aye and nay))) a **recorded roll call** vote of the committee members on all bills and resolutions referred out of the committee. Upon adjournment of the legislative session, the minutes of all committee meetings shall be delivered to the Legislative Council and shall be retained by the Council for a period of not less than one year.

#### 46. REPORT OF COMMITTEES

The report of a committee shall be for passage, for indefinite postponement, for **passage with amendment**, or without recommendation. If the report is for (((indefinite postponement, the committee report shall be considered on the next legislative day under the Sixth Order of Business. If the report is for))) **passage with amendment**, the proposed amendments shall (((be fully set forth in the report. If such report is adopted, the measure shall thereupon))) go on the calendar for the next legislative day for action of the Senate (((as to amendments))) under the Sixth Order of Business. No action shall be taken upon amendments until a full mimeographed or printed copy of the (((report)) amendments is in the hands of the members. Upon receiving (((the report)) a report for passage with amendment, the Secretary shall cause copies (((thereof))) of the amendment to be made and placed on the desk of each member; provided, (((however,))) that upon a two-thirds vote of the members-elect, this may be suspended, and the amendment acted on immediately after the report of the committee. If the amendment is adopted by a majority vote of the members present, the amended measure shall then be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage. If the amendment is rejected, the measure without amendment shall be placed on the calendar for the next legislative day under the applicable order of business for second reading and final passage.

If the committee report recommends the measure for passage without amendment, for **indefinite postponement**, or if the report contains no recommendation, the measure shall go on the calendar or consent calendar for the next legislative day for second reading and final passage.

(((If a report or motion for indefinite postponement is adopted, it shall have the effect of entirely removing the measure from before the Senate for that session (unless revived by motion to reconsider). The passage of a motion for the adoption of a report recommending amendments has the effect of adopting the report but not the amendments. A member may also move that a report for indefinite postponement be substituted for the regular committee report. If such a motion carries, the question of indefinite postponement of the measure shall be laid over until the next legislative day, when it will be considered under the Sixth Order of Business.)))

During the Fifth Order of Business, the Secretary shall announce that committee reports have been received, if such is the case, and shall list the bill or resolution number, or other identifier, and state the accompanying committee recommendation. When a measure is on the calendar on the Tenth, Eleventh, or Fourteenth Order of Business, the Secretary shall again announce the committee recommendation concerning that measure. If the committee report is divided pursuant to Rule

47, the Secretary shall announce the majority report and the minority report, or reports, as well.

#### 47. DIVIDED COMMITTEE REPORT

In case all the members of any committee, including a conference committee, required or entitled to report on any subject referred to them, cannot agree upon any report, the majority and minority may each make a special report, and any member or members dissenting in whole or in part, from the reasoning and conclusions of both the majority and minority may also present to the Senate a statement of his or their reasonings and conclusions; and all reports, if decorous in language, and respectful to the Senate, shall be entered at length in the journal, and shall be announced by the Secretary as provided in Rule 46.

If one or more of the reports presented pursuant to this rule recommend an amendment to the legislative measure under consideration, the Secretary shall, during the Fifth Order of Business, announce the fact that a divided committee report has been received, including a report, or reports, for amendment. The amendments shall then go on the calendar under the Sixth Order of Business in accordance with Rule 46.

If more than one amendment is recommended by divided reports relating to a particular measure, the President shall direct that they be placed on the calendar in order in accordance with the number of members signing the report, with the amendment recommended by the report signed by the largest number of committee members being placed on the calendar first. In the event that the reports recommending amendment are signed by an equal number of members, the President shall determine by some other equitable method the order in which they will be placed on the calendar during the Sixth Order of Business. The President shall also rule, in the case of a divided committee report recommending two or more amendments, as to the effect of the passage of the first amendment on each subsequent amendment recommended to that particular legislative measure.

#### 54. CONFERENCE COMMITTEE REPORTS, EXCEPTION TO SENATE RULES 46 and 53.

The provisions of the Senate Rules 46 and 53 shall not prohibit the ((adoption))) reading of a conference committee report ((, together with))) and adoption or rejection of any amendments therein recommended, nor the placing of any bill or resolution affected by such conference committee report on the calendar for final action on the same day the conference committee report is received ((by majority vote of members-elect))), nor shall the requirement of placing a full mimeographed or printed copy of ((a committee report))) recommended amendments in the hands of all members apply to conference committee reports ((, or amendments, bills, or resolutions affected by the conference committee report))) for amendment.

SECTION 2. AMENDMENT.) Joint Rule No. 6 is hereby amended to read as follows:

#### 6. CONFERENCE COMMITTEES

In every case of a difference between the two houses arising from a refusal by one house to concur in amendments made by the other house, if either house shall request a conference on the difference which has arisen and shall appoint a committee for that purpose, the other house shall also appoint such a committee. The committees so appointed shall meet at such hour and place as shall be agreed on by the chairmen; and shall

state to each other, verbally, or in writing, as either may choose, the reasons of their respective houses, and confer thereon; and they shall be authorized to report, in the manner set out below, to their respective houses regarding the manner in which they recommend that the difference between the two houses should be resolved. The chairman of the conference committee representing the house of origin of the bill or resolution under consideration shall ensure that minutes of the meetings of the conference committee be kept in the same manner as other standing committee minutes. Conference committees appointed pursuant to this rule shall confine their conferences and recommendations to consideration of the stated difference which gave rise to the appointment of the committees. The conference committee report shall first be submitted to the house having possession of the bill over which the difference has arisen, where it shall be acted upon and notice of such action transmitted to the other house. When the other house shall have also acted upon the report, it shall notify the house having possession of the bill, which house shall, if appropriate, proceed to take action on the bill and transmit it to the other house for appropriate action.

SECTION 3.) Joint Rules Nos. 14.1 and 24 are hereby created to read as follows:

#### 14.1 FISCAL NOTES—CITIES AND COUNTIES

All bills and resolutions introduced into either House of the Legislative Assembly having an effect of five thousand dollars or more on the revenues, expenditures, or fiscal liability of one or more cities or counties, except appropriation measures carrying specific dollar amounts, shall have a fiscal note attached to such bill or resolution which shall be prepared as provided in Joint Legislative Rule 14. The fiscal notes required by this rule may be requested by the Legislative Council staff or committee chairmen in the same manner as fiscal notes are requested under Joint Legislative Rule 14.

If an agency requested to prepare a fiscal note under this rule does not have the information available, or cannot gather the information on a timely basis, to allow a dollar estimate, the agency may:

1. Report that the measure does have a fiscal impact in an unknown amount.
2. Report that the measure does have a fiscal impact in a dollar amount estimated on the basis of inadequate information.
3. Report that the fiscal impact of the measure is unknown.

#### 24. JOINT CONSTITUTIONAL REVISION COMMITTEE

The joint constitutional revision committee shall consist of eight members, four from each house, appointed in the same manner as the members of other standing committees are appointed. The first-named member from each house shall act as co-chairperson of the committee. The committee shall meet at the call of the chairpersons at such times and places as they may determine. All resolutions proposing amendments, additions, or repeals to the Constitution of the State of North Dakota shall be referred to the committee. The committee will report on those resolutions in the same manner and in accordance with the same time schedules as do other standing committees. A resolution shall be first reported back to its house of origin.

SECTION 4. AMENDMENT.) Senate Rule No. 73 is hereby amended to read as follows:

#### 73. EXECUTIVE NOMINATIONS



Upon receipt of nominations from the executive, the Senate shall forthwith ((resolve itself into executive session for the purpose of considering the nominations))) **consider them**. The nominations shall be read ((in such executive session))) and be referred to (((their))) **the** appropriate committee unless otherwise ordered by the Senate. The final question on every nomination shall be, "Will the Senate advise and consent to the nomination?" It shall be the duty of the President to advise the executive in writing, of the action taken by the Senate.

SECTION 5. AMENDMENT.) Subsection d of Rule 7 is hereby repealed.

SECTION 6. AMENDMENT.) Senate Rule Nos. 26 and 55 are hereby amended to read as follows:

**26. VOTE BY PRESIDENT**

The President shall vote only in case of a tie with respect to a **procedural question**. The President shall not vote on final disposition of any measure (See Rule 55).

**55. FINAL PASSAGE**

((Except as hereinafter provided, no))) **No** bill shall become a law except by a vote of the majority of the senators-elect and of the members-elect of ((each))) **the House of Representatives**, nor unless on its final passage, the vote by taken by ayes and nays and the names of those voting be entered in the journal; provided, however, that ((when the vote of those Senators present results in a tie, the Lieutenant Governor may vote in accordance with Rule 26, even though his vote would result in final passage of a bill. No))) **no** measure enacted or approved by a vote of the electors shall be repealed or amended by the legislature, except by a two-thirds vote upon roll call of all members elected to each House. Ratification of amendments to the Constitution of the United States shall be by concurrent resolution approved by a majority, upon roll call vote, of the members elected to each House.

SECTION 7. AMENDMENT.) Senate Rule 31 is hereby amended to read as follows:

**31. FORM OF BILLS,**

**NUMBER OF COPIES**

Every bill, memorial, or resolution shall be in typewritten form and nine copies thereof shall be filed with the Secretary of the Senate. Each bill, memorial, or resolution shall have endorsed thereon its title and the name of the member, or members, but no more than five, or committee introducing the same. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA". No bill shall embrace more than one subject, which shall be expressed in its title. If a bill amends a present statute, the portion thereof constituting the amendment or amendments shall be underscored. In all bills which contain both sections amending existing statutes and sections which will be new law, the portion containing the amendment to the existing statute and all of each section containing new law shall be underscored. Any matter contained in the present statute, but deleted in the proposed amended statute shall be contained in the typewritten bill, but shall be set off from the remainder of the text by placing three parentheses at the beginning and end of each deleted matter. Where bills, sponsored by the Legislative Council do not use the above devices of parentheses and underscoring, such bills must be accompanied by appropriate explanatory notations outlining the

changes to be effected. All bills and resolutions to be introduced in the Senate shall be in such form and style as the Legislative Council shall prescribe. The Secretary of the Senate, upon receiving **((nine)) eleven** copies of a bill or resolution as provided by this rule, shall proceed as follows: (a) If the original copy of the bill or resolution has attached to it a notation that the bill or resolution was drafted, retyped, or approved as to form and style by the Legislative Council staff, the Secretary shall number the bill or resolution as provided in Senate Rule 28 and, after first reading and referral, shall distribute the copies as provided in this rule; or (b) If the original copy of the bill does not have a notation of drafting, retyping, or approval as to form and style by the Legislative Council staff attached, the Secretary shall proceed as provided in Senate Rule 32. The Secretary shall, after compliance with this rule and after first reading, distribute the **((nine)) eleven** copies of a bill or resolution received as follows: **((One of such copies))** The original shall be delivered to the Chairman of the Committee to which the measure is referred, one copy to the President of the Senate, one copy shall be delivered to the Legislative Council, one copy shall remain in the custody of the Secretary until otherwise directed by the Senate, one copy shall, except in the case of bills or resolutions printed upon order of the Legislative Council pursuant to Senate Rule 35, be delivered to the printer having the contract for the printing of bills, one copy shall be delivered to the printer having the contract for printing the Senate Journal for use in setting of the bill title, **((and))** three copies shall be available for representatives of news media, **one copy shall be available to the Greater North Dakota Association, and one copy shall be given to the prime sponsor.** The original of each bill or resolution filed with the Secretary shall be typed on pre-printed bill paper, which paper shall be in the form prescribed by the Legislative Council.

Senator Lashkowitz moved not to adopt Section 6 Rules 26 and 55.

Senator Melland moved that Section 6 Rules 26 and 55 be adopted.

#### ROLL CALL

The question being on the motion to adopt Section 6 of Rules 26 and 55, the roll was called and revealed 30 ayes; 17 nays; absent and not voting 3.

Those voting in affirmative were:

|             |          |          |           |
|-------------|----------|----------|-----------|
| Albers      | Iszler   | Naaden   | Smykowski |
| Christensen | Jacobson | Nelson   | Solberg   |
| Farrington  | Jones    | Nething  | Strinden  |
| Freed       | Lee      | Peterson | Tennefos  |
| Fritzell    | Lips     | Reiten   | Thane     |
| Goodman     | Lodoen   | Sandness | Wenstrom  |
| Hanson      | Melland  | Sands    | Wright    |
| Holmberg    | Morgan   |          |           |

Those voting in negative were:

|         |            |         |            |
|---------|------------|---------|------------|
| Barth   | Larson     | Miller  | Redlin     |
| Berube  | Lashkowitz | Orange  | Schirado   |
| Erdman  | Maher      | Pietron | Tallackson |
| Hoffner | Mau        | Rait    | Walsh      |
| Krauter |            |         |            |

Absent and not voting:

|         |        |        |
|---------|--------|--------|
| Shablow | Strand | Vosper |
|---------|--------|--------|

So Section 6 Rules 26 and 55 was adopted.

Senator Melland offered the following amendment.

#### 55.1 RECORDED ROLL CALL VOTES

No action by the Senate which may result in final disposition of a bill, or resolution proposing a constitutional amendment, shall be taken except by a recorded roll call vote, and the vote of each member, and, when appropriate, the vote of the Lieutenant Governor or a record of his absence or failure to vote, shall be recorded in the Journal. As used in this Rule, "final disposition" includes any procedure which, barring reconsideration, results in the Senate being unable to give further consideration during that Legislative Session to the particular measure which was under consideration.

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

Senator Thane moved that the report be adopted.

#### ROLL CALL

The question being on the motion to adopt the Joint Rules of the Forty-fourth Legislative Assembly with amendments, the roll was called and there were 30 ayes; 17 nays; absent and not voting 3.

Those voting in the affirmative were:

|             |          |          |           |
|-------------|----------|----------|-----------|
| Albers      | Iszler   | Naaden   | Smykowski |
| Christensen | Jacobson | Nelson   | Solberg   |
| Farrington  | Jones    | Nothing  | Strinden  |
| Freed       | Lee      | Peterson | Tennefos  |
| Fritzell    | Lips     | Reiten   | Thane     |
| Goodman     | Lodoen   | Sandness | Wenstrom  |
| Hanson      | Melland  | Sands    | Wright    |
| Holmberg    | Morgan   |          |           |

Those voting in the negative were:

|         |            |         |            |
|---------|------------|---------|------------|
| Barth   | Larson     | Miller  | Redlin     |
| Berube  | Lashkowitz | Orange  | Schirado   |
| Erdman  | Maher      | Pietron | Tallackson |
| Hoffner | Mau        | Rait    | Walsh      |
| Krauter |            |         |            |

Absent and not voting:

|         |        |        |
|---------|--------|--------|
| Shablow | Strand | Vosper |
|---------|--------|--------|

The report on the Joint Rules was adopted.

Senator Melland moved that the book of Rules not be printed until the House Rules are ready for printing, which motion prevailed.

#### REPORT OF SELECT COMMITTEES

Mr. President: Your Select Committee entitled Committee on Committees submits the following report as to proposed Chairmen, Vice Chairmen, and members of Standing Committees and Procedural Committees.

#### SENATE COMMITTEE ASSIGNMENTS

#### SENATE STANDING COMMITTEES

#### APPROPRIATIONS COMMITTEE

Lips, Chairman  
 Melland, V. Chrm.  
 Hanson  
 Naaden  
 Smykowski  
 Strinden  
 Thane

Wenstrom  
Erdman  
Larson  
Maher  
Walsh

INDUSTRY, BUSINESS & LABOR COMMITTEE

Reiten, Chairman  
Fritzell, V. Chrm.  
Lodoen  
Tennefos  
Krauter  
Pietron

EDUCATION COMMITTEE

Sandness, Chairman  
Strand, V. Chrm.  
Nelson  
Peterson  
Solberg  
Orange  
Tallackson  
Berube

JUDICIARY COMMITTEE

Freed, Chairman  
Iszler, V. Chrm.  
Christensen  
Holmberg  
Sands  
Lashkowitz  
Schirado

STATE AND FEDERAL GOVERNMENT COMMITTEE

Jones, Chairman  
Vosper, V. Chrm.  
Albers  
Morgan  
Miller  
Mau  
Rait

FINANCE AND TAXATION COMMITTEE

Goodman, Chairman  
Wright, V. Chrm.  
Farrington  
Jacobson  
Lee  
Barth  
Redlin  
Shablow

AGRICULTURE COMMITTEE

Morgan, Chairman  
Albers, V. Chrm.  
Jones  
Vosper  
Barth  
Pietron  
Tallackson

**NATURAL RESOURCES COMMITTEE**

Jacobson, Chairman  
 Lee, V. Chrm.  
 Freed  
 Fritzell  
 Nelson  
 Krauter  
 Redlin

**TRANSPORTATION COMMITTEE**

Solberg, Chairman  
 Tennefos, V. Chrm.  
 Iszler  
 Strand  
 Lashkowitz  
 Schirado

**POLITICAL SUBDIVISIONS COMMITTEE**

Sands, Chairman  
 Lodoen, V. Chrm.  
 Farrington  
 Holmberg  
 Reiten  
 Berube  
 Mau  
 Shablow

**SOCIAL WELFARE & VETERANS AFFAIRS COMMITTEE**

Christensen, Chairman  
 Peterson, V. Chrm.  
 Goodman  
 Sandness  
 Wright  
 Miller  
 Orange  
 Rait

**JOINT CONSTITUTIONAL REVISION COMMITTEE**

Wenstrom, Chairman      Schirado  
 Holmberg                      Rait

**SENATE PROCEDURAL COMMITTEES****DELAYED BILLS**

Naaden, Chairman      Barth  
 Tennefos                      Maher  
 Albers

**LEGISLATIVE COUNCIL RESOLUTIONS**

Smykowski, Chairman      Erdman  
 Peterson                      Orange  
 Wright

**ENROLLING AND ENGROSSING**

Strand, Chairman      Pietron  
 Hanson                      Mau  
 Nelson

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

Senator Nething moved that the Senate adjourn until 12:00 Noon, January 4, 1977, which motion prevailed.

LEO LEIDHOLM, Secretary

# Journal of the Senate

Forty-fifth Legislative Assembly

## FIRST DAY

Bismarck, January 4, 1977

At the hour of twelve o'clock noon of the fourth day of January, 1977, according to the Constitution of North Dakota, the North Dakota Senate convened in its regular session, President Wayne Sanstead presiding.

Prayer was offered by Rev. Norman Winkelman, Calvary United Methodist Church, Bismarck.

"Let us pray. God of our Fathers, in whose name this nation was born, we thank You that this land is still governed by persons chosen by the people. As these chosen persons fulfill their duties, guide them, O God, in the decisions they must make. Give them clear minds, compassionate hearts, and an openness to Your wisdom and guidance. Help them to follow the example of the servanthood of Your Son, Jesus Christ, who came into this world 'not to be served, but to serve.' May truth, justice and honesty be guiding lights for us all as individuals, as a State, and as a nation. We pray in the name of Jesus Christ, our Lord. Amen".

Roll Call revealed all Senators present except Christensen, Lodoen, Orange and Tennesos.

A quorum was declared by the President.

### CORRECTION AND REVISION OF THE JOURNAL

Mr. President Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Organizational and Orientation Session and recommends that the same be corrected as follows: On page 9, line 4, delete 8 and insert 9. On page 9, line 39, correct Thane.

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

### COMMUNICATION

President Sanstead announced he had received a communication from the Attorney General's office and requested the Secretary to read it. Senator Nething moved that the communication be printed in the Journal, which motion prevailed.

### MEMO

To: President, North Dakota State Senate, Speaker, North Dakota House of Representatives; Majority Floor Leader, North Dakota State Senate; Minority Floor Leader, North Dakota State Senate; Republican Floor Leader, North Dakota House of Representatives; Democrat Floor Leader, North Dakota House of Representatives.

From: Allen I. Olson, Attorney General, State of North Dakota  
Gentlemen:

The purpose of this memo is to remind you of the policy we initiated in 1973, pursuant to Subsection 8 of Section 54-12-01 of the North Dakota Century Code, regarding opinions when the Legislative Assembly is in session.

Subsection 8 of Section 54-12-01 reads as follows:

"8. Give written opinions, when requested by either branch of the legislative assembly, upon legal questions;"

To further clarify our policy, Subsection 6 of the same section reads as follows:

"6. Consult with and advise the governor and all other state officers, and when requested give written opinions on all legal or constitutional questions relating to the duties of such officers respectively;"

Our policy is to comply with Subsection 8 when the Legislative Assembly is in session and when not in session to consider all legislators as state officials so that when the Legislative Assembly is not meeting as a body, legislators are still entitled to receive opinions from this office. Pursuant to Subsection 8, individual legislators' questions must be presented as a question from either of the Houses through the respective presiding officers.

I recognize that this procedure is somewhat cumbersome, but it does comply with what we believe to be the intent of the statute and it does tend to provide for continuity and quality of opinions from this office.

Thank you for your cooperation and best wishes for a productive session. I assure you of our total cooperation toward that goal.

#### CHAPLAINCY SCHEDULE

##### Senate Sessions

##### JANUARY

|   |          |
|---|----------|
| 4 Norman Winkelman, Calvary United Methodist .....    | 255-3720 |
| 5 Stanley Malmgren, First Baptist Church .....        | 255-3148 |
| 6 Randall Bunch, Capital Heights Baptist .....        | 223-5479 |
| 7 Russell Sullivan, Church of God of Prophecy .....   | 223-6015 |
| 10 Burton Bundy, Grace Lutheran .....                 | 258-3585 |
| 11 Hensel Hendrickson, Trinity Lutheran Church .....  | 223-3560 |
| 12 Gerald Ruelle, Chaplain, St. Alexius Hosp. ....    | 223-5000 |
| 13 Thomas E. Kramer, Cathedral of Holy Spirit .....   | 223-1033 |
| 14 James M. Butler, First Presbyterian United .....   | 223-6091 |
| 17 D. Josh Nelson, Lutheran Church of the Cross ..... | 258-5869 |
| 18 Joe Agee, Jr., Wash. Hts. Community Church .....   | 223-0793 |
| 19 Bob Fisher, Wesleyan Church .....                  | 223-7238 |
| 20 John Nicolai, Trinity Lutheran .....               | 223-3560 |
| 21 Robert D. Lynne, Good Shepherd Lutheran .....      | 255-1001 |
| 24 Dennis Tippet, St. George's Episcopal .....        | 223-1942 |
| 25 Ron Norman, Bismarck Baptist .....                 | 223-4445 |
| 26 Tom Sullivan, Church of St. Anne .....             | 223-1549 |
| 27 Clarence Walth, North American Baptists .....      | 223-0091 |
| 28 Harold May, Evangel Temple .....                   | 223-1852 |
| 31 Delmer F. Becker, Non-denominational .....         | 258-7320 |

##### FEBRUARY

|  |          |
|--|----------|
| 1 Don Bentz, Faith Lutheran Church .....       | 258-6496 |
| 2 George Walker, Evangelical Free Church ..... | 223-3330 |
| 3 James L. Norlie, Trinity Lutheran .....      | 223-3560 |
| 4 Clemence Auch, Bismarck Baptist Home .....   | 223-3040 |
| 7 Martin Klemmer, Diocese of Bismarck .....    | 223-1347 |

|  |          |
|--|----------|
| 8 Myron Johnson, Seventh-day Adventist .....           | 223-6830 |
| 9 Eve Hook, McCabe United Methodist .....              | 255-1160 |
| 10 John M. Miller, Baptist Temple .....                | 663-6232 |
| 11 Blaine R. Cook, Corpus Christi .....                | 255-4584 |
| 14 Lionel P.A. Muthiah, United Methodist .....         | 255-3489 |
| 15 Ira Herzberg, Calvary United Methodist .....        | 255-0598 |
| 16 E.C. Schumacher, Christian & Missionary Allia. .... | 258-7320 |
| 17 Ralph Spicer, Salvation Army .....                  | 223-1889 |
| 18 Charles Ostlie, Christian Missionary Allia. ....    | 258-7320 |
| 21 John L. MacMullen, First United Methodist .....     | 663-8339 |
| 22 DeVern Schwenn, First United Methodist .....        | 223-4401 |
| 23 W. F. Garvin, Cathedral of Holy Spirit .....        | 223-1033 |
| 24 Don DeKok, Bismarck Reformed Church .....           | 223-3304 |
| 25 Arnold P. Spain, Church of St. Anne .....           | 223-1549 |
| 28 Stanley G. Knudson, American Lutheran .....         | 223-5312 |

MARCH

|   |          |
|---|----------|
| 1 Paul Stuart, Regular Baptist Church .....           | 255-3542 |
| 2 Victor Feser, Annunciation Priory .....             | 255-1520 |
| 3 Ron Norman, Bismarck Baptist .....                  | 223-4445 |
| 4 Matthew Fettig, Cathedral of Holy Spirit .....      | 223-1033 |
| 7 Gerald Ruelle, Chaplain, St. Alexius Hosp. ....     | 223-5000 |
| 8 Ralph Fisher, Church of the Nazarene .....          | 223-0332 |
| 9 Theodore F. Gustin, Church of St. Mary .....        | 223-5562 |
| 10 A. Ben Dove, First Presbyterian Church .....       | 663-5788 |
| 11 Albert Piekarski, Corpus Christi .....             | 255-4584 |
| 14 Richard Hagestuen, First Lutheran .....            | 663-3154 |
| 15 Jeffery Mantz, Assemblies of God .....             | 663-3039 |
| 16 Edwin Wehner, St. Mary's Central High School ..... | 223-4113 |
| 17 Albert Soderberg, Church of God .....              | 223-4833 |
| 18 Robert A. Feehan, Church of St. Mary .....         | 223-5562 |
| 21 David L. Donovan, Church of the Nazarene .....     | 663-8975 |
| 22 Lea E. Johnson, House of Prayer Lutheran .....     | 223-2202 |
| 23 Victor Feser, Annunciation Priory .....            | 255-1520 |
| 24 James L. Probert, First Presbyterian .....         | 223-6091 |
| 25 Stanley Sticka, Corpus Christi .....               | 255-4584 |

FIRST READING OF SENATE BILLS

Committee on Appropriations introduced:

Senate Bill No. 2001. State Institutions of Higher Learning — A Bill for an Act making an appropriation for defraying expenses of the state institutions of higher learning of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

Senate Bill No. 2002. Extension Division and Experiment Stations — A Bill for an Act making an appropriation for defraying expenses of the extension division and the experiment stations of the North Dakota state university of agriculture and applied science.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

Senate Bill No. 2003. Budgets — A Bill for an Act making an ap-



propriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2004.** A Bill for an Act to appropriate money for the expenses of the legislative branch of government; and declaring an emergency.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2005.** Board of Public School Education — A Bill for an Act making an appropriation to the board of public school education for defraying expenses of various departments, and various divisions thereof, of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2006.** Regulatory Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2007.** Budgets — Law Enforcement — A Bill for an Act making an appropriation for defraying expenses of the state highway patrol and the law enforcement center.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2008.** Highway Department — A Bill for an Act making an appropriation for defraying the expenses of the state highway department.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2009.** Budgets — Attorney General — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the attorney general's office.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2010.** Budgets — Public Health — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2011.** Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2012.** Budgets — Social Service Board — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and which are under the supervision of the social service board.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2013.** Budgets — Industrial Commission — A Bill for an Act making an appropriation for defraying the expenses of the state industrial commission and state agencies under the management of the state industrial commission.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2014.** Budgets — Regulatory — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Was read the first time and referred to the committee on Appropriations.

Committee on Appropriations introduced:

**Senate Bill No. 2015.** Administration of Motor Fuel Tax — A Bill for an Act to transfer a portion of the motor vehicle fuel tax revenues to the general fund to cover the cost of administering the motor fuel tax laws.

Was read the first time and referred to the committee on Appropriations.

Committee on Agriculture introduced:

**Senate Bill No. 2016.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to board of county commissioner approval prior to final approval of land, wetland, and water acquisitions by the department of the interior for waterfowl or wildlife purposes; and providing for inspection of proposed acquisitions, public notice, opportunity for comment, and impact analysis.

Was read the first time and referred to the committee on Agriculture.

Committee on Agriculture introduced:

**Senate Bill No. 2017.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to lease, easement, or servitude agreements with the state game and fish department or the department of the interior for wildlife purposes; allowing the landowner to negotiate the time period, and to restrict the land or water areas sought by legal description and to drain any expanded wetland or water area in excess of the legal description; and conditioning state consent to federal fish and wildlife statutes upon compliance with the provisions.

Was read the first time and referred to the committee on Agriculture.

Committee on Agriculture introduced:

**Senate Bill No. 2018.** A Bill for an Act to amend and reenact section 20.1-02-17 of the North Dakota Century Code, relating to federal aid to North Dakota in wildlife and fish restoration projects; providing for county commissioner approval, opportunity for public comment, and impact

statements prior to final agreement and approval; and allowing a landowner to negotiate the time period and land or wetland area covered by a lease, easement, or servitude.

Was read the first time and referred to the committee on Agriculture.

Committee on Budget introduced:

**Senate Bill No. 2019.** A Bill for an Act to provide for the state auditor's review of emergency action; and to repeal section 54-16-06 of the North Dakota Century Code, relating to quarterly reporting requirements for agencies authorized by the emergency commission to make extraordinary expenditures, or to make use of funds transferred or made available through an order of the emergency commission.

Was read the first time and referred to the committee on Appropriations.

Committee on Budget introduced:

**Senate Bill No. 2020.** A Bill for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits by the state auditor.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Budget introduced:

**Senate Bill No. 2021.** A Bill for an Act to amend and reenact section 54-44.3-03 of the North Dakota Century Code, relating to selection of the constitutionally elected official to the state personnel board.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Budget introduced:

**Senate Bill No. 2022.** A Bill for an Act to provide authority for the board of university and school lands to invest permanent funds of the common schools in the construction of an office building, to establish the location of the office building, to provide a grant of land, to provide for the advertising and letting of construction bids, to provide for the rental of space to state agencies, to provide for a method of amortizing the capital investment, and to provide for incidental authority in the board of university and school lands necessary to accomplish the purpose of this Act.

Was read the first time and referred to the committee on Appropriations.

Committee on Budget introduced:

**Senate Bill No. 2023.** A Bill for an Act to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to the state historical board's jurisdiction over the North Dakota heritage center.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Education introduced:

**Senate Bill No. 2024.** A Bill for an Act to implement an Indian education curriculum in elementary and secondary schools within existing minimum curriculum requirements and to provide an appropriation.

Was read the first time and referred to the committee on Education.

Committee on Education introduced:

**Senate Bill No. 2025.** A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to payment of special

education costs of handicapped children by the residence school district in child placement cases.

Was read the first time and referred to the committee on Education. Committee on Finance and Taxation introduced:

**Senate Bill No. 2026.** A Bill for an Act to provide for optional annual payments for electric transmission line easements, to provide for renegotiation of easement contracts every ten years, to provide for arbitration of easement disputes, and to require that utilities making easement payments be notified of changes in land ownership.

Was read the first time and referred to the committee on Agriculture. Committee on Finance and Taxation introduced:

**Senate Bill No. 2027.** A Bill for an Act to provide a property tax credit on land on which there are large transmission towers; to provide for state reimbursement for the loss of revenue to counties and other taxing districts; and to provide an appropriation.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2028.** A Bill for an Act to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to the taxation of large cooperative electrical transmission lines.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Higher Education introduced:

**Senate Bill No. 2029.** A Bill for an Act to provide for a postsecondary education commission, its membership, terms, compensation, and powers and duties; for receipt of federal and state moneys, its appropriation and expenditure; and to repeal sections 15-10-29, 15-10-30, 15-10-31, and 15-10-32 of the North Dakota Century Code, relating to the higher education facilities commission, its membership, appointment, term, vacancies, and powers and duties; receipt, deposit, appropriation, and expenditure of federal money; and compensation and travel expenses for commission members.

Was read the first time and referred to the committee on Education. Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2030.** A Bill for an Act to create and enact section 6-09.1-02.1 of the North Dakota Century Code, relating to senate confirmation of appointments to the advisory board of directors to the Bank of North Dakota and to amend and reenact section 6-09.1-02 of the North Dakota Century Code, relating to appointment of an advisory board of directors to the Bank of North Dakota.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2031.** A Bill for an Act to amend and reenact section 6-09.1-03 of the North Dakota Century Code, relating to the authority of the advisory board of directors to the Bank of North Dakota.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2032.** A Bill for an Act to provide for a phaseout of

existing private deposits in the Bank of North Dakota and to amend and reenact section 6-09-09 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota to receive deposits from individuals, corporations, associations, and banks.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2033.** A Bill for an Act to amend and reenact section 6-01-09 of the North Dakota Century Code, relating to supervision and examination of state banks by the commissioner of banking and financial institutions.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2034.** A Bill for an Act to repeal section 6-07-50 of the North Dakota Century Code, relating to additional compensation for the commissioner of banking and financial institutions for terminating insolvent banks.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2035.** A Bill for an Act to amend and reenact sections 6-01-01, 6-01-02, 6-02-01, and subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to the financial institutions under the control of the department of banking and financial institutions, definitions applicable to title 6, compliance with banking chapters, and powers of credit unions.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2036.** A Bill for an Act to amend and reenact sections 6-05-22 and 6-05-34 of the North Dakota Century Code, relating to certificates of authority for corporations writing fidelity and surety bonds and code provisions applicable to annuity, deposit, surety, and trust companies.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2037.** A Bill for an Act to require the North Dakota mill and elevator association to discontinue its feed department; and to amend and reenact section 54-18-04 of the North Dakota Century Code, relating to the powers of the industrial commission in operating the mill and elevator association.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2038.** A Bill for an Act to create and enact section 26-07-14.1 of the North Dakota Century Code, relating to a procedure for the revocation or suspension of the authority of a foreign insurance company to do business in the state; to amend and reenact sections 26-01-07, 26-03-42, 26-03-43, 26-07-14, 26-08-04, 26-08-07, 26-08-18, subsection 6 of section 26-09-01, sections 26-11-02, 26-11-11, 26-14-03, 26-14-05, subsection 4 of section

26-14-08, sections 26-14-12, 26-20-01, and subsection 7 of section 26-21-02 of the North Dakota Century Code, relating to procedure for filing policies and articles of incorporation and amendments thereto with the commissioner of insurance, capital asset and surplus requirements for certain domestic and foreign insurance companies; procedure for revocation of authority of a foreign insurance company to do business in the state, liability of insurance company officers to stockholders and policyholders, collection of premiums by mutual insurance companies, and consolidation and dissolution of domestic insurance companies; and to repeal sections 26-07-12, 26-08-14, 26-08-15, and 26-10-06, and chapters 26-13 and 26-19, all of the North Dakota Century Code, relating to procedures on revocation of authority of insurance company for discrimination, notice of impairment of capital, assessment of stock, selection of application of surplus, assessment plan accident and sickness insurance companies, and crop hail insurance.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2039.** A Bill for an Act to provide family medical hospital insurance coverage for incarcerated juvenile delinquents.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2040.** A Bill for an Act to allow the insurance commissioner to require insurance companies to index or list relevant provisions of insurance policies to aid consumers.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2041.** A Bill for an Act to amend and reenact section 34-14-03 of the North Dakota Century Code, relating to the payment of wages of employees who have been separated from employment.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2042.** A Bill for an Act to amend and reenact section 34-13-01 of the North Dakota Century Code, relating to the definition of "employment agent" or "employment agency".

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2043.** A Bill for an Act to amend and reenact sections 34-13-04 and 34-13-05 of the North Dakota Century Code, relating to the licensing fees and bonds required of employment agencies.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2044.** A Bill for an Act to create and enact a new subsection to section 34-05-01.3 of the North Dakota Century Code to authorize the commissioner of labor to conduct elections to determine the exclusive representative and appropriate bargaining unit of public employees for purposes of labor negotiations.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2045.** A Bill for an Act to prohibit discrimination in employment because of race, color, religion, national origin, sex, age, or marital status; and providing a penalty.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2046.** A Bill for an Act prohibiting public employees from engaging in political activities while such employees are on duty or in uniform; to amend and reenact section 39-01-05 of the North Dakota Century Code, relating to allowing state officers and employees to collect expenses while engaged in state activities but disallowing state officers and employees from collecting expenses while engaged in political activities; and to repeal sections 40-44-09, 50-06.1-12, and 54-23-52 of the North Dakota Century Code, relating to prohibiting municipal employees under a local civil service system from engaging in political activities and prohibiting the officers and employees of the department of vocational rehabilitation and the director of institutions' office from engaging in political activities.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Judiciary introduced:

**Senate Bill No. 2047.** Alternative 1 — A Bill for an Act to provide for state reimbursement to counties for the cost of statewide elections.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2048.** Alternative 2 — A Bill for an Act to provide for state reimbursement to counties for the cost of statewide elections.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2049.** A Bill for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to instruction on the responsibility of citizens to participate in the political process through exercising their right to vote.

Was read the first time and referred to the committee on Education.

Committee on Judiciary introduced:

**Senate Bill No. 2050.** A Bill for an Act to create and establish an office of prosecutor coordination within the office of the attorney general; to provide for the selection, powers and duties, supervision, and salary of a director of the office; and to provide an appropriation.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2051.** A Bill for an Act to amend and reenact subdivision d of subsection 2 of section 11-10-10 and section 11-16-05 of the North Dakota Century Code, relating to a county option regarding a full-time state's attorney and salaries and duties of state's attorneys.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2052.** A Bill for an Act to create and enact section 27-20-

54.1 of the North Dakota Century Code, relating to the destruction of juvenile court records; and to amend and reenact section 27-20-54 of the North Dakota Century Code, relating to the sealing of juvenile court records.

Was read the first time and referred to the committee on Judiciary.  
Committee on Judiciary introduced:

**Senate Bill No. 2053.** A Bill for an Act to amend and reenact section 27-20-35 of the North Dakota Century Code, relating to the juvenile court's authority to commit children for mental health treatment.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on Judiciary introduced:

**Senate Bill No. 2054.** A Bill for an Act to amend and reenact section 27-20-26 of the North Dakota Century Code, relating to the right to counsel in juvenile proceedings.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2055.** A Bill for an Act to create and enact a new subsection to section 27-20-03 of the North Dakota Century Code, relating to the jurisdiction of juvenile courts over adults in certain instances.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2056.** A Bill for an Act to create and enact four new sections to chapter 12-60 of the North Dakota Century Code, relating to the right to inspect and challenge criminal history record information and the right to appeal decisions concerning such challenges, providing for the dissemination and purging of criminal history records, and providing a penalty, and to create and enact four new subsections to section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal investigation; and to amend and reenact section 12-60-16 of the North Dakota Century Code, relating to the report of an arrested person's transfer and release, or the disposition of his case.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2057.** A Bill for an Act to repeal section 34-01-16 of the North Dakota Century Code, relating to qualifications to hold office in a labor union or labor organization.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2058.** A Bill for an Act to define offense and to create and enact new sections to chapters 5-03 and 10-04, section 12.1-33-02.1, and new sections to chapters 25-16, 27-11, 36-06, 43-01, 43-02.1, 43-04, 43-05, 43-06, 43-07, 43-09, 43-10, 43-15, 43-18, 43-18.1, 43-19.1, 43-20, 43-21, 43-22, 43-23, 43-27, 43-28, 43-33, 43-34, 43-35, 43-36, 50-11, 50-11.1, 50-12, 50-19, and 51-05.1 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, unless, following conviction, a person is not sufficiently rehabilitated; and to amend and reenact subsection 3 of section 5-02-02, subsection 7 of section 10-04-11, subsection 4 of section 25-16-08, subsection 7 of section 26-17.1-42, subsection 1 of section 27-14-02, subsection 2 of section 43-01-16, subdivision a of subsection 1 of



section 43-02.1-05, subdivision a of subsection 2 of section 43-03-13, subsection 4 of section 43-03-20, subsection 1 of section 43-04-40, subsection 5 of section 43-05-16, subsection 2 of section 43-11-31, subsection 2 of section 43-12-22, subsection 1 of section 43-13-22, subsection 3 of section 43-17-31, subsection 1 of section 43-18-18, subsection 1 of section 43-18.1-07, section 43-19.1-25, subdivision f of subsection 1 of section 43-23-11.1, subdivision b of subsection 1 of section 43-23.1-15, section 43-25-07, subsection 2 of section 43-25-10, subsection 3 of section 43-26-11, subsection 3 of section 43-28-18, subsections 3 and 10 of section 43-29-14, subsection 4 of section 43-30-05, subsection 3 of section 43-30-12, subsection 4 of section 43-31-07, subsection 3 of section 43-31-10, subsection 1 of section 43-32-27, subsection 2 of section 43-33-12, section 43-36-21, subdivision c of subsection 1 of section 43-37-13, section 50-11-07, section 50-11.1-09, section 50-12-10, section 50-19-12, subdivision e of subsection 1 of section 51-05.1-03, and section 53-06-06 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, or unless, following conviction of any offense, a person is not sufficiently rehabilitated.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2059.** A Bill for an Act to amend and reenact section 14-08-12 of the North Dakota Century Code, relating to marriage prohibition if a person is infected with syphilis in communicable form; and to repeal section 14-03-07 of the North Dakota Century Code, relating to prohibited marriages.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on Judiciary introduced:

**Senate Bill No. 2060.** A Bill for an Act to create and enact section 29-28-06.1 of the North Dakota Century Code, relating to seeking leave to appeal a felony sentence to the supreme court; and to amend and reenact sections 29-28-06 and 29-28-28 of the North Dakota Century Code, relating to supreme court appeals allowed a criminal defendant and powers of the supreme court on criminal appeal.

Was read the first time and referred to the committee on Judiciary.

Committee on Legislative Procedure & Arrangements introduced:

**Senate Bill No. 2061.** A Bill for an Act to create a continuing interim committee of the legislative council to study and report on measures and proposals affecting retirement systems and funds which exist for the benefit of public employees; to provide an appropriation; and to declare an emergency.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Natural Resources introduced:

**Senate Bill No. 2062.** A Bill for an Act to create and enact sections 61-04-01.1, 61-04-01.2, 61-04-06.1, 61-04-06.2, 61-04-06.3, 61-04-29, and 61-04-30 of the North Dakota Century Code, relating to the basis for the appropriation of water and the definition of terms therein involved, to the granting of water permits and their terms, to priority of water rights, to the right to appeal the denial of a water permit, to the enforcement powers of the water commission and state engineer, and to penalties; to amend and

reenact sections 61-04-01, 61-04-02, 61-04-03, 61-04-04, 61-04-05, 61-04-06, 61-04-07, 61-04-07.1, 61-04-09, 61-04-14, 61-04-15, 61-04-17, 61-04-22, 61-04-23, 61-04-24, and 61-04-25 of the North Dakota Century Code, relating to the need for a water permit, to permit applications and the criteria for the issuance of water permits, to the application of water to a beneficial use, to transfer of water permits, and to the forfeiture of water rights; to repeal sections 61-01-01.1, 61-01-02, 61-04-16, and 61-14-05 of the North Dakota Century Code, relating to priority of water rights, to the right to use water, to referees in water actions in court; and to changes in the place of diversion; and providing a penalty.

Was read the first time and referred to the committee on Natural Resources.

Committee on Natural Resources introduced:

**Senate Bill No. 2063.** A Bill for an Act to create and enact section 15-02-05.1 of the North Dakota Century Code, relating to the duties of the commissioner of university and school lands; and to amend and reenact section 54-01-05.3 of the North Dakota Century Code, relating to the duties of the attorney general in reviewing bills for the sale of state-owned land.

Was read the first time and referred to the committee on Natural Resources.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2064.** A Bill for an Act to amend and reenact sections 57-15-06, 57-15-08, and 57-15-20 of the North Dakota Century Code, relating to increasing mill levy limitations for counties, cities, and townships.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2065.** Replacement Tax Transfer Alternative 1 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with county and city governments on the basis of population, and to provide an expiration date.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2066.** Replacement Tax Transfer Alternative 2 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with county and city governments on the basis of tax effort and population, and to provide an expiration date.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2067.** Replacement Tax Transfer Alternative 3 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with all political subdivisions on the basis of property tax revenues, to provide an expiration date, and to provide an appropriation.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on State and Federal Government introduced:

**Senate Bill No. 2068.** A Bill for an Act to create and enact sections 54-52-02.4, 54-52-10.1, 54-52-17.1, and 54-52-19.1 of the North Dakota Century Code, relating to the public employees retirement system; to amend and reenact sections 54-52-01, 54-52-02.1, 54-52-02.2, 54-52-02.3, subsection 6 of

section 54-52-03, subsections 1 and 4 of section 54-52-04, and sections 54-52-05, 54-52-06, 54-52-06.1, 54-52-10, 54-52-17, and 54-52-21 of the North Dakota Century Code, relating to certain terms, participants, methods of joining, governance, fees, contributions, funds, rights, and benefits of the public employees retirement system; and to repeal sections 54-52-11, 54-52-18, 54-52-19, and 54-52-20 of the North Dakota Century Code, relating to vesting apportionment of benefits and prior service benefits in the public employees retirement system.

Was read the first time and referred to the committee on State & Federal Government.

Committee on State and Federal Government introduced:

**Senate Bill No. 2069.** A Bill for an Act to create and enact section 25-02-11.1 of the North Dakota Century Code, relating to the appointment of multicounty mental health boards; and to amend and reenact sections 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, and 25-02-17 of the North Dakota Century Code, relating to the oaths, appointment, meetings, duties, procedures, powers, and compensation of county mental health boards.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on State and Federal Government introduced:

**Senate Bill No. 2070.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 25-02-05 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, to amend section 25-02-18 of the North Dakota Century Code, relating to the liability of certain officers in mental health cases, to amend subsection 1 of section 25-04-05.1 of the North Dakota Century Code, relating to the Grafton state school superintendent's authority to indefinitely transfer and commit persons to certain state institutions, and to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-01-02 and 25-01-02.1 of the North Dakota Century Code, relating to transfer of inmates between state institutions and the powers and duties of the health council regarding release of individuals from the state hospital, to repeal sections 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, and 25-02-17 of the North Dakota Century Code, relating to the establishment, powers, duties, and authority of county mental health boards, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Senator Nething introduced:

**Senate Bill No. 2071.** A Bill for an Act to amend and reenact section 27-06-09 of the North Dakota Century Code, relating to compensation of bailiffs.

Was read the first time and referred to the committee on Judiciary.

Senator Orange introduced:

**Senate Bill No. 2072.** A Bill for an Act requiring the labeling of a date on perishable food packages, providing a penalty, and providing an effective date.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senator Jacobson introduced:

**Senate Bill No. 2073.** A Bill for an Act to amend and reenact section 57-14-05 of the North Dakota Century Code to provide that county auditors shall have two years to include omitted severed mineral interests on the tax list, and noting potential criminal liabilities.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Jacobson introduced:

**Senate Bill No. 2074.** A Bill for an Act to provide additional compensation for certain county officials for the extra effort involved in assessing severed mineral interests.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Nething introduced:

**Senate Bill No. 2075.** A Bill for an Act to amend and reenact sections 40-47-01.1, 40-48-18, and 58-03-11 of the North Dakota Century Code, relating to the application of zoning and subdivision regulation authority to land lying outside the corporate limits of a city.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Farrington introduced:

**Senate Bill No. 2076.** A Bill for an Act create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to gross receipts from the sale of coal and electricity; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, subsection 2 of section 57-39.2-02, subsection 2 of section 57-39.2-03, subsection 2 of section 57-39.2-03.1, subsection 2 of section 57-39.2-18, and subdivision a of subsection 6 of section 57-40.2-01 of the North Dakota Century Code, relating to the exemption of electricity from sales and use taxes.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lips introduced:

**Senate Bill No. 2077.** A Bill for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.2 of the North Dakota Century Code to remove the limitation on the adjustment to taxable income for individuals for dividends from domestic corporations, and providing an effective date.

Was read the first time and referred to the committee on Finance & Taxation.

Senators Goodman, Freed introduced:

**Senate Bill No. 2078.** A Bill for an Act to amend and reenact section 57-37.1-04 of the North Dakota Century Code, relating to the computation of the North Dakota estate tax, and providing an effective date.

Was read the first time and referred to the committee on Finance & Taxation.

Senators Goodman, Freed introduced:

**Senate Bill No. 2079.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 of the North Dakota Century Code, relating to definitions, and providing an effective date.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Strinden introduced:

**Senate Bill No. 2080.** A Bill for an Act to amend and reenact section 57-39.2-26 of the North Dakota Century Code to provide for the allocation of a portion of sales tax receipts to cities and counties.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Freed, Goodman introduced:

**Senate Bill No. 2081.** A Bill for an Act to amend and reenact section 57-37.1-03 of the North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lips introduced:

**Senate Bill No. 2082.** A Bill for an Act to amend and reenact section 57-38-29 of the North Dakota Century Code, relating to individual income tax rates.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lips introduced:

**Senate Bill No. 2083.** A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an adjustment to taxable income for capital gains on the sale of residences.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lips introduced:

**Senate Bill No. 2084.** A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide for an adjustment to taxable income for each dependent child who is a full-time college student.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lips, Redlin introduced:

**Senate Bill No. 2085.** A Bill for an Act to amend and reenact sections 15-20.1-08, 57-15-14, 57-15-16, 57-16-05, and 57-19-09 of the North Dakota Century Code, relating to the vote required for passage or discontinuance of school district mill levies, mill levy limitations, and special reserve funds.

Was read the first time and referred to the committee on Education.

Senators Lips, Redlin introduced:

**Senate Bill No. 2086.** A Bill for an Act to amend and reenact section 21-03-07 of the North Dakota Century Code, relating to lowering majority requirements on bond issue elections to fifty-five percent of the voters.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Morgan introduced:

**Senate Bill No. 2087.** A Bill for an Act to amend and reenact subsection 4 of section 39-10-03 of the North Dakota Century Code, relating to the use of blue flashing lights on fire department vehicles.

Was read the first time and referred to the committee on Transportation.

Senator Lips introduced:

**Senate Bill No. 2088.** A Bill for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to provision for a park district construction fund levy.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2089.** A Bill for an Act to provide for the licensing of private security guards and private security companies by the attorney general; to amend and reenact section 43-30-01 of the North Dakota Century Code, relating to definitions applicable to licensing of private detectives; and providing a penalty.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senator Thane introduced:

**Senate Bill No. 2090.** A Bill for an Act to amend and reenact sections 29-04-01 and 29-04-02 of the North Dakota Century Code, relating to unlimited prosecution time for certain felonies, and increasing prosecution time for other felonies.

Was read the first time and referred to the committee on Judiciary.

Senator Nething introduced:

**Senate Bill No. 2091.** A Bill for an Act to provide that persons damaging the property of others be liable for damages and to provide that resulting judgments not be subject to cancellation or discharge in bankruptcy nor subject to the statute of limitations.

Was read the first time and referred to the committee on Judiciary.

Senators Wenstrom, Lips, Jones, Solberg, Miller introduced:

**Senate Bill No. 2092.** A Bill for an Act providing an appropriation to the board of higher education for state aid to junior colleges, and declaring an emergency.

Was read the first time and referred to the committee on Appropriations.

Senator Nething introduced:

**Senate Bill No. 2093.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of gas from the sales and use tax; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, subsection 2 of section 57-39.2-18, subdivision a of subsection 6 of section 57-40.2-01, section 57-53-02 of the North Dakota Century Code, and subsection 2 of section 1 of Initiative Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to the exemption of gas and heating fuels from sales and use and special fuels taxes, and to remove references to sales and use taxes on electricity; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Barth introduced:

**Senate Bill No. 2094.** A Bill for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the water conservation commission.

Was read the first time and referred to the committee on Natural Resources.

Senator Freed introduced:

**Senate Bill No. 2095.** A Bill for an Act to amend and reenact section 12.1-20-07 of the North Dakota Century Code, relating to sexual assault and providing penalties for such offenses.

Was read the first time and referred to the committee on Judiciary.  
Senator Lips introduced:

**Senate Bill No. 2096.** A Bill for an Act to create and enact a new subsection to section 28-01-18 of the North Dakota Century Code to establish a two-year statute of limitations in products liability cases, to limit damages in such cases to the useful life of the product, to provide for a collateral source rule, to require the manufacturers' or sellers' consent to alteration as a condition precedent to liability, to provide for periodic payments in judgments, to require punitive or exemplary damages to be proven beyond a reasonable doubt, to provide for a "reasonable man" standard of action, to limit liability to defective conditions existing at the time of sale of the product, to limit damages to the state of the art regarding a product, to disallow advance payments against joint tortfeasors, to allow the court to reduce damages when excessive, and to limit attorney's fees.

Was read the first time and referred to the committee on Judiciary.  
Senator Freed introduced:

**Senate Bill No. 2097.** A Bill for an Act to amend and reenact subsection 3 of section 12.1-32-09 of the North Dakota Century Code, relating to the procedure for extended sentences for dangerous special offenders.

Was read the first time and referred to the committee on Judiciary.  
Senator Thane introduced:

**Senate Bill No. 2098.** A Bill for an Act to amend and reenact subsection 1 of section 20.1-13-03 of the North Dakota Century Code, relating to identifying and licensing motorboats.

Was read the first time and referred to the committee on Transportation.

Senator Naaden introduced:

**Senate Bill No. 2099.** A Bill for an Act to amend and reenact section 16-07-07 of the North Dakota Century Code, relating to the filling of a vacancy in the office of United States senator and providing that such vacancy may be filled only by election, and to amend and reenact section 16.1-13-08 of the North Dakota Century Code as created by section 12 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the filling of a vacancy in the office of United States senator.

Was read the first time and referred to the committee on State & Federal Government.

Senator Thane introduced:

**Senate Bill No. 2100.** A Bill for an Act to amend and reenact section 57-15-42 of the North Dakota Century Code, relating to a mill levy for city fire departments.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2101.** A Bill for an Act to create and enact a new subsection to section 23-01-05 of the North Dakota Century Code, relating to the duties of the state health officer; to amend and reenact sections 11-19.1-07, 11-19.1-11, 11-19.1-13, and 11-19.1-16 of the North Dakota Century Code, relating to the report of deaths to the coroner, the performance of

an autopsy, the certificate of death, and the coroner's fees; and to provide an appropriation.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Senator Hanson introduced:

**Senate Bill No. 2102.** A Bill for an Act to make an appropriation for defraying expenses of constructing a library at North Dakota State University.

Was read the first time and referred to the committee on Appropriations.

Senator Wenstrom introduced:

**Senate Bill No. 2103.** A Bill for an Act to amend and reenact sections 43-28-03 and 43-28-04 of the North Dakota Century Code, relating to the term of office of members of the state board of dental examiners, and the qualifications and appointment of members of the board.

Was read the first time and referred to the committee on State & Federal Government.

Senator Lips introduced:

**Senate Bill No. 2104.** A Bill for an Act to create and enact section 40-57-21 of the North Dakota Century Code, providing an alternative form of procedures and transactions in order to accomplish the financing of projects which need not be owned by municipalities.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2105.** A Bill for an Act to amend and reenact section 65-12-04 and 65-12-04.1 of the North Dakota Century Code, relating to the definition of boiler and exempt boilers.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2106.** A Bill for an Act to create and enact sections 15-03-04.1 and 15-03-04.2, chapter 15-08.1, and section 54-30-30.1 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota; to amend and reenact section 15-03-01, subsection 1 of section 15-03-04, sections 15-03-05, 15-03-07, 15-03-14, 15-03-15, and 15-03-18 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota; and to repeal sections 6-09-25, 15-03-06, 15-03-08, 15-03-09, 15-03-10, 15-03-11, 15-03-20, and 54-30-23 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2107.** A Bill for an Act to amend and reenact sections 6-06-34, 6-06-38, and 10-15-49 of the North Dakota Century Code, relating to the duties of credit unions under the escheat laws; and to repeal section 10-15-34 of the North Dakota Century Code, relating to the duties of credit unions and cooperatives under the escheat laws.

Was read the first time and referred to the committee on Industry, Business & Labor.



Committee on Natural Resources introduced:

**Senate Bill No. 2108.** A Bill for an Act to create and enact section 15-07-10.1 of the North Dakota Century Code, relating to the sale of small tracts of state land and to amend and reenact section 15-07-04 of the North Dakota Century Code, relating to private sale of state land.

Was read the first time and referred to the committee on Natural Resources.

Committee on Natural Resources introduced:

**Senate Bill No. 2109.** A Bill for an Act to amend and reenact section 15-08-27 of the North Dakota Century Code, relating to mineral reservations on nongrant land under authority of the board of university and school lands.

Was read the first time and referred to the committee on Natural Resources.

Committee on Natural Resources introduced:

**Senate Bill No. 2110.** A Bill for an Act to create and enact chapter 15-08.2 of the North Dakota Century Code, relating to the sovereign lands of the state of North Dakota; to amend and reenact sections 38-11-02 and 47-06-08 of the North Dakota Century Code, relating to the leasing of public lands and ownership of islands and relicted lands; and to repeal section 38-11-06 of the North Dakota Century Code, relating to the leasing of islands and streambeds.

Was read the first time and referred to the committee on Natural Resources.

Committee on Natural Resources introduced:

**Senate Bill No. 2111.** A Bill for an Act to create and enact sections 38-11-02.1, 38-11-02.2, 38-11-02.3, and 38-11-02.4 of the North Dakota Century Code, relating to the leasing of minerals on public lands; to amend and reenact subsection 2 of section 38-11-01 and sections 38-11-02 and 38-11-10 of the North Dakota Century Code, relating to the leasing of minerals on public lands; and to repeal sections 15-05-17, 38-11-03, 38-11-04, 38-11-05, 38-11-06, 38-11-07, 38-11-08, and 38-11-09 of the North Dakota Century Code, relating to the leasing of minerals on public lands.

Was read the first time and referred to the committee on Natural Resources.

Senator Naaden introduced:

**Senate Bill No. 2112.** A Bill for an Act to create and enact a new subdivision to subsection 2 of section 12.1-21-05 of the North Dakota Century Code, providing for a minimum mandatory six-month term of imprisonment for criminal mischief to tangible property of a peace or parole officer if the actor knows that to be a fact; and to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, to provide a minimum mandatory one-year term of imprisonment for simple assault upon a peace or parole officer whether on or off duty if the actor knows that to be a fact.

Was read the first time and referred to the committee on Judiciary.

Senator Naaden introduced:

**Senate Bill No. 2113.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for truck-mounted haystack movers.

Was read the first time and referred to the committee on Transportation.

Senator Solberg introduced:

**Senate Bill No. 2114.** A Bill for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the authority of the superintendent of public instruction to contract for educational television purposes; to repeal section 15-47-36 of the North Dakota Century Code, relating to the authority of the superintendent of public instruction to contract for educational television services; and to provide an appropriation.

Was read the first time and referred to the committee on Education.

Senator Lips introduced:

**Senate Bill No. 2115.** A Bill for an Act to repeal sections 19-05-05, 19-05-07, 19-05-08, 19-05-09, 19-05-10, 19-05-11, 19-05-14, 19-05-18, and 19-05-19 of the North Dakota Century Code, relating to the taxation of oleomargarine.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Thane introduced:

**Senate Bill No. 2116.** A Bill for an Act to establish a reward fund under the attorney general for information leading to the arrest and conviction of persons committing violent crimes, and providing an appropriation.

Was read the first time and referred to the committee on Judiciary.

Senator Melland introduced:

**Senate Bill No. 2117.** A Bill for an Act to provide for the dissolution of an organized township when the township government is not able to function due to lack of population.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Melland introduced:

**Senate Bill No. 2118.** A Bill for an Act to amend and reenact section 16-01-11.1 of the North Dakota Century Code, relating to the passing of the sufficiency of petitions by the secretary of state.

Was read the first time and referred to the committee on Judiciary.

Senator Fritzell introduced:

**Senate Bill No. 2119.** A Bill for an Act to amend and reenact section 21-10-02 of the North Dakota Century Code, relating to the power of the state investment board to enter into lending of securities agreements.

Was read the first time and referred to the committee on State & Federal Government.

Senator Wenstrom introduced:

**Senate Bill No. 2120.** A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to execution of instruments by the Bank of North Dakota.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senator Fritzell introduced:

**Senate Bill No. 2121.** A Bill for an Act to amend and reenact section 40-24-08 of the North Dakota Century Code, relating to special assessments for street beautification and the period for payment of the same; and declaring an emergency.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Jones, Christensen introduced:

**Senate Bill No. 2122.** A Bill for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to a minimum term of imprisonment for committing a felony while armed

with a dangerous weapon, a destructive device, an explosive, or a firearm, or being armed at the time of arrest for such offense.

Was read the first time and referred to the committee on Judiciary.

Senator Lee introduced:

**Senate Bill No. 2123.** A Bill for an Act to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter relating to the coal severance tax and impact program are temporary.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lee introduced:

**Senate Bill No. 2124.** A Bill for an Act to amend and reenact section 57-62-02 of the North Dakota Century Code to include cities in the allocation formula for the coal development fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lee introduced:

**Senate Bill No. 2125.** A Bill for an Act making an appropriation to the public service commission for coal mine reclamation research contracts.

Was read the first time and referred to the committee on Appropriations.

Senator Wenstrom introduced:

**Senate Bill No. 2126.** A Bill for an Act to provide for state and regional planning, the creation, organization, powers, and duties of regional planning councils, state funding for the use of regional planning councils, supervision of the activities of regional planning councils; to repeal sections 54-34.1-10, 54-34.1-11, 54-34.1-12, 54-34.1-13, and 54-34.1-14 of the North Dakota Century Code, relating to regional or metropolitan planning commissions; and to provide an appropriation.

Was read the first time and referred to the committee on State & Federal Government.

Senator Goodman introduced:

**Senate Bill No. 2127.** A Bill for an Act to amend and reenact sections 43-10-05, 43-10-13, 43-10-14, 43-10-15, and 43-10-22 of the North Dakota Century Code, relating to the power of the board of embalmers to establish license fees, the fees for embalmer licenses issued after examination and without examination, license renewal fees, and license and renewal fees for funeral establishments.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senator Lee introduced:

**Senate Bill No. 2128.** A Bill for an Act to provide for a county severance tax on sand and gravel, and to provide for the imposition, collection, and administration of the tax; and to provide a penalty.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lee introduced:

**Senate Bill No. 2129.** A Bill for an Act to create and enact a new subsection to section 57-62-04 of the North Dakota Century Code to provide for impact loans to be administered by the coal development impact office; to amend and reenact subsection 2 of section 57-62-02 of the North Dakota

Century Code to provide for impact loans from the coal development trust fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Was read the first time and referred to the committee on State & Federal Government.

Senator Lee introduced:

**Senate Bill No. 2130.** A Bill for an Act to provide a time limit for action by the state engineer and the state water commission on water permit applications.

Was read the first time and referred to the committee on Natural Resources.

Senators Fritzell, Holmberg introduced:

**Senate Bill No. 2131.** A Bill for an Act to provide for licensing of motor vehicle junkyards; and to provide a penalty.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Social Welfare & Veterans Affairs introduced:

**Senate Bill No. 2132.** A Bill for an Act to create and enact a new subsection to section 23-01-06 of the North Dakota Century Code, relating to the duties of the director of the public health laboratories division of the state department of health.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2133.** A Bill for an Act to amend and reenact section 57-47-04 of the North Dakota Century Code, relating to the approval of loan applications by the Bank of North Dakota instead of the industrial commission.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2134.** A Bill for an Act to amend and reenact section 40-57-10 of the North Dakota Century Code, relating to limitations on purchase of municipal industrial revenue bonds by North Dakota state and national banks.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Rait introduced:

**Senate Bill No. 2135.** A Bill for an Act to create and enact two new sections to chapter 50-01 of the North Dakota Century Code, relating to reimbursement to counties by the social service board of North Dakota for county general assistance payments, and social service board financial participation in the costs of county social services; and to create and enact a new section to chapter 50-18 of the North Dakota Century Code, relating to establishing reasonable rates payable to boarding homes for the aged and infirm for the care of recipients of general assistance.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Senators Smykowski, Redlin introduced:

**Senate bill No. 2136.** A Bill for an Act to create and enact subsection 15 of section 61-24-08 of the North Dakota Century Code, relating to the

powers and duties of the Garrison Diversion Conservancy District board of directors; and to amend and reenact section 61-24-03 of the North Dakota Century Code, relating to the election of the same board of directors.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Natural Resources introduced:

**Senate Bill No. 2137.** A Bill for an Act to create and enact a new section to Chapter 20.1-01 of the North Dakota Century Code, relating to the substitution of the term conservation officer wherever the term game warden now appears.

Was read the first time and referred to the committee on Natural Resources.

Committee on State & Federal Government introduced:

**Senate Bill No. 2138.** A Bill for an Act to amend and reenact section 12-61-01 of the North Dakota Century Code, relating to the creation of the combined law enforcement council.

Was read the first time and referred to the committee on State & Federal Government.

Senator Lips introduced:

**Senate Bill No. 2139.** A Bill for an Act to create and enact subsections 23, 24 and 25 of section 26-41-03, section 26-41-04.1 and subdivision c of subsection 2 of section 26-41-10 of the North Dakota Century Code, relating to no-fault insurance; to amend and reenact subsection 1 of section 26-02-32, subsection 1 of section 26-02-33, subsections 12 and 13 of section 26-41-03, subsection 1 of section 26-41-04 and subsection 1 of section 26-41-08 of the North Dakota Century Code, relating to cancellation and nonrenewal of automobile insurance policies and no-fault insurance.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on State & Federal Government introduced:

**Senate Bill No. 2140.** A Bill for an Act to amend and reenact section 12-61-03 of the North Dakota Century Code, relating to the powers and duties of the combined law enforcement council.

Was read the first time and referred to the committee on State & Federal Government.

Senator Vosper introduced:

**Senate Bill No. 2141.** A Bill for an Act to amend and reenact subsection 6 of section 57-37.1-01 and subsection 1 of section 57-37.1-08 of the North Dakota Century Code, relating to the decedent specifying the location of intangible personal property for estate tax distribution purposes.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lee introduced:

**Senate Bill No. 2142.** A Bill for an Act to amend and reenact section 57-60-14 of the North Dakota Century Code, relating to the allocation of revenue formula for the privilege tax on coal conversion facilities.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lee introduced:

**Senate Bill No. 2143.** A Bill for an Act to amend and reenact sections 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenues from the privilege tax on coal conversion facilities.

Was read the first time and referred to the committee on Finance & Taxation.

Senator Lee introduced:

Senate Bill No. 2144. A Bill for an Act to amend and reenact subsections 2 and 3 of section 57-62-02 of the North Dakota Century Code to change the allocation formula for the trust fund and counties for moneys in the coal development fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Freed introduced:

Senate Bill No. 2145. A Bill for an Act to amend and reenact section 11-11-39 of the North Dakota Century Code, relating to an appeal from a decision of the board of county commissioners.

Was read the first time and referred to the committee on Judiciary.

Senator Orange introduced:

Senate Bill No. 2146. A Bill for an Act to amend and reenact subsection 20 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for certain disabled veterans.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on Transportation introduced:

Senate Bill No. 2147. A Bill for an Act to create and enact a new paragraph to subdivision a of subsection 1 of section 39-01-01 of the North Dakota Century Code, relating to designation of park service vehicles as class A authorized emergency vehicles.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

Senate Bill No. 2148. A Bill for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to suspensions of licenses in another state, and to repeal subsection 9 of section 39-06-03 of the North Dakota Century Code, relating to what persons shall not be licensed.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

Senate Bill No. 2149. A Bill for an Act to create and enact a new subsection to section 39-06-21 of the North Dakota Century Code, relating to the retention of drivers license records; to amend and reenact sections 39-06-22, 39-06-33 and 39-06-36 and subsection 3 of section 39-06.1-13 of the North Dakota Century Code, relating to the retention of court records and accident reports, suspension of driver licenses and hearings thereon, the restoration of revoked driver licenses and the reduction of the point total on driver records.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

Senate Bill No. 2150. A Bill for an Act to amend and reenact subsection 3 of section 39-10-05 of the North Dakota Century Code, relating to traffic-control signal legends and permitting certain turn movements on red signal.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2151.** A Bill for an Act to amend and reenact section 24-01-02 of the North Dakota Century Code, relating to the designation of the state highway system.

Was read the first time and referred to the committee on Transportation.

Senator Lips introduced:

**Senate Bill No. 2152.** A Bill for an Act to authorize the director of institutions to sell and convey three tracts of land owned by the state of North Dakota and used by the state penitentiary.

Was read the first time and referred to the committee on State & Federal Government.

Senator Redlin introduced:

**Senate Bill No. 2153.** A Bill for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to requiring state banks to have federal deposit insurance corporation insurance of deposits; to amend and reenact sections 6-02-03, 6-02-07, and 6-03-01 of the North Dakota Century Code, relating to capital stock, surplus, and federal deposit insurance requirements for state banking associations, organization certificates of state banking associations, and certificates of authority of state banking associations; and to provide a penalty.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senator Sands introduced:

**Senate Bill No. 2154.** A Bill for an Act to provide death benefits to spouses and dependents of law enforcement officers and correctional officers killed during the performance of official duty; and providing an appropriation.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Appropriations introduced:

**Senate Bill No. 2155.** A Bill for an Act making a supplemental appropriation for defraying expenses of the North Dakota weather modification board and declaring an emergency.

Was read the first time and referred to the committee on Appropriations.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2156.** A Bill for an Act to amend and reenact section 65-04-26 of the North Dakota Century Code, relating to priority of liens.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2157.** A Bill for an Act to create and enact three new sections to chapter 65-13 of the North Dakota Century Code, relating to making claimants' files private, creating a duty on the part of hospitals and law enforcement officers to notify victims, and excluding prisoners from coverage; to amend and re-enact sections 65-13-03, 65-13-04, 65-13-05, subsection 7 of section 65-13-06, section 65-13-08, subsection 3 of section 65-13-17, and section 65-13-18 of the North Dakota Century Code, relating to definitions, making awards, powers and duties of the board, limitations

on awards, denial of awards and hearings, appeals, and reports to the governor and legislature; and to repeal sections 65-13-07 and 65-13-09 of the North Dakota Century Code, relating to notice to the attorney general and procedure in contested cases.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2158.** A Bill for an Act to create a new section in title 65 relating to privacy of claimants' records; and to amend and reenact subsections 8, 17, 18, 19, 20, 21, and 22 of section 65-01-02, sections 65-01-03, 65-01-10, 65-02-05, 65-02-08, 65-04-17, 65-05-01, 65-05-02, 65-05-09, 65-05-12, 65-05-13, 65-05-14, 65-05-15, 65-05-16, 65-05-17, 65-05-19, 65-05-21, 65-05-25, 65-05-26, 65-05-28, 65-05-30 and 65-07-01 of the North Dakota Century Code, relating to definitions, presumption of employee status, waiver of rights to compensation, office space for the bureau, rule-making power of the bureau, experience rating, filing of claims, form of claims, disability benefits, permanent impairment, scheduled injuries, partial loss of use, aggravation of pre-existing conditions, death benefits, death benefits to spouses and orphans, nondependency benefits, marriage settlement, lump sum settlement, burial expenses, medical examination of injured employees, release of medical information, and coverage of employers, volunteers, and the self-employed.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on State & Federal Government introduced:

**Senate Bill No. 2159.** A Bill for an Act to amend and reenact subsection 1 of section 43-23-11.1 of the North Dakota Century Code, relating to grounds for revocation or suspension of real estate agent licenses.

Was read the first time and referred to the committee on State & Federal Government.

Committee on State and Federal Government introduced:

**Senate Bill No. 2160.** A Bill for an Act to amend and reenact sections 62-01-08 and 62-01-09 and subsection 4 of section 62-01-14 of the North Dakota Century Code, relating to regulation of the sale of pistols.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Industry, Business & Labor introduced:

**Senate Bill No. 2161.** A Bill for an Act to create and enact four new subsections to section 19-10-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact sections 19-10-03 and 19-10-10 of the North Dakota Century Code, relating to the sale of adulterated lubricating oils, and to the specifications for petroleum products.

Was read the first time and referred to the committee on Industry, Business & Labor.

Committee on Transportation introduced:

**Senate Bill No. 2162.** A Bill for an Act to amend and reenact section 39-08-10 of the North Dakota Century Code, relating to an officer's duty to make and forward a written report of a motor vehicle accident.

Was read the first time and referred to the committee on Transportation.

Committee on Education introduced:

**Senate Bill No. 2163.** A Bill for an Act to amend and reenact section 15-



10-08 of the North Dakota Century Code, relating to compensation of the members of the state board of higher education, and declaring an emergency.

Was read the first time and referred to the committee on Education.  
Committee on Social Welfare & Veterans Affairs introduced:

**Senate Bill No. 2164.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-02-05, 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, 25-02-17, and 25-02-18 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, the establishment, powers, duties, and authority of county mental health boards, and the liability of certain officers for detention of mentally ill persons, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on Budget introduced:

**Senate Concurrent Resolution No. 4001.** A concurrent resolution urging the State Library Commission to provide technical services and expertise to the State Historical Board library.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Budget introduced:

**Senate Concurrent Resolution No. 4002.** A concurrent resolution recommending that the State Library Commission be moved to the Liberty Memorial Building once the Liberty Memorial Building is no longer occupied by the State Historical Board.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4003.** A concurrent resolution directing the Legislative Council, with the assistance of citizen advisors, to create a permanent interim committee to study the North Dakota Constitution and to make recommendations regarding constitutional revision.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4004.** A concurrent resolution to repeal sections 60 and 62 of the Constitution of the State of North Dakota, relating to deadlines for the introduction of bills in the legislature and the contents of the general appropriation bill.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4005.** A concurrent resolution to repeal article 75 of the amendments to the Constitution of the State of

North Dakota, relating to operations of government offices in periods of emergency resulting from disaster caused by enemy attack.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4006.** A concurrent resolution to repeal article 76 of the amendments to the Constitution of the State of North Dakota, relating to authorizing the state to issue bonds to help finance private or cooperatively owned power generating facilities.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4007.** A concurrent resolution to repeal section 180 of the Constitution of the State of North Dakota, relating to the levy, collection, and disposition of an annual poll tax.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4008.** A concurrent resolution to repeal section 181 of the Constitution of the State of North Dakota, relating to powers of the legislative assembly.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4009.** A concurrent resolution to repeal section 214 of the Constitution of the State of North Dakota, relating to the original congressional and legislative apportionment of the state.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4010.** A concurrent resolution to repeal sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota, relating to the transition of governmental functions from territorial government to state government.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4011.** A concurrent resolution for the amendment of section 161 of the Constitution of the State of North Dakota, relating to the leasing of lands granted to the state for educational and charitable purposes; and providing an effective date.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4012.** A concurrent resolution for the amendment of section 174 of the Constitution of the State of North Dakota, relating to the raising of revenue on an ad valorem basis.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4013.** A concurrent resolution for the

amendment of section 183 of the Constitution of the State of North Dakota, relating to bonding limitations of political subdivisions.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Constitutional Revision introduced:

**Senate Concurrent Resolution No. 4014.** A concurrent resolution for the amendment of section 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate.

Was read the first time and referred to the committee on Constitutional Revision.

Committee on Education introduced:

**Senate Concurrent Resolution No. 4015.** A concurrent resolution directing the Legislative Council, with the assistance of the State Board for Vocational Education and the State Office of Adult Education, to study the needs and financing of adult and vocational education.

Was read the first time and referred to the committee on Education.

Committee on Education introduced:

**Senate Concurrent Resolution No. 4016.** A concurrent resolution commending school districts for raising teacher salaries in North Dakota and urging school districts to continue giving first consideration to raising teacher salaries.

Was read the first time and referred to the committee on Education.

Committee on Finance & Taxation introduced:

**Senate Concurrent Resolution No. 4017.** A concurrent resolution urging Congress to enact legislation providing for the reimbursement of political subdivisions for the loss of property tax revenue resulting from federally owned electrical transmission lines.

Was read the first time and referred to the committee on State & Federal Government.

Committee on Legislative Procedure & Arrangements introduced:

**Senate Concurrent Resolution No. 4018.** A concurrent resolution directing a Legislative Council study of the legislative process with emphasis on the appropriate use of the time available to the Legislative Assembly for regular sessions, on the interim process, on the use of standing and interim committees, and on the provision and use of staff.

Was read the first time and referred to the committee on State & Federal Government.

Senators Lashkowitz, Lodoen, Tennesos, Hoffner introduced:

**Senate Concurrent Resolution No. 4019.** A concurrent resolution urging acceleration of the Garrison Diversion Project.

Was read the first time and referred to the committee on Natural Resources.

Senator Lips introduced:

**Senate Concurrent Resolution No. 4020.** A concurrent resolution recognizing and commending secretaries who have attained the rating of Certified Professional Secretary.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senators Wenstrom, Nething, Hoffner introduced:

**Senate Concurrent Resolution No. 4021.** A concurrent resolution urging a moratorium on structural changes in the North Dakota judicial system and directing a Legislative Council study of the state's judicial system.

Was read the first time and referred to the committee on Judiciary.  
Senator Melland introduced:

**Senate Concurrent Resolution No. 4022.** A concurrent resolution supporting and urging early completion of the Garrison Diversion Project.

Was read the first time and referred to the committee on Natural Resources.

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

Senator Nething moved that at the conclusion of the Ninth Order of Business, the Senate stand recessed until 2:00 P.M., Wednesday, January 5, 1977, which motion prevailed.

LEO LEIDHOLM, Secretary



## FIRST DAY AFTER RECESS AND SECOND DAY

Bismarck, January 5, 1977

The Senate convened pursuant to recess taken, President Sanstead presiding.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

## SECOND DAY

Bismarck, January 5, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Stanley Malmgren, First Baptist Church, Bismarck.

"Almighty God and Heavenly Father: We bow before Thee at this time mindful of Thy almighty power and Thy goodness. We thank thee for the manifold tokens of Thy love and mercy towards us. We are aware of our many shortcomings and failures and beseech Thy forgiveness and ask for Thy cleansing and healing this hour. Keep us ever mindful of the greatness of our task and our august responsibilities to the people of the State of North Dakota. Grant us understanding hearts, wisdom from above, and clarity of thought that the decisions made this day may be pleasing and acceptable in Thy sight. In the name of Jesus Christ, Thy Son, we pray. Amen."

Roll Call revealed all Senators present except Sands.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the first day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2021 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, after the word "meet" delete the word "immediately" and insert the following in lieu thereof: "at the call of the governor within ten days"

On page 1, line 21, delete the words "of those present"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2021 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2033 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2033 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2034 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2034 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2035 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2035 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2036 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2036 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2052 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 9, delete the word "that" and in lieu thereof insert "any of the following"

On page 3, line 27, delete the word "that" and in lieu thereof insert "any of the following"

On page 3, line 33, after the word "offenses" delete the semicolon

On page 3, line 34, delete "e. The" and insert in lieu thereof the word "the"

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2052 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2115 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2115 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

Committee on State and Federal Government introduced:

Senate Bill No. 2165. A Bill for an Act to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to accessibility of public buildings and facilities to the physically handicapped.

Was read the first time and referred to the committee on State and Federal Government.

Committee on State and Federal Government introduced:

**Senate Bill No. 2166.** A Bill for an Act to provide for enactment of the interstate disaster compact.

Was read the first time and referred to the committee on State and Federal Government.

#### FIRST READING OF A SENATE RESOLUTION

Senators Nething, Hoffner introduced:

**Senate Resolution No. 1.** A resolution authorizing the majority and minority floor leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

#### MOTION

Senator Nething moved that the rules be suspended, that Senate Resolution No. 1 not be printed as a bill, not referred to a committee, but printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

#### SENATE RESOLUTION No. 1

WHEREAS, the inauguration of Jimmy Carter as the 39th President of the United States on January 20 will mark the beginning of the third century of our independence as a nation; and

WHEREAS, the presidential inauguration symbolizes democracy in action and freedom in the selection of our nation's leaders; and

WHEREAS, harmonious relationships between the three co-equal branches of government on the state and federal levels are vital to the success of our democratic society; and

WHEREAS, important decisions which may greatly alter the future course of North Dakota will be made by the President and the executive branch in the next four years; and

WHEREAS, the spirit of goodwill and cooperation between the various branches of state and federal government can be demonstrated by representation at the presidential inauguration during this important turning point in North Dakota history;

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

That the Senate authorizes the majority and minority floor leaders, or their designees, to attend the presidential inauguration in Washington, D.C. on January 20; and

**BE IT FURTHER RESOLVED,** that the Senate excuses their absence to attend the inauguration and authorizes the expenditure of such sums as are reasonably necessary from the legislative appropriation to cover their expenses.

#### SECOND READING OF A SENATE RESOLUTION

**Senate Resolution No. 1.** A resolution authorizing the majority and minority floor leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

Which has been read.

#### ROLL CALL

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



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAAOEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Resolution No. 1 was adopted.

#### MOTION

Senator Fritzell moved that Senate Bills Nos. 2016, 2017 and 2018 be returned to the Senate floor from the Committee on Agriculture.

Senator Fritzell requested a roll call vote on the motion to return Senate Bills 2016, 2017, 2018 to the Senate, which motion prevailed.

#### ROLL CALL

The question being on the motion to return Senate Bills 2016, 2017 and 2018 to the Senate floor, the roll was called and there were 12 yeas, 37 nays; absent and not voting 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAAOEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDOEN    |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | •    | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

The motion lost.

#### MOTION

Senator Morgan moved that Senate Bill No. 2087 be returned to the Senate from the Committee on Transportation, which motion prevailed.

Senator Morgan requested the unanimous consent of the Senate to withdraw Senate Bill No. 2087. There being no objection, the request was granted, and Senate Bill 2087 was withdrawn.

Senator Nething moved that after the reading of Senate Bills 2033, 2034, 2035, 2036 and 2115, that the Senate recess until 1:30 P.M., Thursday, January 6, 1977, which motion prevailed.

LEO LEIDHOLM, Secretary

## SECOND DAY AFTER RECESS AND THIRD DAY

Bismarck, January 6, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2049 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2049 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veteran's Affairs to whom was referred Senate Bill No. 2053 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2053 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2063 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2063 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2088 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2088 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2108 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2108 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2109 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2109 was placed on the 11th order of business on the calendar for the succeeding legislative day.

## FIRST READING OF SENATE BILLS

Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2167.** A Bill for an Act to amend and reenact subsection 1 of section 14-15-11 of the North Dakota Century Code, relating to persons entitled to notice of petition for adoption.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2168.** A Bill for an Act to create and enact sections 14-17-04.1 and 14-17-04.2 of the North Dakota Century Code, relating to artificial insemination and artificial implantation.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Committee on Natural Resources introduced:

**Senate Bill No. 2169.** A Bill for an Act to amend and reenact section 23-29-12 of the North Dakota Century Code, relating to penalties for violation of chapter 23-29.

Was read the first time and referred to the committee on Natural Resources.

Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2170.** A Bill for an Act to amend and reenact sections 50-24-33 and 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estates of medical assistance recipients and from the estates of recipients of assistance to the aged, blind, or disabled.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2171.** A Bill for an Act to amend and reenact section 37-25-10 of the North Dakota Century Code, relating to the time limit for receiving an application for Vietnam Conflict Veterans' Adjusted Compensation Act benefits.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2172.** A Bill for an Act to amend and reenact subsection 14 of section 11-11-14 of the North Dakota Century Code, relating to the powers of the board of county commissioners to establish garbage collection systems.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Redlin introduced:

**Senate Bill No. 2173.** A Bill for an Act to create a new section to chapter 39-06 of the North Dakota Century Code, relating to the proof of a valid driver's license prior to sale of motor vehicle or motorcycle.

Was read the first time and referred to the committee on Judiciary.

Committee on Natural Resources introduced:

**Senate Bill No. 2174.** A Bill for an Act to create a new section in Chapter 20.1-08 of the North Dakota Century Code, relating to designation of a big horn sheep hunting season and providing that recipients of a big horn sheep hunting license shall not be eligible to apply for another such license.

Was read the first time and referred to the committee on Natural Resources.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2175.** A Bill for an Act to amend and reenact subdivision a of subsection 1 of section 52-04-19 of the North Dakota Century Code, relating to financing unemployment compensation benefits paid to employees of the state hospitals or state institutions of higher education; and to provide an effective date.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2176.** A Bill for an Act to amend and reenact subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an additional adjustment for expenses incurred in connection with the adoption of children under the age of twenty-one years for state income tax purposes.

Was read the first time and referred to the committee on Finance and Taxation.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

### THIRD DAY

Bismarck, January 6, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Randall Bunch, Capitol Heights Baptist Church, Bismarck.

"Our Gracious God and Father, we pause at the beginning of this Legislative day to offer You our gratitude for bountiful blessings. We thank You for the privileges we have as citizens of this nation and residents of this state. Along with our privileges and rights, we assume the responsibilities that are ours as You created people.

Thank you for these who have assumed the responsibility to help determine our future as a state. Give them strength for their task. Grant Your wisdom and guidance as they voice the opinions of the people and make the decisions at hand. Grant them sensitivity toward the vital needs which will be addressed this day.

May the activities of this day bring You honor.

In the name of Christ we pray. Amen."

Roll Call revealed all Senators present.

A quorum was declared by the President.

### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the first day after recess and second day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

### CONSIDERATION OF AMENDMENTS

Senator Jones moved that the amendments to Senate Bill No. 2021 as recommended by the Committee on State and Federal Government as printed on page 53 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2052 as recommended by the Committee on Judiciary as printed on page 54 of the Senate Journal be adopted, which motion prevailed.

### SECOND READING OF SENATE BILLS

**Senate Bill No. 2033.** A Bill for an Act to amend and reenact section 6-01-09 of the North Dakota Century Code, relating to supervision and examination of state banks by the commissioner of banking and financial institutions.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBF            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2034.** A Bill for an Act to repeal section 6-07-50 of the North Dakota Century Code, relating to additional compensation for the commissioner of banking and financial institutions for terminating insolvent banks.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

### MOTIONS

Senator Larson moved that Senate Bill No. 2035 be laid over one legislative day, which motion prevailed.

Senator Naaden moved that Senate Bill No. 2113 be returned to the floor of the Senate from the Committee on Transportation, which motion prevailed.

Senator Naaden requested the unanimous consent of the Senate to withdraw Senate Bill No. 2113. There being no objection, the request was granted and Senate Bill No. 2113 was withdrawn.

SECOND READING OF SENATE BILLS

Senate Bill No. 2036. A Bill for an Act to amend and reenact sections 6-05-22 and 6-05-34 of the North Dakota Century Code, relating to certificates of authority for corporations writing fidelity and surety bonds and code provisions applicable to annuity, deposit, surety, and trust companies.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● IHANE       |     |      |
| ● FRITZELL          |     |      | ● LODQEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2115. A Bill for an Act to repeal sections 19-05-05, 19-05-07, 19-05-08, 19-05-09, 19-05-10, 19-05-11, 19-05-14, 19-05-18, and 19-05-19 of the North Dakota Century Code, relating to the taxation of oleomargarine.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● IHANE       |     |      |
| ● FRITZELL          |     |      | ● LODQEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that after the reading of Senate Bills Nos. 2021, 2035, 2049 (IP), 2052, 2053, 2063, 2088 (IP), 2108, and 2109, the Senate recess until 12:30 P.M., Friday, January 7, 1977, which motion prevailed.

LEOLEIDHOLM, Secretary



## THIRD DAY AFTER RECESS AND FOURTH DAY

Bismarck, January 7, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF SELECT COMMITTEES

Mr. President: Your Select Committee appointed to act as a Committee on Employment recommends the following employees:

|                     |  |
|---------------------|--|
| J. Vernon Asheim    | Assistant Secretary of the Senate      |
| Sandra Boehler      | Bill Clerk                             |
| Mary Alice Simonson | Chief Stenographer and Payroll Clerk   |
| Peggy Ormseth       | Chief Committee Clerk                  |
| Eleanor Runyan      | Appropriations Committee Clerk         |
| Joanne Hetland      | Chief Page and Bill Book Clerk         |
| Carl Bjerke         | Deputy Sergeant-at-Arms                |
| Ray David           | Chief Bill and Journal Room Clerk      |
| Eileen Gerl         | Secretary to the President             |
| Lois Scherr         | Secretary to the Majority Floor Leader |
| Dee Hanson          | Secretary to the Minority Floor Leader |
| Richard Olschlager  | Calendar Clerk                         |
| Lyla Flagg          | Committee Clerk                        |
| Liane Johnson       | Committee Clerk                        |
| Brenda Lee          | Committee Clerk                        |
| Paulette Wilson     | Committee Clerk                        |
| Elsie Christensen   | Committee Clerk                        |
| Arlene Reich        | Committee Clerk-Steno                  |
| Christine Hill      | Committee Clerk-Steno                  |
| Darlene Hedstrom    | Committee Clerk-Steno                  |
| Lorraine Moos       | Committee Clerk-Steno                  |
| Thomas Neill        | Enrolling and Engrossing Clerk         |
| Marion Hadzor       | Journal Proofreader                    |
| Grace Goehring      | Journal Proofreader                    |
| Marie Harper        | Typist                                 |
| Sharon Tesky        | Stenographer                           |
| Michelle Igoe       | Stenographer                           |
| Jane Thoemke        | Stenographer                           |
| Ruth Moyer          | Telephone Attendant                    |
| Jane Schiele        | Telephone Attendant                    |
| Joe Wolf            | Parking Lot Attendant                  |
| Stanley Schultz     | Assistant Sergeant-at-Arms             |
| Olger Sandven       | Assistant Sergeant-at-Arms             |
| Jack Whereatt       | Assistant Sergeant-at-Arms             |
| Sewall Peterson     | Assistant Sergeant-at-Arms             |



|                          |  |
|--------------------------|--|
| Esther Davis .....       | Information Desk Attendant               |
| Gina Smitth .....        | Page                                     |
| Laurie Natwick .....     | Page                                     |
| Ronald Baker .....       | Page                                     |
| Tobyn Anderson .....     | Page                                     |
| Teri Schuster .....      | Page                                     |
| Bob Evanenko .....       | Bill Book Clerk                          |
| Sheryl Manstrom .....    | Bill Book Clerk                          |
| Kelly Whalen .....       | Bill Book Clerk                          |
| Dorothy Yule .....       | Bill Room Clerk                          |
| Earl Boyd .....          | Bill Room Clerk                          |
| Loren Vannett .....      | Journal Room Clerk                       |
| Ernest Halvorson .....   | Journal Room Clerk                       |
| Kari Lee .....           | Assistant Appropriations Committee Clerk |
| Joleen Niederman .....   | Assistant Committee Clerk                |
| Joe Emineth .....        | Janitor                                  |
| Lucas K. Giesinger ..... | Janitor                                  |
| Steve Larson .....       | Janitor                                  |
| Edwin M. Keller .....    | Janitor                                  |

Senator Solberg moved that the report be adopted.

**ROLL CALL**

The question being on the motion to adopt the select committee report on Employment, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENEFOS        |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIH   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

The motion to adopt the select committee report on Employment was adopted. The President then administered the oath of office to the Senate employees.

**REPORT OF PROCEDURAL COMMITTEE**

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2021

Senate Bill No. 2052

And find the same correctly Engrossed.

SEN. STRAND, Chairman

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

**COMMUNICATION**

President Sanstead announced he had received a communication from the Governor's Office and requested the Secretary to read the following:

STATE OF NORTH DAKOTA

Executive Office

Bismarck

The Honorable Wayne Sanstead  
 President of the Senate  
 North Dakota State Senate  
 Bismarck, North Dakota 58505

Dear Mr. President:

Section 54-21-06 of the North Dakota Century Code authorizes the Governor to appoint a Director of Institutions for a term of four years to coincide with the Governor's term of office and requires that this appointment be submitted to the State Senate for its approval or disapproval.

This is to inform you that I have reappointed Mr. Edward J. Klecker as Director of Institutions for a regular four year term effective January 4, 1977. Enclosed is a biography of Mr. Klecker for the Senate's consideration.

Sincerely Yours,  
 ARTHUR A. LINK,  
 Governor

The President referred the above appointment to the Committee on State and Federal Government.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Social Welfare and Veterans' Affairs to whom was referred Senate Bill No. 2101 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 14, after the word 'autopsies' insert the following words "and for establishing the information and counseling program"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass and be referred to the Committee on Appropriations.

SEN. CHRISTENSEN, Chairman

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

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2110 has had the same under consideration and recommends that the same do pass.

SEN. JACOBSON, Chairman

Senate Bill No. 2110 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2148 has had the same under consideration and recommends that the same do pass.

SEN. SOLBERG, Chairman

Senate Bill No. 2148 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2149 has had the same under consideration and recommends that the same do pass.

SEN. SOLBERG, Chairman

Senate Bill No. 2149 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2150 has had the same under consideration and recommends that the same do pass.

SEN. SOLBERG, Chairman

Senate Bill No. 2150 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

Senators Hoffner, Reiten introduced:

**Senate Bill No. 2177.** A Bill for an Act requiring full, adequate, and timely notice of the meetings of all public bodies.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Wenstrom, Nething, Hoffner introduced:

**Senate Bill No. 2178.** A Bill for an Act to establish a judicial nominating committee to submit lists of candidates to the governor from which to fill vacancies on the supreme court and district court pursuant to section 97 of the North Dakota Constitution, and to declare an emergency.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2179.** A Bill for an Act to amend and reenact section 11-18-17 of the North Dakota Century Code, relating to the establishment of a county card file system.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Transportation introduced:

**Senate Bill No. 2180.** A Bill for an Act to amend and reenact section 39-04-36 of the North Dakota Century Code, relating to an exception to the transfer of registration and number plates upon transferring or assigning title to a motor vehicle.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2181.** A Bill for an Act to repeal section 39-04A-05 of the North Dakota Century Code, relating to delinquent fees.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2182.** A Bill for an Act to repeal section 39-22-09 of the North Dakota Century Code, relating to filing of list of used motor vehicles and fees paid on used cars by dealers.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2183.** A Bill for an Act to amend and reenact subsection 1 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration fees.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2184.** A Bill for an Act to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration fees for snowmobiles.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2185.** A Bill for an Act to amend and reenact section 39-05-17 of the North Dakota Century Code, relating to transfer of title of vehicles.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2186.** A Bill for an Act to amend and reenact section 39-04-08 of the North Dakota Century Code, relating to the number plates furnished by the motor vehicle department.

Was read the first time and referred to the committee on Transportation.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2187.** A Bill for an Act to amend and reenact section 49-18-15 of the North Dakota Century Code, relating to motor carriers.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2188.** A Bill for an Act to amend and reenact subsection 6 section 37-17.1-05, and sections 37-17.1-15, 54-47-11, and 54-47-12 of the North Dakota Century Code, relating to the governor and disaster emergencies, weather modification, and relocation of state and local governments.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2189.** A Bill for an Act to provide for state acceptance of jurisdiction over the veterans administration hospital grounds at Fargo.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2190.** A Bill for an Act to amend and reenact subsection 21 of section 57-38-01 of the North Dakota Century Code, relating to the federalization of the North Dakota income tax law through December 31, 1976; and providing for an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2191.** A Bill for an Act to amend and reenact section 57-02.1-03 of the North Dakota Century Code, relating to payments in lieu of real estate taxes.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2192.** A Bill for an Act to amend and reenact section 49-18-21 of the North Dakota Century Code, relating to hearings for contract motor carriers permits.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on State and Federal Government introduced:

**Senate Bill No. 2193.** A Bill for an Act to create and enact a new subsection to section 54-06-04, and a new section of the North Dakota Century Code, relating to the preparation of annual reports by agencies of state government; to amend and reenact sections 2-05-04, 4-06-04, 4-27-11, 6-01-10, 7-05-03, 15-02-08, subsection 3 of sections 20.1-02-04, 26-23-21, 27-15-08, 37-14-09, subsection 5 of sections 43-02.1-02, 43-09-05, subsection 8 of sections 43-12-07, 43-15-12, 43-23-02, subsection 3 of sections 46-02-04, 47-23-07, 52-02-

03, 54-06-03, 54-06-04, 54-06-05, subsection 9 of section 54-09-02, subsection 7 of sections 54-24-03, 55-09-06, and 65-02-09 of the North Dakota Century Code, relating to making the biennial reports annual reports with a minimum uniform content; to repeal sections 4-02.1-26, 4-05-10, 15-10-14.1, 15-11-14, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 23-01-06, 24-02-10, subsection 7 of sections 26-01-02, 34-05-01, 34-06-20, 36-01-11, subsection 5 of sections 37-03-05, 37-15-19, subsection 8 of sections 38-03-07, 43-01-06, 43-04-19, 43-10-08, 43-13-09, 43-17-12, subsection 2 of sections 43-19.1-10, 43-28-09, 43-32-11, subsection 2 of sections 43-36-09, 49-01-13, 50-06-13, 52-10-09, 53-01-08, subsection 7 of section 54-06-04, subsection 3 of section 54-10-01, subsection 12 of sections 54-11-01, 54-12-05, 54-17-06, 54-21-09, 54-36-06, 54-42-05, subsection 15 of section 54-44-04, subsection 16 of sections 54-44-04, 54-44.2-05, subsection 4 of sections 54-44.3-07, 54-46-11, subsection 4 of sections 54-49.1-04, 54-54-09, subsection 9 of sections 57-01-02, 61-03-04, and 65-13-18 of the North Dakota Century Code, relating to abolishing biennial reports and providing for annual reports from all officers, departments, boards, commissions, and state institutions with minimum uniform content.

Was read the first time and referred to the committee on State and Federal Government.

Senator Morgan introduced:

**Senate Bill No. 2194.** A Bill for an Act to create and enact sections 61-16-07.1, 61-16-07.2, and 61-16-07.3 of the North Dakota Century Code, relating to the election of the board of commissioners of a water management district, nominating petitions, and regulations governing elections; and to amend and reenact sections 61-16-07, 61-16-08, 61-16-09, and 61-16-13 of the North Dakota Century Code, relating to the election of the board of commissioners, the eligibility for election to the board, the oath of office, and the issuance of warrants in anticipation of taxes to pay current expenses.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Albers, Barth introduced:

**Senate Bill No. 2195.** A Bill for an Act to create and enact a new section to chapters 38-18 and 49-22 of the North Dakota Century Code, relating to protection of surface owners affected by the impact of coal development and energy conversion facilities; and providing penalties.

Was read the first time and referred to the committee on Agriculture.

Senator Freed introduced:

**Senate Bill No. 2196.** A Bill for an Act to amend and reenact section 53-02-08 of the North Dakota Century Code, relating to law officers required to be present at public dances.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Freed introduced:

**Senate Bill No. 2197.** A Bill for an Act to amend and reenact sections 32-03-05 and 32-03-07 of the North Dakota Century Code, relating to the awarding of interest and exemplary damages.

Was read the first time and referred to the committee on Judiciary.

Senator Freed introduced:

**Senate Bill No. 2198.** A Bill for an Act to provide for ante-mortem probate of wills.

Was read the first time and referred to the committee on Judiciary.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on State and Federal Government introduced:

**Senate Concurrent Resolution No. 4023.** A concurrent resolution directing the legislative council to conduct an interim study to examine the effectiveness of the state's disaster prevention, preparedness, response, and recovery programs and to determine the feasibility of future legislation to better enable the state and its political subdivisions to meet all types of disasters and emergencies.

Was read the first time and referred to the committee on State and Federal Government.

Senators Hoffner, Wenstrom, Reiten introduced:

**Senate Concurrent Resolution No. 4024.** A concurrent resolution for a constitutional amendment requiring the records of all governmental bodies to be open to the public unless otherwise provided by law.

Was read the first time and referred to the committee on Constitutional Revision.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

## FOURTH DAY

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Russell Sullivan, Church of God of Prophecy Church, Bismarck.

Almighty sovereign and righteous God we who have received grace abundant from Thy Hand acknowledge our debt of gratitude to thee. In the light of America's great freedoms and thru representation guaranteed by the sacrifice of life and service by countless heroes of the past two centuries we today enjoy our great nation and rich fertile State of North Dakota. As elected representatives of this great state with continued confidence in Your grace we pledge like devotion and service to the cause of freedom and the welfare of its people. The tasks before us are not easy nor can all causes prevail. Being burdened with human limitations we invite assistance of thy Divine Presence for Wisdom, Insight and Foresight that we may initiate and pass the best possible legislation in the great spirit of equality of opportunity for all.

We thank Thee that Hope is bright in our land and ask that You help us keep it as the great anchor of our Soul. Amen.

The roll was called and all Senators were present except Melland.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Second day after recess and third day and finds the same to be correct.

SEN. VOSPER, Chairman

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

Senator Thane moved that Senate Bill No. 2098 be returned to the floor of the Senate from the Committee on Transportation, which motion prevailed.

Senator Thane requested the unanimous consent of the Senate to withdraw Senate Bill No. 2098. There being no objection, the request was granted and Senate Bill No. 2098 was withdrawn.

Senator Thane proposed Joint Rule 25 as follows:

Joint Rule No. 25 is hereby created to read as follows:

**25. PRINTING AND DISTRIBUTION OF BILLS.**

Seven hundred copies of each bill, and five hundred copies of each resolution shall be printed, unless the house of introduction shall order a greater or lesser number to be printed. Bill room employees, under the supervision of the Chief Clerk or the Secretary of the Senate, as the case may be, may, as time and physical space allow, set aside not more than five copies of each bill or resolution, or specified bills and resolutions, to be delivered to certain specified persons. Persons on an approved list to receive bills as of January 4, 1977, shall have priority for receiving bills and resolutions pursuant to this rule. This rule shall not apply to the staff of the Legislative Council which may have such number of bills set aside as are necessary to aid it in carrying on legislative business. Bill room employees shall not distribute more than five bills to any one person, except to legislators, legislative employees, and members of the Legislative Council staff.

Senator Thane moved that Joint Rule No. 25 be adopted, which motion prevailed.

Senator Thane proposed the following amendment to Senate Rule No. 43.

**PROPOSED AMENDMENT TO SENATE RULE NO. 43**

SECTION 1. AMENDMENT.) Senate Rule No. 43 is hereby amended to read as follows:

**43. NOTICE OF HEARINGS**

On Wednesday of each week, with respect to the committees which meet on Monday through Wednesday, and on Friday of each week, with respect to the Appropriations Committee and the committees which meet on Thursday and Friday, each Chairman shall deliver to the Secretary a notice of the time and place of the meetings of his committee for the following week including a list of the bills ((, memorials,)) and resolutions to be considered. This rule, however, shall not prevent a change in such schedule as to time, place, or bill, if circumstances may so require. The decision of the Chairman in this regard shall be final. The Secretary shall cause the same to be posted on the bulletin board.

Senator Thane moved that the amendment to Senate Rule No. 43 be adopted, which motion prevailed.

Senator Thane proposed the following amendment to Senate Rule No. 44.

**PROPOSED AMENDMENT TO SENATE RULE NO. 44**

SECTION 1. AMENDMENT.) Senate Rule No. 44 is hereby amended to read as follows:

**44. DISPOSITION OF MEASURES**

No bill or resolution, except an appropriations measure, may be held in a committee for more than twenty-one legislative days after it is referred to the committee, unless an extension of time is granted by the Senate. All Senate bills and resolutions, except resolutions proposing amendments to the Constitutions of the United States or North Dakota, or resolutions directing an interim study by the Legislative Council, shall be reported back to the Senate no later than the thirty-first legislative day, and if not so reported back, shall automatically be placed on the calendar without recommendation. The same rule shall apply to all House bills and

resolutions not reported back to the Senate by the (((forty-seventh)))  
forty-eighth legislative day.

Senator Thane moved that the amendment to Senate Rule No. 44 be adopted, which motion prevailed.

#### MOTIONS

Senator Sands moved that Senate Bills Nos. 2124, 2128 and 2144 be returned from the Committee on Political Subdivisions, which motion prevailed.

Senator Sands moved that Senate Bills 2124, 2128 and 2144 be re-referred to the Committee on Finance and Taxation, which motion prevailed.

Senator Jones moved that Senate Bill 2129 be returned from the Committee on State and Federal Government, which motion prevailed.

Senator Jones moved that Senate Bill No. 2129 be re-referred to the Committee on Finance and Taxation, which motion prevailed.

Senator Reiten moved that Senate Bill No. 2035 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

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

Senator Nething moved that after the reading of Senate Bills Nos. 2101, 2110, 2148, 2149 and 2150, that the Senate adjourn until Monday, January 10, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary





## FIFTH DAY

Bismarck, January 10, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Burton Bundy, Grace Lutheran Brethren Church, Bismarck.

God in Heaven, we are grateful for the opportunity to pause in the midst of the business and responsibilities that have been entrusted to us and to lift our hearts to Thee in prayer and praise. We thank you that you are interested in the affairs of men and pray that we might be directed in all our deliberations to do that which is pleasing in your sight and is in the best interest for the welfare of the citizens of this state.

We thank Thee for each member of this Senate, for our governor, for each member of the house of representatives and for others that hold offices of responsibility in the government of this our state and pray that you will grant them wisdom and understanding for each of the decisions they must make. We ask this in the name of Christ our Savior. Amen.

The roll was called and all Senators were present except Melland.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the third day after recess and fourth day and recommends that the same be corrected as follows:

On page 64 after line 43 insert "The President then administered the oath of office to the Senate employees."

On page 65, line 23, correct the spelling of "autopsies".

On page 66 after line 3 insert "FIRST READING OF SENATE BILLS."

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2023 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2023 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2024 has had the same under consideration and recommends that the same do pass and be re-referred to the Committee on Appropriations.

SENATOR SANDNESS, Chairman

Senate Bill No. 2024 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2028 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman  
Senate Bill No. 2028 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2029 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 20, after the word "education" delete the word "planning"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman  
Senate Bill No. 2029 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2054 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman  
Senate Bill No. 2054 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2057 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman  
Senate Bill No. 2057 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2058 has had the same under consideration and recommends that the same be amended as follows:

On page 5, line 5, after the numerals 28-32 insert the following words "except for attorneys disbarred or suspended under chapter 27-14"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman  
Senate Bill No. 2058 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2071 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman  
Senate Bill No. 2071 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2084 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman  
Senate Bill No. 2084 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2119 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 12, after the period, insert the following new language: "These securities must be collateralized by direct or guaranteed obligations of the United States Government."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2119 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2121 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, after the word "years" insert the words "as the governing body may fix by ordinance or resolution"

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2121 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4001 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4001 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4002 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4002 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution 4016 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Concurrent Resolution No. 4016 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4018 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4018 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Christensen moved that the amendments to Senate Bill No. 2101 as recommended by the Committee on Social Welfare & Veterans Affairs as printed on page 65 of the Senate Journal be adopted, and be referred to the Committee on Appropriations, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Committee on Natural Resources introduced:

Senate Bill No. 2199. A Bill for an Act to amend and reenact section 20.1-03-10 and subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, 21, 22, of section 20.1-03-12 of the North Dakota Century Code; and relating to the period of time the nonresident short-term fishing license is valid and declaring a date of enactment and certain license and permit fees.

Was read the first time and referred to the committee on Natural Resources.

Committee on State and Federal Government introduced:

Senate Bill No. 2200. A Bill for an Act to repeal subsection 4 of section 54-09-04 of the North Dakota Century Code, relating to the fee of five dollars charged by the secretary of state for issuance of each extradition warrant.

Was read the first time and referred to the committee on State and Federal Government.

Committee on State and Federal Government introduced:

Senate Bill No. 2201. A Bill for an Act to amend and reenact sections 54-03-20 and 54-03-20.3 of the North Dakota Century Code, relating to the allowance for living and other expenses of members of the legislative assembly and the expenses of the legislative compensation commission; and declaring an emergency.

Was read the first time and referred to the committee on State and Federal Government.

Senator Lee introduced:

Senate Bill No. 2202. A Bill for an Act to amend and reenact sections 11-18-05, 35-21-05, and 40-50-07, subsection 5 of section 41-09-42, subsection 3 of section 41-09-43, sections 41-09-44 and 41-09-45, subsection 2 of section 41-09-46, and section 47-20.1-08 of the North Dakota Century Code, relating to register of deeds fees for filing and recording instruments; and to repeal section 11-18-05.1 of the North Dakota Century Code, relating to register of deeds fees for recording severed mineral interests.

Was read the first time and referred to the committee on Political Subdivisions.

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Senators Hanson, Lodoen, Peterson, Tennesos, Lashkowitz introduced:

Senate Concurrent Resolution No. 4025. A concurrent resolution congratulating Sid Cichy on being named the national high school football coach of the year for 1975.

Was read the first time.

#### MOTION

Senator Hanson moved that the rules be suspended, that Senate Concurrent Resolution No. 4025 not be printed as a bill, not referred to a committee, but read in its entirety and printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

#### SENATE CONCURRENT RESOLUTION No. 4025

Introduced by Senators Hanson, Lodoen, Peterson, Tennesos, Lashkowitz.

A concurrent resolution congratulating Sid Cichy on being named the national high school football coach of the year for 1975.

WHEREAS, in twenty-nine years at Shanley High School, Sid Cichy has a won-loss-tie record of 220-38-3 and a winning percentage of 85.2 percent; and

WHEREAS, Sid Cichy has had eleven unbeaten seasons and 53 straight victories and 59 games without a loss; and

WHEREAS, the Shanley Deacons have won twelve East-West championships along with two ties, nine of which have occurred in the past ten years; and

WHEREAS, Sid Cichy first won the high school coach of the year title given by the North Dakota Associated Press Sports Writers and Sportscasters Association in 1950 and has won that title eight more times, and his squads have won Team of the Year honors five times; and

WHEREAS, Sid Cichy participated in athletics at North Dakota State University and was named to the Bison Athletic Hall of Fame in 1972; and

WHEREAS, Sid Cichy received the National High School Football Coach of the Year award, made by the National High School Athletic Coaches Association, for 1975.

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

That the legislature extends to Sid Cichy and to the Shanley Deacons the heartiest congratulations for his and their outstanding achievement in athletics; and

BE IT FURTHER RESOLVED, that the Secretary of State forward an enrolled copy of this resolution to Coach Sid Cichy.

**SECOND READING OF A SENATE CONCURRENT RESOLUTION**

Senate Concurrent Resolution No. 4025. A concurrent resolution congratulating Sid Cichy on being named the national high school football coach of the year for 1975.

Which has been read.

Senator Hanson moved that Senate Concurrent Resolution No. 4025 be adopted, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2021. A Bill for an Act to amend and reenact section 54-44.3-03 of the North Dakota Century Code, relating to selection of the constitutionally elected official to the state personnel board.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 53) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRALUTER   |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2049. A Bill for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to instruction on the responsibility of citizens to participate in the political process through exercising their right to vote.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 45; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | JACOBSON     | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So Senate Bill 2049 was declared lost.

Senate Bill No. 2052. A Bill for an Act to create and enact section 27-20-54.1 of the North Dakota Century Code, relating to the destruction of juvenile court records; and to amend and reenact section 27-20-54 of the North Dakota Century Code, relating to the sealing of juvenile court records.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 54) the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2053. A Bill for an Act to amend and reenact section 27-20-35 of the North Dakota Century Code, relating to the juvenile court's authority to commit children for mental health treatment.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2063. A Bill for an Act to create and enact section 15-02-05.1 of the North Dakota Century Code, relating to the duties of the commissioner of university and school lands; and to amend and reenact section 54-01-05.3 of the North Dakota Century Code, relating to the duties of the attorney general in reviewing bills for the sale of state-owned land.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |             |      | •         | JACOBSON   |      | •    | NAADEN   | •    | •                | SMYKOWSKI     | •    |
| •                   | BARTH       | •    | •         | JONES      | •    | •    | NELSON   | •    | •                | SOLBERG       | •    |
| •                   | BERUBE      | •    | •         | KRAUTER    | •    | •    | NETHING  | •    | •                | STRAND        | •    |
| •                   | CHRISTENSEN | •    | •         | LARSON     | •    | •    | ORANGE   | •    | •                | STRIDEN       | •    |
| •                   | ERDMAN      | •    | •         | LASHKOWITZ | •    | •    | PETERSON | •    | •                | TALLACKSON    | •    |
| •                   | FARRINGTON  | •    | •         | LEE        | •    | •    | PIETRON  | •    | •                | TENNEFOS      | •    |
| •                   | FREED       | •    | •         | LIPS       | •    | •    | RAIT     | •    | •                | THANE         | •    |
| •                   | FRITZELL    | •    | •         | LODOEN     | •    | •    | REDLIN   | •    | •                | VOSPER        | •    |
| •                   | GOODMAN     | •    | •         | MAHER      | •    | •    | REITEN   | •    | •                | WALSH         | •    |
| •                   | HANSON      | •    | •         | MAU        | •    | •    | SANDNESS | •    | •                | WENSTROM      | •    |
| •                   | HOFFNER     | •    | •         | MELLAND    | •    | •    | SANDS    | •    | •                | WRIGHT        | •    |
| •                   | HOLMBERG    | •    | •         | MILLER     | •    | •    | SCHIRADO | •    | •                | MR. PRESIDENT | •    |
| •                   | ISZLER      | •    | •         | MORGAN     | •    | •    | SHABLOW  | •    |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2088. A Bill for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to provision for a park district construction fund levy.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |             | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI     | •    |
|                     | BARTH       | •    |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG       | •    |
|                     | BERUBE      | •    |           | KRAUTER    | •    |      | NETHING  | •    |                  | STRAND        | •    |
|                     | CHRISTENSEN | •    |           | LARSON     | •    |      | ORANGE   | •    |                  | STRIDEN       | •    |
|                     | ERDMAN      | •    |           | LASHKOWITZ | •    |      | PETERSON | •    |                  | TALLACKSON    | •    |
|                     | FARRINGTON  | •    |           | LEE        | •    |      | PIETRON  | •    |                  | TENNEFOS      | •    |
|                     | FREED       | •    |           | LIPS       | •    |      | RAIT     | •    |                  | THANE         | •    |
|                     | FRITZELL    | •    |           | LODOEN     | •    |      | REDLIN   | •    |                  | VOSPER        | •    |
|                     | GOODMAN     | •    |           | MAHER      | •    |      | REITEN   | •    |                  | WALSH         | •    |
|                     | HANSON      | •    |           | MAU        | •    |      | SANDNESS | •    |                  | WENSTROM      | •    |
|                     | HOFFNER     | •    |           | MELLAND    | •    |      | SANDS    | •    |                  | WRIGHT        | •    |
|                     | HOLMBERG    | •    |           | MILLER     | •    |      | SCHIRADO | •    |                  | MR. PRESIDENT | •    |
|                     | ISZLER      | •    |           | MORGAN     | •    |      | SHABLOW  | •    |                  |               |      |

So Senate Bill 2088 was declared lost.

MOTION

Senator Krauter moved that Senate Bill No. 2108 be re-referred to the Committee on Natural Resources, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2109. A Bill for an Act to amend and reenact section 15-08-27 of the North Dakota Century Code, relating to mineral reservations on nongrant land under authority of the board of university and school lands.

Which has been read.



## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were yeas, 40; nays, 8; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |                 |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     |                 |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING        |     |                 |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     |                 |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |                 |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |                 |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | •               |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |                 |
| • GOODMAN           |     |      | • MAHER      |     |      | • RETTEN         |     |                 |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     |                 |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |                 |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |                 |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW        |     | •               |
|                     |     |      |              |     |      |                  |     | • SMYKOWSKI     |
|                     |     |      |              |     |      |                  |     | • SOLBERG       |
|                     |     |      |              |     |      |                  |     | • STRAND        |
|                     |     |      |              |     |      |                  |     | • STRINDEN      |
|                     |     |      |              |     |      |                  |     | • TALLACKSON    |
|                     |     |      |              |     |      |                  |     | • TENNEFOS      |
|                     |     |      |              |     |      |                  |     | • THANE         |
|                     |     |      |              |     |      |                  |     | • VOSPER        |
|                     |     |      |              |     |      |                  |     | • WALSH         |
|                     |     |      |              |     |      |                  |     | • WENSTROM      |
|                     |     |      |              |     |      |                  |     | • WRIGHT        |
|                     |     |      |              |     |      |                  |     | • MR. PRESIDENT |

So the bill passed and the title was agreed to.

## MESSAGE TO THE HOUSE

Senate Chamber

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

- Senate Bill No. 2033
- Senate Bill No. 2034
- Senate Bill No. 2036
- Senate Bill No. 2115

LEO LEIDHOLM, Secretary

## MESSAGE FROM THE HOUSE

House Chamber

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

- House Bill No. 1030
- House Bill No. 1051
- House Bill No. 1052

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2023, 2028, 2054 (IP), 2057, 2071, 2084 (IP), and Senate Concurrent Resolutions 4001 (IP), 4002, 4016 (IP) and 4018, the Senate recess until Tuesday, January 11 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## FIFTH DAY AFTER RECESS AND SIXTH DAY

Bismarck, January 11, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2110  
and find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2020 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the word "section" and insert in lieu thereof the words "sections 54-10-13 and"

On page 1, line 8, insert the following new section:

SECTION 1. AMENDMENT.) Section 54-10-13 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-10-13. COUNTY AGENCIES — AUDITS — FEES.) The state auditor by his duly appointed deputy auditors or other authorized person or persons shall audit at least once every two years, or at more frequent intervals if the state auditor, in his discretion deems it advisable, the official financial records, accounts, and proceedings of boards of county commissioners, county auditors, county treasurers, clerks of district court, county judges, registers of deeds, county superintendent of schools, sheriffs, public administrators, governing boards of irrigation districts and flood irrigation districts, clerks or secretaries of said boards and treasurers of said districts. The state auditor shall charge an amount equal to the fair value of the audit and other services rendered plus actual costs incurred by the state auditor to the county agencies in making and otherwise preparing the reports of examinations herein provided for. The fees herein provided shall be paid by the counties and districts examined to the state treasurer, and by him credited to the general fund of the state. Provided, further, that the board of county commissioners may provide for an annual audit by a certified public accountant or licensed public accountant for any or all of the offices and boards set forth in this section, and such audit report shall be in such form and contain such information as the state auditor may require in addition to other information, and in

such case the state auditor shall not be required to make the examination heretofore provided for in this section. ((Two copies))) **The number of copies as requested by the state auditor of such audit reports shall be filed with the state auditor ((and one copy with the state bonding fund)) by the certified public accountant or licensed public accountant making such audit at the same time that the report is delivered to the officer or board audited, and the board of county commissioners shall not pay the fee for such audit until evidence of such filing is furnished. The state auditor may require the correction of any irregularities, objectionable accounting procedures, or illegal actions on the part of such officers or boards disclosed by such audit reports, and failure to make such corrections shall result in audits being resumed by the state auditor until such irregularities, procedures, or illegal actions are corrected, and fees for such audits, so resumed, shall be paid in accordance with this section.**

On page 1, line 8, after the word "SECTION" delete the numeral "1" and insert in lieu thereof the numeral "2"

On page 1, line 14, insert triple parentheses around the word "two" and insert in lieu thereof the word "four"

On page 1, line 21, after the word "and" insert triple parentheses around the word "boards" and insert in lieu thereof the word "board"

On page 1, line 22, after the word "clerks" insert beginning triple parentheses before the comma and after the word "secretaries" insert ending triple parentheses

On page 2, line 6, delete the word "two" and insert in lieu thereof the word "four"

On page 2, line 7, after the word "require" insert the word "annual"

On page 2, line 8, following the word "students" insert the following: " municipalities with less than two hundred population based on the latest federal census"

On page 2, line 9, after the word "section" insert the following; " , or otherwise provided by law,"

On page 2, line 10, delete the words "seventy-five" and insert in lieu thereof the word "fifty"

On page 2, line 26, after the word "section." insert beginning triple parentheses before the word "Two" and insert ending triple parentheses after the word "copies"

On page 2, line 27, after the word "auditor" insert beginning triple parentheses before the word "and"

On page 2, line 28, after the word "fund" insert ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2020 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2025 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 13, after the word "education" delete the following: "at the time of such placement"

On page 3, line 3, after the word "tuition" add the following: "and the excess educational costs related to such special education"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2025 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2030 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2030 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2031 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2081 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2050 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2050 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2051 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2051 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2060 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2060 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2103 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2103 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution 4003 has had the same under consideration and recommends that the same do pass and be re-referred to the Legislative Council Resolutions Committee.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4003 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution No. 4015 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

Senate Concurrent Resolution No. 4015 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to

whom was referred Senate Concurrent Resolution No. 4017 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4017 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Concurrent Resolution No. 4019 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Concurrent Resolution No. 4019 was placed on the 11th order of business on the calendar for the succeeding legislative day.

### MOTION

Senator Jacobson moved that the rules be suspended, that Senate Concurrent Resolution No. 4019 be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

### SENATE CONCURRENT RESOLUTION No. 4019

Introduced by Senators Lashkowitz, Lodoen, Tennesfos, Hoffner.

1 A concurrent resolution urging acceleration of the Garrison

2 Diversion Project.

3

4 WHEREAS, the Garrison Diversion Project envisions  
5 movement of water from the Missouri River watershed over the  
6 continental divide into the watersheds of central and eastern  
7 North Dakota; and

8 WHEREAS, the waters will augment the normal rainfall for  
9 irrigation, for municipal and industrial use, for fish and  
10 wildlife, and for recreation; and

11 WHEREAS, the mainstem dams and hydroelectric plants  
12 constructed under the plan cost North Dakotans more than  
13 500,000 acres of land through the construction of the Oahe and  
14 Garrison reservoirs; and

15 WHEREAS, the Garrison Diversion plan, with its provision  
16 for 250,000 acres of irrigation in its initial phase and more  
17 than a million acres for irrigation in later phases, plus water  
18 for municipal and industrial uses, for fish and wildlife, and  
19 for recreation, is the commitment and consideration for the  
20 loss of those half-million acres of rich Missouri River  
21 bottomland; and

22 WHEREAS, many central and eastern North Dakota cities and  
23 rural areas lack adequate supplies of usable water due to  
24 deposits of iron, sulfates, alkali, salt, nitrates, and other

Page 2

1 hazardous substances which make water unsuitable for human use;  
2 and

3 WHEREAS, severe drought conditions which periodically  
4 strike North Dakota are presently being experienced in the  
5 eastern portion of North Dakota, making the lack of adequate

6 water supplies for human purposes and needs even more critical;  
7 and

8 WHEREAS, the Garrison Diversion Project will provide  
9 municipal and industrial water supplies for large population  
10 areas of central and eastern North Dakota; and

11 WHEREAS, only 20 percent of the total project has been  
12 completed due to repeated delays; and

13 WHEREAS, public opinion polls have shown citizen support  
14 for the Garrison Diversion plan growing in recent years and  
15 have shown continued strong North Dakota support for the  
16 project;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF  
17a THE STATE

18 OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
18a CONCURRING

19 THEREIN:

20 That the Forty-fifth Legislative Assembly strongly urges  
21 acceleration of the Garrison Diversion Project without delay to  
22 enable the citizens of North Dakota and the region to benefit  
23 from the additional, critically needed water supplies which  
24 would become available to the region to sustain and maintain  
25 life; and

26 BE IT FURTHER RESOLVED, that copies of this resolution be  
27 forwarded by the Secretary of State to the Chairman of the U.S.  
28 Senate and House Committees on Interior and Insular Affairs,  
29 the Secretary of the Interior, the North Dakota Congressional  
30 Delegation, and the Governor of North Dakota.

**SECOND READING OF A SENATE CONCURRENT RESOLUTION**

Senate Concurrent Resolution No. 4019. A concurrent resolution urging acceleration of the Garrison Diversion Project.

Which has been read.

**ROLL CALL**

The question being on the final adoption of the resolution the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |              |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI  |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG    |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND     |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRANDEN   |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS   |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● THANE      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER     |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM   |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT     |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR PRESIDENT |

So Senate Concurrent Resolution No. 4019 was declared adopted.

**MOTIONS**

Senator Melland moved that Senate Concurrent Resolution No. 4022 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

Senator Melland requested the unanimous consent of the Senate to withdraw Senate Concurrent Resolution No. 4022. There being no ob-

jection, the request was granted and Senate Concurrent Resolution No. 4022 was withdrawn.

Senator Barth moved that Senate Bill No. 2094 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

Senator Barth requested the unanimous consent of the Senate to withdraw Senate Bill No. 2094. There being no objection the request was granted, and Senate Bill No. 2094 was withdrawn.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

#### SIXTH DAY

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Hensel Hendrickson, Trinity Lutheran Church, Bismarck.

"Our Heavenly Father,

We who are gathered here this day, know that we cannot do our task without your help.

Collectively we can see Your hand and perceive your spirit as the panoramic history of our state flows quietly by.

We detect a glimpse in our historical scan of the faith of some tall people. People who found faith in you, faith in themselves, and faith in each other.

In still in each one of us here this day a new sense of direction; a new set of values; a new stance in an understanding of devotion that will further the cause of freedom and deepen our trust in you — that your name may be glorified through our humble efforts in this corner of your vineyard.

In Your Name we pray, Amen."

The roll was called and all Senators were present except Albers, Freed, Nelson and Sands.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the fifth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

#### RECOGNITION

Senator Nething announced to the Senate that Dr. Jonathan B. Weisbuch, State Health Office was in the chamber and moved that the President appoint a committee of two to escort Dr. Weisbuch to the rostrum to explain the emergency medical program available in the State Capitol building. The motion prevailed and the President appointed as such committee, Senators Berube and Lips. Dr. Weisbuch was escorted to the rostrum and addressed the Senate.

Dr. Weisbuch:

Thank you Mr. President. Honorable members of the Senate of North Dakota, ladies and gentlemen and guests: Speaking with you this afternoon is on the Capitol Emergency Medical system is a real privilege for me, and it is one that I very much appreciate. The importance of this program certainly cannot be underestimated or understated. For the correct use of this system will reduce any kind of pain and anguish that might come from any one of you or any visitor in the capitol who may fall

ill. And it certainly, in some instances, may in fact prevent death. We have made available to you through the Division of Emergency Medical Services in my department a series of handouts, which I think appear on your desk, which describe in some detail the structure and the function of the emergency medical service that exists here in the capitol. I would like to take the opportunity, however, to go through some of this material and then, if time is available, maybe we can even test the system to see if, in fact, it does function as it has been designed. There are seven basic elements in the Emergency Medical Services system that exists here in this building.

1. Management
2. Training
3. Equipment
4. Communications & Dispatch
5. Transport
6. Public Access
7. Financing

These elements function as described below:

1. **MANAGEMENT** — A Capitol Building EMS Committee has been formed through the State Department of Health. This was done upon the Governor's request. The committee deals with such issues as training, refresher training, equipment, financing, and other areas as may be necessary.

2. **TRAINING** — Training was provided by the Division of Emergency Health Services to an average of three persons per floor of the Capitol Building. The initial training program was 40 hours in length, with emphasis on the types of medical emergencies most likely to be found in the building. Care of the cardiac patient received special attention. The course was an adaptation of the Emergency Medical Technician (EMT) training course. Four hours of refresher training is provided every two months. Elevator operators have also been provided instructions as to their role in a medical emergency.

3. **EQUIPMENT** — Four identical sets of medical equipment were purchased. The equipment is stored on rolling carts for ease of mobility. Carts are housed on the ground, 6th, 11th and 16th floors. Additionally, a folding cot, spine boards, and necessary splints are housed on the ground floor to serve the entire building.

4. **COMMUNICATIONS & DISPATCH** — A Capitol extension telephone number (2121) can be dialed to report a medical emergency and request further aid or an ambulance. The dialed number is answered by State Radio personnel, who are medically trained (EMTs) and are experienced in handling emergency calls. All medically trained Capitol Building personnel are on file at State Radio and can be dispatched accordingly, as can an ambulance. State Radio operates on a 24-hour, 7-days-a-week basis.

5. **TRANSPORT** — Arrangements have been made with the Bismarck Ambulance Service to transport patients to the hospital of the patient's choice. The ambulance utilizes the tunnel entrance to the Capitol. Personnel attending the patient will continue treatment after arrival of ambulance personnel if appropriate, and accompany the patient in the ambulance to the care facility.

6. **PUBLIC ACCESS** — On each floor of the Capitol Building is a large poster (see attachment) indicating the trained persons on that floor plus



those trained on the floor above and the floor below. The poster also indicates where the medical equipment is stored, the emergency telephone number to call, and explicit instructions on what to do in a medical emergency.

7. **FINANCING** — Upon request of the Capitol Building EMS Committee, the State Emergency Commission made \$2,500.00 available to provide the necessary training aids and equipment. Funds are monitored by the State Department of Health.

#### HOW THE SYSTEM WORKS

Upon discovery of a medical emergency, the person discovering the emergency does the following: (See attachment)

A. Locates an emergency medically trained person on the floor as shown on the poster. If not available on that floor, he goes to the floor above or the floor below to locate an appropriately trained person who renders patient aid.

B. Takes directions from medical personnel responding, such as:

1. Summons emergency elevator. Elevator operator has instructions to do the following:
  - a. Immediately discharge all passengers on the nearest floor.
  - b. Responds to floor summoned to await instructions.
2. Obtains or directs someone to obtain medical equipment at closest location for the medical attendant. (Equipment storage locations are listed in emergency elevator.)
3. Contacts State Radio for additional assistance as appropriate. (Additional medical aid, ambulance, police, etc.)

After the above steps have been completed, the patient is transported accordingly.

The emergency number throughout the state is 1-800-474-2121.

#### CONSIDERATION OF AMENDMENTS

Senator Sandness moved that the amendments to Senate Bill No. 2029 as recommended by the Committee on Education as printed on page 74 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2058 as recommended by the Committee on Judiciary as printed on page 74 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2119 as recommended by the Committee on State and Federal Government as printed on page 75 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the amendments to Senate Bill No. 2121 as recommended by the Committee on Political Subdivisions as printed on page 75 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senators Sandness, Lips introduced:

**Senate Bill No. 2203.** A Bill for an Act to amend and reenact sections 38-03-02 and 38-03-07 of the North Dakota Century Code, relating to the qualifications and the powers and duties of mine inspectors.

Was read the first time and referred to the committee on Natural Resources.

Senator Lips introduced:

**Senate Bill No. 2204.** A Bill for an Act to amend and reenact subsection 3 of section 40-22-31 of the North Dakota Century Code, relating to conditions of contractor's bond.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Rait introduced:

**Senate Bill No. 2205.** A Bill for an Act to authorize the state water commission to release easements granted to the state for dams.

Was read the first time and referred to the committee on Natural Resources.

Senators Nething, Freed, Schirado introduced:

**Senate Bill No. 2206.** A Bill for an Act to amend and reenact section 27-02-23 of the North Dakota Century Code, relating to decisions and opinions of the North Dakota Supreme Court, and to repeal section 27-03-09 of the North Dakota Century Code, relating to the filing of syllabus and furnishing same to publishers of daily newspapers, and declaring an emergency.

Was read the first time and referred to the committee on Judiciary. Committee on Social Welfare and Veterans Affairs introduced:

**Senate Bill No. 2207.** A Bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to dispensing prescription drugs.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senators Morgan, Albers, Barth introduced:

**Senate Bill No. 2208.** A Bill for an act to create and enact sections 4-09-14.1, 4-09-14.2, 4-09-14.3, and 4-09-14.4, of the North Dakota Century Code, requiring fee tags or stamps to be attached to all containers of seed sold in this state for sowing purposes; and to amend and re-enact section 4-09-15 of the North Dakota Century Code, relating to exemptions from certain requirements of the chapter.

Was read the first time and referred to the committee on Agriculture. Committee on State and Federal Government introduced:

**Senate Bill No. 2209.** A Bill for an Act to amend and reenact section 19-01-10 of the North Dakota Century Code, relating to examination or analysis of products, articles or things by state laboratories department chemists submitted by prosecutors or law enforcement officers.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Transportation introduced:

**Senate Bill No. 2210.** A Bill for an Act to repeal section 39-05-06 of the North Dakota Century Code, relating to verification of applications for certificate of title.

Was read the first time and referred to the committee on Transportation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2211.** A Bill for an Act to amend and reenact subsection 10 of section 57-38-14 of the North Dakota Century Code, relating to allocation of corporate income in special cases; and to provide for an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2212.** A Bill for an Act to create and enact a new section to chapter 57-39.2 and to chapter 57-40.2 of the North Dakota Century Code, relating to the liability of corporate officers.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2213.** A Bill for an Act to create and enact subdivisions j and k of subsection 11 of section 52-01-01, subdivisions m and n of subsection 13 of section 52-01-01, subsections 31 and 32 of section 52-01-01, section 52-04-19.1, subsections 12, 13, 14, and 15 of section 52-06-02 of the North Dakota Century Code, relating to unemployment compensation definitions, coverage, accounts, and benefits, and to amend and reenact subdivision f of subsection 11 of section 52-01-01, subdivision f of subsection 13 of section 52-01-01, paragraph (3) and (6) of subdivision h of subsection 13 of section 52-01-01, the first paragraph of subdivision i of subsection 13 of section 52-01-01, paragraph (5) of subdivision i of subsection 13 of section 52-01-01, subdivisions a and b of subsection 15 of section 52-01-01, paragraph (5) of subdivision i of subsection 15 of section 52-01-01, subsection 20 of section 52-01-01, section 52-04-07, subsection 3 of section 52-06-04, subsections 2 and 3 of section 52-07.1-03 of the North Dakota Century Code relating to unemployment compensation definitions, coverage, accounts, and benefits.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Farrington, Vosper and Jones introduced:

**Senate Bill No. 2214.** A Bill for an Act to relieve the officers, employees, and agents of nonprofit ambulance service corporations from liability for treatment rendered at the scene of an emergency; and declaring an emergency.

Was read the first time and referred to the committee on Judiciary.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2215.** A Bill for an Act to amend and reenact section 52-11-01 of the North Dakota Century Code, relating to the retirement program for the unemployment compensation division, state employment service, and North Dakota national guard.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2216.** A Bill for an Act authorizing the state of North Dakota acting by the North Dakota employment security bureau to sell and convey lots seventeen, eighteen, nineteen, and twenty in block twenty-two of Brooklyn Addition to the City of Minot, Ward County, North Dakota.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2217.** A Bill for an Act to amend and reenact subsection 5 of section 52-01-01 of the North Dakota Century Code relating to the definition of "benefit year" for purposes of unemployment compensation.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2218.** A Bill for an Act to create and enact subsection 33 of section 52-01-01 of the North Dakota Century Code relating to unemployment compensation definitions, and to amend and reenact subsection 8 of section 52-06-02 of the North Dakota Century Code relating to unemployment compensation benefits.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2219.** A Bill for an Act to amend and reenact subdivision b of subsection 1 and subsection 2 of section 52-06-04 of the North Dakota Century Code relating to schedule of unemployment compensation benefits.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2220.** A Bill for an Act to amend and reenact section 52-06-33 of the North Dakota Century Code relating to recovery and recoupment of unemployment compensation benefits.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Transportation introduced:

**Senate Bill No. 2221.** A Bill for an Act to amend and reenact section 39-04-06 of the North Dakota Century Code, relating to the recision of motor vehicle registration; and to provide for the restoration of suspended registrations.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2222.** A Bill for an Act to provide for the licensing and bonding of semitrailer dealers; and to provide a penalty.

Was read the first time and referred to the committee on Transportation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2223.** A Bill for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption for buses purchased by senior citizen associations; to amend and reenact subsection 2 of section 57-40.3-04 and section 57-40.3-11 of the North Dakota Century Code, relating to exempt vehicles and a penalty for delinquent motor vehicle excise taxes.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2224.** A Bill for an Act to amend and reenact subsection 1 of section 51-18-01, section 51-18-02, 51-18-03, 51-18-04, 51-18-05, 51-18-06, and 51-18-07 of the North Dakota Century Code, relating to the definition of a door-to-door sale, method of cancellation, referral sales, agreement requirements, evidence of indebtedness, disposition of goods, and responsibilities of a buyer.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Transportation introduced:

**Senate Bill No. 2225.** A Bill for an Act to amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the contents of number plates, size of letters and numerals on plates; and to provide an exception to annual validation evidence for certain number plates.

Was read the first time and referred to the committee on Transportation.

Committee on Judiciary introduced:

**Senate Bill No. 2226.** A Bill for an Act to repeal section 12-55-15 of the North Dakota Century Code, relating to the requirements of the board of pardons precedent to parole.

Was read the first time and referred to the committee on Judiciary.  
Committee on Judiciary introduced:

**Senate Bill No. 2227.** A Bill for an Act to repeal subsection 2 of section 12.1-02-02 of the North Dakota Century Code, relating to the requirements of culpability in crimes where culpability is not specified.

Was read the first time and referred to the committee on Judiciary.  
Committee on Political Subdivisions introduced:

**Senate Bill No. 2228.** A Bill for an Act to amend and reenact sections 11-23-02, 40-40-04, 40-40-10 and 40-40-12 of the North Dakota Century Code, relating to the county and municipal budgets.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2229.** A Bill for an Act to amend and reenact section 11-33-20 of the North Dakota Century Code, to authorize townships to relinquish all, or a portion of, their power to enact zoning regulations to the county.

Was read the first time and referred to the committee on Political Subdivisions.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2230.** A Bill for an Act to create and enact subsection 27 to section 57-38-01 and subsections 5 and 6 to section 57-38-58 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 57-01-10, 57-38-09.1, 57-38-62 and subsection 1 of section 57-38-66 of the North Dakota Century Code, relating to income tax and business and corporation privilege tax; to repeal subsections 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, and 26 of section 57-38-01 of the North Dakota Century Code, relating to income tax definitions; and to provide for an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2231.** A Bill for an Act to create and enact a new section to chapter 57-05 of the North Dakota Century Code, to provide for a tentative assessment of railroad operating property and notice of hearing thereon.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Natural Resources introduced:

**Senate Bill No. 2232.** A Bill for an Act to provide for scenic easements upon lands adjacent to and within two hundred yards of any state park, state recreation area, state campground, or state reserve.

Was read the first time and referred to the committee on Natural Resources.

Committee on Political Subdivisions introduced:

**Senate Bill No. 2233.** A Bill for an Act to amend and reenact subsection 1 of section 40-57-03 of the North Dakota Century Code, relating to municipal industrial development projects of cities and counties, and to amend and reenact section 40-57.1-02 of the North Dakota Century Code, relating to tax exemptions for new industries.

Was read the first time and referred to the committee on Political Subdivisions.

**FIRST READING OF HOUSE BILLS**

**House Bill No. 1030.** A Bill for an Act to amend and reenact section 18-18-08 of the North Dakota Century Code, relating to the junior colleges and educational centers providing the appropriations committees with budget information and an audit of expenditures and activities.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1051.** A Bill for an Act to create and enact a new section to chapter 40-21 of the North Dakota Century Code, relating to the establishment of polling places for municipal elections; and to repeal section 16-09-04.1 of the North Dakota Century Code, relating to the establishment of polling places for municipal elections.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1052.** A Bill for an Act to amend and reenact subsection 2 of section 27-20-10 of the North Dakota Century Code, relating to the period of supervision allowed under informal adjustment for a juvenile.

Which was read the first time and referred to the Committee on Judiciary.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2023.** A Bill for an Act to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to the state historical board's jurisdiction over the North Dakota heritage center.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL-CALL           |     |      |              |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAAEDEN        |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAJ        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2028.** A Bill for an Act to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to the taxation of large cooperative electrical transmission lines.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |             |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|-------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |             |     |      |
| ROLL-CALL           |     |      |            |     |      |                  |     |      |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS        | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON |     | ●    | ● NAAEDEN        |     | ●    | ● SMYKOWSKI |     |      |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG     |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

#### RECOGNITION

Senator Nething: Mr. President, members of the Senate, we are honored today to have with us the Chairman of the Legislative Compensation Commission to submit his communication on behalf of the commission and Mr. President, I move that a committee of two be appointed to escort Chairman Gorman King to the rostrum for his report. The motion prevailed and the President appointed as such committee Senators Melland and Larson. Chairman King was escorted to the rostrum and addressed the Senate.

#### REPORT

of

#### THE LEGISLATIVE COMPENSATION COMMISSION

submitted to

The Forty-fifth Legislative Assembly

January 1977

Mr. Gorman King, Chairman

The Legislative Compensation Commission created by the 1969 Legislative Assembly consists of five members appointed by the Governor to four-year terms. The Governor also appoints one of the members as chairman of the commission. The current commission membership is: Mr. Gorman King, Bismarck, Chairman; Mrs. Mavis Couchigian, Grand Forks; Dr. James Mahoney, Devils Lake; Mr. Edward Nesemeier, Casselton; and Mrs. Florence Olson, Enderlin.

The commission's principal responsibility, as outlined in Sections 54-03-20.2 and 54-03-20.3 of the Century Code, is to make recommendations concerning the appropriate rates of expense allowance and reimbursement for legislators during legislative session, and for interim legislative work.

The commission believes rates of compensation and reimbursement should be designed to permit citizens to hold legislative office without undue financial sacrifice or disadvantage, but should not be designed to work a detriment to the citizen-legislator concept.

The commission is required by law to report to each Legislative Assembly within 10 days after it convenes in regular session. The commission is also authorized to seek the assistance of the Legislative Council staff, which assistance has been provided during this biennium. The 1975 commission report contained three specific recommendations concerning legislative expense reimbursement, and a fourth recommendation that the Constitution be amended to create a Legislative Standards Commission. The three specific reimbursement recommendations were that the daily session unvouchered expense allowance be increased to \$60 a day; that the interim mileage reimbursement be increased from 12 cents to 15 cents per mile and the lodging and meals allowance be increased to a total of \$30; and that the monthly un-

vouchered expense allowance be increased from \$50 to \$150 per month. The latter recommendation was amended to increase the monthly allowance from \$50 to \$75 per month but the first two recommendations were adopted by the Legislative Assembly. The resolution amending Section 45 of the Constitution to provide an independent commission to set legislative pay and compensation was indefinitely postponed. A similar resolution was defeated at the general election on November 5, 1974.

The commission considered "typical" legislators compensation and expense reimbursement during the current biennium before it formulated its recommendations. It was assumed that the typical legislator served on one interim committee of the Legislative Council, that he lived 100 miles from Bismarck, that he was not the chairman of the standing or interim committee, and that his interim committee met four times during the interim.

Section 45 of the North Dakota Constitution sets the salary for legislators at \$5 a day and allows 10 cents per mile of necessary travel to and from the place of meeting of the Legislative Assembly. The compensation for a 60-day legislative session, including the maximum of round trips to and from the Capitol, calculated at an average round trip of 200 miles, amounted to \$440. Compensation for an 80-day session including travel would amount to \$540.

In addition to the salary level set by the Constitution, the legislature has provided unvouchered expense allowance for its members. In 1975 the Legislative Compensation Commission recommended and the legislature passed a measure providing that the daily session unvouchered expense allowance be increased from \$50 to \$60 a day. This amount is to be paid for each calendar or natural day during an organizational, special, or regular session as well as for each day or portion of a day spent in traveling to or returning from those sessions.

The 45th Legislative Assembly convenes on January 4, 1977, and the 60th legislative day ends on Monday, March 28, 1977. Including two days travel to and from the session, the 1977 Session would cover 86 natural or calendar days. Under the current language, Section 54-03-20, the expense allowance for living, which includes meals, lodging, uncompensated travel, and other necessary expenses would amount to \$5,160. If the legislature uses the 80-day session as authorized by the voters in November, natural or calendar days for the session would be 114 days and the expense allowance would amount to \$6,840.

The 1975 Legislative Assembly raised the monthly unvouchered expense allowance to \$75 per month. The total for the monthly expense allowance for the biennium amounts to \$1,800.

With respect to reimbursement of specific current expenses, Sections 44-08-04 and 54-06-09 of the North Dakota Century Code provide interim mileage reimbursement of 15 cents per mile and lodging and meals allowance of \$26 per day. During the interim a typical legislator attended eight days of meetings and made four round trips at 200 miles per trip. At \$45 per day for 10 days (included four half days for travel), 15 cents per mile for 800 miles and eight days at \$26 per day and two days claiming third and fourth quarter expenses, the average reimbursement for the interim was \$820.

The typical legislator's total biennial compensation and expense reimbursement during 1975-76 would be \$8,220. The average amount received per month would be \$342.50. Of this amount the actual com-



pensation received (i.e., daily constitutional salary during the session of \$5 and interim per diem of \$45) equals \$890 per biennium, and the average compensation per month equals \$37.08. The average compensation per day spent on legislative work, excluding work in the legislative district for constituents or while campaigning, was \$11.86 per day.

North Dakota is ranked 42nd among the states with regard to legislative compensation, according to a publication prepared by the Citizens Conference on State Legislators, September 1975. In 1974-75 North Dakota ranked 45th, and ranked 47th in 1971, in estimated biennial compensation paid its legislators.

North Dakota's neighboring states are ranked as follows: Minnesota is ranked 13th with an average total biennial compensation of \$23,895, and South Dakota ranks 45th with an average total biennial compensation of \$6,825. The legislatures of Minnesota and South Dakota meet annually. Montana ranks 44th with an average total biennial compensation of \$6,954. Its legislature meets biennially for 90 legislative days. These figures do not include salary or expenses for special sessions, per diem while on legislative business in the interim, nor vouchered expenses. North Dakota's average total minus these expenses is \$7,400 for a 60-day session and \$9,180 for an 80-day session.

The commission reasserts the belief that the prime responsibility of the Legislative Assembly is to respond to the needs of the people of North Dakota. The commission believes that if this response is not forthcoming from the legislature, governmental power will assuredly continue to flow to the federal government and away from state and local government. One method of assuring that the legislature is responsive to the needs of its constituency is to attempt to make sure that the legislative body is made up of highly motivated and competent men and women.

Although the commission hopes that its compensation recommendations, if adopted, would aid in motivating competent men and women to seek or remain in legislative office, the commission realizes that the compensation factor is only one of the combination of factors which motivate people toward public service. The commission in its 1975 report recommended that improvement in the total range of legislative compensation and expense reimbursement should be added to improvement of physical facilities available, to additional professional staff services; and to the length of time available for legislative business. The 1975 Legislative Assembly increased legislative compensation and expense reimbursement and approved an appropriation for the remodeling of the physical facilities in the Capitol. Additionally, the professional staff of the Legislative Council was increased, and the voters approved a constitutional amendment increasing the length of the legislative session to 80 days in the 1976 general election:

It is hoped that the improvements made in all four of these areas will motivate even greater numbers of highly qualified people to seek legislative office.

#### Specific Compensation Recommendations

The commission recommends that Section 54-03-20 of the North Dakota Century Code be amended to increase the monthly unvouchered expense allowance from \$75 a month to \$150 a month. Each legislator receives the monthly allowance during the term for which he was elected, for uncompensated expenses incurred in the execution of public duties during the biennium, payable every six months. The commission's recommendations will result in an increase of \$1,800 per legislator during the

biennium and a total monthly unvouchered expense allowance during the biennium of \$3,600. The commission believes that the increase is justified by the corresponding increase in the cost of living and increased demands on legislators' time.

The commission makes no further recommendations regarding legislative compensation as it is believed that the economic conditions in the state do not warrant across the board raises in all the unvouchered and vouchered expense allowance items.

However, the commission recommends to the legislature that, in its consideration of constitutional amendments that may be proposed to the people, it consider submission of a constitutional amendment to create a Legislative Standards Commission, which would be a constitutional body authorized to establish legislative compensation and expense allowances, among other duties. The commission is having a concurrent resolution to accomplish this result prepared for introduction into the Senate.

#### General Recommendations

The commission believes it is proper to make general recommendations in other areas of the legislative field. This is so because it is impossible not to consider other means of challenging and encouraging citizens to serve in the legislature, while studying legislative compensation for those same purposes. Further, the commission believes that if a legislator's working conditions are deemed by that legislator to be atrocious, or if the possibility of accomplishing anything worthwhile is remote, then no amount of money will induce them to run for, or continue to serve in, the Legislative Assembly.

The commission discussed several general recommendations, and in the past has made many, to which the Legislative Assembly could refer. However, in this report, the committee is limiting its general recommendations to two.

The first recommendation is with respect to legislative space needs. The commission recommends that the Legislative Assembly as one of the three major branches of government should be given priority for space over the other departments of government. The commission believes the Legislative Assembly should give serious thought to providing different facilities for executive branch agencies, so that adequate space could be made available in the Capitol proper for the legislative use during any session, and during the interim. The commission's recommendation does not include specifics on whether this space should be provided by construction or rental.

The second recommendation concerns a consideration of retirement benefits for members of the legislature. Presently members of the legislature may join the retirement program for state employees; however, their low base pay and the structure of the program precludes legislators from benefiting under the program. Thus the commission recommends that an interim study of a retirement program for state legislators be conducted in the 1977-79 interim.

Finally, the commission recommends that Section 54-03-20.3 be amended to provide \$35 per diem for days spent on commission business for commission members. This recommendation is in keeping with the commission's philosophy that compensation is one motivating factor to encourage qualified and competent citizens to serve as advisory members to the Legislative Assembly. Further, it is believed that volunteer citizen participation in government, while an idealistic concept, is not realistic in terms of today's economy.

SECOND READING OF SENATE BILLS

Senate Bill No. 2054. A Bill for an Act to amend and reenact section 27-20-26 of the North Dakota Century Code, relating to the right to counsel in juvenile proceedings.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                     |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                     |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
|                     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                     |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                     |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                     |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                     |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                     |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                     |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |               |

So Senate Bill No. 2054 was declared lost.

Senate Bill No. 2057. A Bill for an Act to repeal section 34-01-16 of the North Dakota Century Code, relating to qualifications to hold office in a labor union or labor organization.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 26; absent and not voting 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                     |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                     |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
|                     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                     |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                     |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                     |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                     |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                     |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                     |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |               |

So Senate Bill No. 2057 was declared lost.

MOTION

Senator Morgan moved that Senate Concurrent Resolution No. 4018 be re-referred to the Committee on Constitutional Revision, which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber

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

- Senate Bill No. 2021
- Senate Bill No. 2052
- Senate Bill No. 2053

Senate Bill No. 2063  
Senate Bill No. 2109  
Senate Concurrent Resolution No. 4025

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Concurrent Resolution No. 4019

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber -

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

House Bill No. 1040

House Bill No. 1090

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2029, 2030, 2031, 2050 (IP), 2051, 2058, 2060 (IP), 2103, 2119, 2121, and Senate Concurrent Resolutions Nos. 4015 and 4017, the Senate recess until Wednesday, January 12, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## SIXTH DAY AFTER RECESS AND SEVENTH DAY

Bismarck, January 12, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2029

Senate Bill No. 2058

Senate Bill No. 2119

Senate Bill No. 2121

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Industry, Business and Labor to whom was referred Senate Bill No. 2032 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2032 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2038 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 16, after the word "practicable" insert the following words: "or within a period of forty-five days"

On page 10, line 34, after the numeral and period "4." insert triple parentheses around the word "If" and insert in lieu thereof the word "It"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2038 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2041 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2041 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2042 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2042 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred Senate Bill No. 2043 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2043 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2055 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2055 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2072 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2072 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2085 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2085 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2086 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2086 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2091 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2091 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2097 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2097 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2116 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2116 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2122 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 17, delete the words "armed with" and insert in lieu thereof the words "possession of"

On page 1, line 18, after the second comma, delete the word "either"

On page 1, line 19, after the word "offense" delete the following words: "or at the time of arrest"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2122 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2145 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 1, following the period, delete the rest of the line

On page 2, delete lines 2 through 6

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2145 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2163 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2163 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Jones moved that the reading of the amendments to Senate Bill No. 2020 be dispensed with, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2020 as recommended by the Committee on State and Federal Government as printed on pages 81 and 82 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2025 as recommended by the Committee on Education as printed on page 82 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

Senator Melland moved that we suspend Rule 29 prior to proceeding to the Ninth Order of business, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Committee on Finance and Taxation introduced:

Senate Bill No. 2234. A Bill for an Act to amend and reenact sections 57-52-04 and 57-54-08 of the North Dakota Century Code, relating to a tax increase on motor vehicle fuel and special fuel used on motor vehicles.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

Senate Bill No. 2235. A Bill for an Act to create and enact two new sections to chapter 57-01 and a new section to chapter 57-37.1 of the North Dakota Century Code, relating to confidentiality of tax information obtained from the United States secretary of the treasury and to North Dakota estate and income tax returns; and to amend and reenact subsection 1 of section 57-38-34 and subsection 1 of section 57-38-57 of the



North Dakota Century Code, relating to income tax returns and the confidentiality thereof.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2236.** A Bill for an Act to create and enact a new section to chapter 57-04 of the North Dakota Century Code, relating to the computation of a variable motor vehicle fuel tax and establishing a maximum and minimum tax; to amend and reenact sections 57-52-04 and 57-54-08 of the North Dakota Century Code, relating to the imposition of a variable fuel tax on special fuels and to the imposition of a variable motor vehicle fuel tax.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Judiciary introduced:

**Senate Bill No. 2237.** A Bill for an Act to amend and reenact section 12.1-04-02 of the North Dakota Century Code, relating to intoxication as a defense to a criminal charge.

Was read the first time and referred to the committee on Judiciary.

Committee on Judiciary introduced:

**Senate Bill No. 2238.** A Bill for an Act to create and enact a new section to chapter 33-12 of the North Dakota Century Code, relating to the prohibition of a jury trial in county justice court; amending subsection II of section 33-01-12 and section 33-12-28 of the North Dakota Century Code, relating to reports by the county justice in cases of jury trials; and repealing subsections 8 and 9 of section 33-01-13 and sections 33-12-19, 33-12-30, 33-12-22, 33-12-23.1 and 33-12-24 of the North Dakota Century Code relating to procedures in county justice court for jury trials.

Was read the first time and referred to the committee on Judiciary.

Committee on Transportation introduced:

**Senate Bill No. 2239.** A Bill for an Act to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to amount of statutory fees and the definition of a moving violation.

Was read the first time and referred to the committee on Transportation.

Committee on Transportation introduced:

**Senate Bill No. 2240.** A Bill for an Act to amend and reenact subsections 2 and 5 of section 39-04-19 of the North Dakota Century Code, relating to registration fees of motor vehicles.

Was read the first time and referred to the committee on Transportation.

Committee on State and Federal Government introduced:

**Senate Bill No. 2241.** A Bill for an Act providing for a disaster emergency fund for the protection of life and property, providing for its administration by the emergency commission, providing an appropriation, and declaring an emergency.

Was read the first time and referred to the committee on State and Federal Government.

Committee on State and Federal Government introduced:

**Senate Bill No. 2242.** A Bill for an Act to amend and reenact section 15-39.1-23 and subsection 1 of section 15-39.1-24 of the North Dakota Century Code relating to the teachers' fund for retirement, civil penalties for the

failure of employing units to make required reports and credit for out-of-state teaching.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Education introduced:

**Senate Bill No. 2243.** A Bill for an Act to create and enact a new section to chapter 15-63 of the North Dakota Century Code, relating to Indian scholarships.

Was read the first time and referred to the committee on Education.

Committee on Education introduced:

**Senate Bill No. 2244.** A Bill for an Act to repeal section 15-35-07 of the North Dakota Century Code, relating to the erecting of school buildings.

Was read the first time and referred to the committee on Education.

Senator Melland introduced:

**Senate Bill No. 2245.** A Bill for an Act to reduce the sales and use tax and motor vehicle excise tax rate to two percent; to repeal sections 1, 2, and 3 of Initiated Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to sales and use tax rates and brackets; to provide that certain portions of the Act shall be temporary; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Industry, Business and Labor introduced:

**Senate Bill No. 2246.** A Bill for an Act to create and enact sections 10-04-08.3, 10-04-10.1, and 10-04-16.1 of the North Dakota Century Code, relating to advisory activities, investigations and subpoenas, and unlawful representations concerning registration or exemption; to amend and reenact subsection 10 of section 10-04-02 of the North Dakota Century Code, relating to the definition of investment adviser; to amend and reenact subsection 9 of section 10-04-06 of the North Dakota Century Code, relating to a transactional exemption for limited offerings; to amend and reenact section 10-04-08.2 of the North Dakota Century Code, relating to advertising matter and regulations; to amend and reenact subsection 3 of section 10-04-10 of the North Dakota Century Code, relating to the registration of investment advisers; to amend and reenact subsection 4 of section 10-04-10 of the North Dakota Century Code, relating to refusal of registration; to amend and reenact subsection 5 of section 10-04-10 of the North Dakota Century Code, relating to record and renewal of registrations; to amend and reenact subsection 6 of section 10-04-10 of the North Dakota Century Code, relating to fees; to amend and reenact section 10-04-11 of the North Dakota Century Code, relating to suspension or revocation of dealer's, salesman's, and investment adviser's registration; and to amend and reenact the introductory paragraph of section 10-04-12 of the North Dakota Century Code, relating to hearings.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Finance and Taxation introduced:

**Senate Bill No. 2247.** A Bill for an Act to amend and reenact section 57-38.2-02 of the North Dakota Century Code, relating to eligibility for income averaging; and to provide for an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Morgan, Thane introduced:

**Senate Bill No. 2248.** A Bill for an Act making an appropriation to the board of higher education for defraying the expenses of remodeling turkey research facilities at the poultry research center at North Dakota state university.

Was read the first time and referred to the committee on Agriculture.

Senators Morgan, Jones introduced:

**Senate Bill No. 2249.** A Bill for an Act to amend and reenact subdivision f of subsection 1 of section 57-38-01.2 and subdivision d of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to adjustments to taxable income for individuals and fiduciaries and to adjustments to taxable income for corporations; to repeal section 57-38-66 of the North Dakota Century Code, providing for a business and corporation privilege tax; and to provide an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Christensen introduced:

**Senate Bill No. 2250.** A Bill for an Act to amend and reenact sections 63-01.1-01, 63-01.1-02, 63-01.1-03, 63-01.1-05, 63-01.1-07, 63-01.1-10, 63-01.1-14, 63-01.1-15, 63-01.1-16, and 63-01.1-17 of the North Dakota Century Code, relating to noxious weed control and eradication responsibility, definitions, state weed control authority powers and duties, weed control officer duties, special weed control authorities, township weed control, other agency weed control responsibility, penalties, noncompliance allegations, and judicial review, and providing for townships and counties to assume weed control duties previously performed by persons owning or controlling land; and to repeal section 63-01.1-11 of the North Dakota Century Code, relating to the duty of landowners or operators along county and township highways to destroy weeds and grasses.

Was read the first time and referred to the committee on Agriculture.

Senator Strand introduced:

**Senate Bill No. 2251.** A Bill for an Act to amend and reenact subsection 4 of section 50-02-04 of the North Dakota Century Code, relating to gaining county residence for poor relief purposes while residing in a licensed home for the aged and infirm or licensed nursing home.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Barth introduced:

**Senate Bill No. 2252.** A Bill for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the water conservation commission.

Was read the first time and referred to the committee on Natural Resources.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Senator Hanson introduced:

**Senate Concurrent Resolution No. 4026.** A concurrent resolution congratulating the 1976 North Dakota State University Bison football team and their coach Jim Wacker on winning the North Central Conference championship, advancing to the NCAA Division 2 semifinals, and on being named North Dakota college team and coach of the year.

Was read the first time.

#### MOTION

Senator Hanson moved that the rules be suspended, that Senate Con-

current Resolution No. 4026 not be printed as a bill, not referred to a committee, but 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. 4026**

Introduced by Senator Hanson.

1 A concurrent resolution congratulating the 1976 North Dakota  
2 State University Bison football team and their coach Jim Wacker  
3 on winning the North Central Conference championship, advancing  
4 to the NCAA Division 2 semifinals, and on being named North  
5 Dakota college team and coach of the year.

6  
7 WHEREAS, the 1976 North Dakota State University Bison  
8 football team won the North Central Conference championship;  
9 and

10 WHEREAS, the Bison football team then advanced to the  
11 semifinals in the National Collegiate Athletic Association  
12 Division 2 national playoffs; and

13 WHEREAS, North Dakota State University hosted the  
14 Grantland Rice Bowl in Fargo on December 4, 1976; and

15 WHEREAS, the 1976 North Dakota State University Bison  
16 football team and their coach Jim Wacker were respectively  
17 named the 1976 North Dakota college team and coach of the year;

18 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF  
18a THE STATE

19 OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
19a CONCURRING

20 THEREIN:

21 That the Forty-fifth Legislative Assembly extends to the  
22 members of the 1976 North Dakota State University Bison  
23 football team, and to their coach Jim Wacker, its heartiest  
24 congratulations for their successful season, the awards

Page 2

1 bestowed upon them, and for being excellent ambassadors for  
2 North Dakota throughout the season; and

3 BE IT FURTHER RESOLVED, that copies of this resolution be  
4 forwarded by the Secretary of State to the North Dakota State  
5 University Athletic Department.

**SECOND READING OF**

**SENATE CONCURRENT RESOLUTION No. 4026**

Senate Concurrent Resolution No. 4026. A concurrent resolution congratulating the 1976 North Dakota State University Bison football team and their coach Jim Wacker on winning the North Central Conference championship, advancing to the NCAA Division 2 semifinals, and on being named North Dakota college team and coach of the year.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Hanson moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution No. 4026 was adopted.

**FIRST READING OF HOUSE BILLS**

House Bill No. 1040. A Bill for an Act to amend and reenact section 64-02-02 and subsections 2 and 3 of section 64-02-10 of the North Dakota Century Code, relating to installation of scales under special permit and vehicle scale inspection fees.

Which was read the first time and referred to the Committee on Agriculture.

House Bill No. 1090. A Bill for an Act to amend and reenact section 15-10-28.1 of the North Dakota Century Code, relating to repayment of student loans to the state.

Which was read the first time and referred to the Committee on Education.

SECOND READING OF SENATE BILLS

Senate Bill No. 2071. A Bill for an Act to amend and reenact section 27-06-09 of the North Dakota Century Code, relating to compensation of bailiffs.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAJ        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2084. A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide for an adjustment to taxable income for each dependent child who is a full-time college student.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 46; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     |      |
|                     |     |      | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
|                     |     | •    | LODGEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAJ        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR PRESIDENT     |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

So Senate Bill 2084 was declared lost.

MOTION

Senator Lee moved that Senate Bill No. 2110 be re-referred to the Committee on Natural Resources, which motion prevailed.

Senate Bill No. 2148. A Bill for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to suspensions of

licenses in another state, and to repeal subsection 9 of section 39-06-03 of the North Dakota Century Code, relating to what persons shall not be licensed.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |              |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG      |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND       |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN     |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON   |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS     |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE        |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER       |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH        |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM     |      |
| •                   |     |      | •         | MELLAND    | •    | •    | SANDS    |      | •                | WRIGHT       |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |              |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2149. A Bill for an Act to create and enact a new subsection to section 39-06-21 of the North Dakota Century Code, relating to the retention of drivers license records; to amend and reenact sections 39-06-22, 39-06-33 and 39-06-36 and subsection 3 of section 39-06.1-13 of the North Dakota Century Code, relating to the retention of court records and accident reports, suspension of driver licenses and hearings thereon, the restoration of revoked driver licenses and the reduction of the point total on driver records.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG      |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND       |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN     |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON   |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS     |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE        |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER       |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH        |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM     | •    |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT       |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |              |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2150. A Bill for an Act to amend and reenact subsection 3 of section 39-10-05 of the North Dakota Century Code, relating to traffic-control signal legends and permitting certain turn movements on red signal.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |             |     |      |                  |     |                 |
|---------------------|-----|------|-------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL   |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON  |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES     |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER   |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON    |     |      | • ORANGE         |     | • STRIDEN       |
| • ERDMAN            |     |      | • LASKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE       |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS      |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN    |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU       |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND   |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADQ       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN    |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

-LEO LEIDHOLM, Secretary  
SEVENTH DAY

Bismarck, January 12, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Gerald Ruelle, Chaplain, St. Alexius Hospital, Bismarck.

O God You are present to us here and now in this assembly — because You are God; because You have given us the mission to extend Your message of truth, principle, justice and charity. Belief in You is not poetic fancy nor static and lifeless creeds. Our faith in You; our service of You arise out of the concrete experience of this day, this moment. Your revelation, O Lord, does not disregard this world we live in nor provide us with a shortcut out of ordinary human experience.

These legislators, Lord, are indeed a sign of Your presence to us here and now — committed as they are thru election to be faithful stewards of their constituency: Your people.

May their vision; their enthusiasm and ambition; their leadership ability; their loyalty to our government and their own party; their many difference; — all serve to make them effective signs of Your message to the world and help us preserve a proper balance of human rights and governmental duties. Amen

The roll was called and all Senators were present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the fifth day after recess and sixth day and recommends that the same be corrected as follows: On page 83, line 14, delete the "0" and insert "1".

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

#### APPOINTMENT OF MULTISTATE TAX COMPACT ADVISORY COMMITTEE

President Sanstead announced that under the provisions of the Multistate Tax Compact, Section 57-59-06 of the North Dakota Century Code, he is to appoint two members of the Senate to the Multistate Tax





to us with that intent I will request the Education Committee to amend it and transfer it when we have the hearing.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2029.** A Bill for an Act to provide for a postsecondary education commission, its membership, terms, compensation, and powers and duties; for receipt of federal and state moneys, its appropriation and expenditure; and to repeal sections 15-10-29, 15-10-30, 15-10-31, and 15-10-32 of the North Dakota Century Code, relating to the higher education facilities commission, its membership, appointment, term, vacancies, and powers and duties; receipt, deposit, appropriation, and expenditure of federal money; and compensation and travel expenses for commission members.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 74), the roll was called and there were ayes, 48; nays, 2; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDOEN    |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WESTROM        |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO | ●   |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2030.** A Bill for an Act to create and enact section 6-09.1-02.1 of the North Dakota Century Code, relating to senate confirmation of appointments to the advisory board of directors to the Bank of North Dakota and to amend and reenact section 6-09.1-02 of the North Dakota Century Code, relating to appointment of an advisory board of directors to the Bank of North Dakota.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     | ●   |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDOEN    |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WESTROM        |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO | ●   |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2031. A Bill for an Act to amend and reenact section 6-09.1-03 of the North Dakota Century Code, relating to the authority of the advisory board of directors to the Bank of North Dakota.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2050. A Bill for an Act to create and establish an office of prosecutor coordination within the office of the attorney general; to provide for the selection, powers and duties, supervision, and salary of a director of the office; and to provide an appropriation.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So Senate Bill No. 2050 was declared lost.

Senate Bill No. 2051. A Bill for an Act to amend and reenact subdivision d of subsection 2 of section 11-10-10 and section 11-16-05 of the North Dakota Century Code, relating to a county option regarding a full-time state's attorney and salaries and duties of state's attorneys.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |             |
|-----------------|-----|------|------------|-----|------|------------------|-----|-------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS        |
| • ALBERS        |     |      | • JACOBSON |     |      | • NAADEN         |     | • SMYKOWSKI |
| • BARTH         |     |      | • JONES    |     |      | • NELSON         |     | • SOLBERG   |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

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, which the House has passed and your favorable consideration is requested on:

House Bill No. 1019

House Bill No. 1033

House Bill No. 1123

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2020, 2025, 2032, 2041, 2042, 2043, 2055, 2072, 2085, 2086, 2091, 2097, 2116 and 2163 the Senate recess until Thursday, January 13, 1977 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## SEVENTH DAY AFTER RECESS AND EIGHTH DAY

Thursday, January 13, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2020

Senate Bill No. 2025

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2100 has had the same under consideration and recommends that the same be as amended as follows:

On page 1, line 15, after the closing triple parentheses delete the word "ten" and insert in lieu thereof the word "five"

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2100 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2111 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, after the numerals "38-11-02" insert the following: "38-11-04,"

On page 1, line 7, after the numerals "38-11-03," delete the following: "38-11-04,"

On page 4, after line 14, insert the following new section:

"SECTION 7. AMENDMENT.) Section 38-11-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-11-04. OFFERING OF MINERAL LEASES TO BE PUBLIC.) Prior to the execution of a mineral lease by any agency of the state of North Dakota, that agency owning or controlling the mineral interest shall first advertise the minerals offered for lease in the official paper of the county or counties in which such lands are located, and in a newspaper of general circulation published in the city of Bismarck. Such advertisement shall be published once a week for at least two weeks, the last publication to be at least ten days prior to the day of such leasing. ((The notice as published shall contain a statement showing the legal description of the

lands to be leased, the time and place where the leasing will be held, and such other information as may be deemed by the leasing agency to be applicable. The leasing shall be by public auction held at the offices of the agency owning or controlling state-owned minerals. Bidding shall be on the bonus.)))

On page 4, line 26, at the beginning of the line, delete the following: "38-11-04,"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2111 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2133 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2133 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2134 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2134 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2147 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2147 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2151 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2151 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2162 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2162 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Reiten moved that the amendments to Senate Bill No. 2038 as recommended by the Committee on Industry, Business and Labor as printed on page 101 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2122 as recommended by the Committee on Judiciary as printed on page 103 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2145 as recommended by the Committee on Judiciary as printed on page 103 of the Senate Journal be adopted, which motion prevailed.

## FIRST READING OF SENATE BILLS

Senator Mau introduced:

**Senate Bill No. 2253.** A Bill for an Act to amend and reenact section 11-11-26 of the North Dakota Century Code, relating to when the board of county commissioners shall advertise for bids.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lee introduced:

**Senate Bill No. 2254.** A Bill for an Act to amend and reenact subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to the allocation and income from the coal development trust fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Lee introduced:

**Senate Bill No. 2255.** A Bill for an Act to amend and reenact section 39-12-03 of the North Dakota Century Code, relating to an exemption for garbage trucks from weight restrictions on highways.

Was read the first time and referred to the committee on Transportation.

Senators Thane, Naaden and Sandness introduced:

**Senate Bill No. 2256.** A Bill for an Act to create and enact a new section to chapter 47-05 of the North Dakota Century Code, relating to cancellation of easements; and to amend and reenact section 47-05-12 of the North Dakota Century Code, relating to extinguishment of servitudes.

Was read the first time and referred to the committee on Judiciary.

Senators Hoffner, Nething introduced:

**Senate Bill No. 2257.** A Bill for an Act to amend and reenact section 11-09-02.1 of the North Dakota Century Code, relating to the procedure for an adoption of a form of county managership.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Christensen introduced:

**Senate Bill No. 2258.** A Bill for an Act to amend and reenact section 15-34.2-17 of the North Dakota Century Code, relating to release of students for religious instruction.

Was read the first time and referred to the committee on Education.

Senators Barth, Wright, Naaden, Albers, Freed introduced:

**Senate Bill No. 2259.** A Bill for an Act to create and enact a new subsection to section 4-27-03 of the North Dakota Century Code, providing a definition for gross receipts; and to amend and reenact sections 4-27-04 and 4-27-06 of the North Dakota Century Code, relating to the composition of the dairy products promotion commission, and the assessments to be levied for the commission fund.

Was read the first time and referred to the committee on Agriculture.

Senators Hoffner, Farrington introduced:

**Senate Bill No. 2260.** A Bill for an Act to repeal section 29-01-28 of the North Dakota Century Code, relating to excluding spectators from trials of minors.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2261.** A Bill for an Act to amend and reenact section 11-15-02 of the North Dakota Century Code, relating to compensation for special deputy sheriffs.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2262.** A Bill for an Act to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to qualifications for the office of sheriff.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2263.** A Bill for an Act to amend and reenact section 11-15-29 of the North Dakota Century Code, relating to sheriffs' and deputies' uniforms.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2264.** A Bill for an Act to amend and reenact section 40-55-09 and subsection 3 of section 57-15-12 of the North Dakota Century Code, relating to the number of mills which may be approved by the voters of a municipality, school district, or park district for a public recreation system or a park district.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lips introduced:

**Senate Bill No. 2265.** A Bill for an Act to amend and reenact section 40-49-05 of the North Dakota Century Code, relating to the term of office of members of boards of park commissioners.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Orange, Peterson, Holmberg, Lashkowitz introduced:

**Senate Bill No. 2266.** A Bill for an Act to amend and reenact section 1-03-02.1 of the North Dakota Century Code, relating to the holidays that fall on a Saturday.

Was read the first time and referred to the committee on State and Federal Government.

Senators Thane, Strinden introduced:

**Senate Bill No. 2267.** A Bill for an Act to authorize the state board of higher education to issue revenue bonds for the construction and improvement of parking lot facilities at the state school of science at Wahpeton, to provide for a student facility fee, and to provide and appropriation.

Was read the first time and referred to the committee on Education.

Senator Thane introduced:

**Senate Bill No. 2268.** A Bill for an Act to amend and reenact subsection 2 of section 30.1-14-01, subsection 1 of section 30.1-14-03, section 30.1-15-09, and subsection 3 of section 30.1-15-12 of the North Dakota Century Code, relating to application for informal probate, proof and findings required in informal probate proceedings, formal testacy proceedings, and a petition for vacation of an order; and to repeal section 30.1-12-08 of the North Dakota Century Code, relating to time limits for probate, testacy, and appointment proceedings.

Was read the first time and referred to the committee on Judiciary.  
 Senators Goodman, Fritzell introduced:

**Senate Bill No. 2269.** A Bill for an Act to authorize the public or private sale of certain premises owned by the state of North Dakota doing business as the university of North Dakota situated in Grand Forks, North Dakota, and for authority to use the proceeds of such sale.

Was read the first time and referred to the committee on State and Federal Government.

**FIRST READING OF A SENATE CONCURRENT RESOLUTION**

Committee on State and Federal Government introduced:

**Senate Concurrent Resolution No. 4027.** A concurrent resolution for the amendment of section 45 of the Constitution of the state of North Dakota, relating to compensation of members of the Legislative Assembly and providing an independent commission to set legislative pay and compensation.

Was read the first time and referred to the committee on State and Federal Government.

**FIRST READING OF A SENATE RESOLUTION**

Senator Nething introduced:

**Senate Resolution No. 2.** A resolution creating a select Senate committee to study and review the administration and operation of the Bank of North Dakota and legislative proposals for use of the Bank, and to report its findings and recommendations to the Senate within forty-five legislative days after passage of this resolution.

Was read the first time.

**MOTION**

Senator Nething moved that the rules be suspended, that Senate Resolution No. 2 not be printed as a bill, not referred to a committee, but printed in the Journal and laid over one legislative day, which motion prevailed.

**SENATE RESOLUTION No. 2**

Introduced by Senator Nething.

- 1 A resolution creating a select Senate committee to study and
- 2 review the administration and operation of the Bank of North
- 3 Dakota and legislative proposals for use of the Bank, and to
- 4 report its findings and recommendations to the Senate within
- 5 forty-five legislative days after passage of this resolution.

6  
 7 WHEREAS, a 1975 Select Senate Committee conducted a  
 8 study of the administration, operation, and investment  
 9 policies of the Bank of North Dakota and made eleven recom-  
 10 mendations concerning the Bank of North Dakota; and

11 WHEREAS, the 1975 Select Senate Committee was limited by  
 12 available time during the 1975 Legislative Session and was not able to  
 13 review the effect of proposals concerning use of  
 14 the Bank for funding various programs and proposals before the  
 15 1975 Legislative Session; and

16 WHEREAS, the Legislative Council's interim committee on  
 17 Industry, Business & Labor "B" reviewed the extent of imple-  
 18 mentation of the recommendations made by the 1975 Select Sen-  
 19 ate Committee, but did not review proposals for use of Bank  
 20 funds for expanded or new programs proposed for the 1977



21 Legislative Session; and

22 WHEREAS, there are a number of proposals before the  
23 1977 Legislative Session concerning use of the Bank to  
24 administer or provide funding for existing or new programs; and

Page 2

1 WHEREAS, the Legislative Assembly must have facts  
2 and data to take informed legislative action concerning use  
3 and functions of the Bank of North Dakota; and

4 WHEREAS, the Forty-fifth Legislative Assembly is in  
5 session, and such facts and data must be gathered swiftly  
6 and put before the Senate if it is to be the basis of action  
7 during this session;

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE

8a OF THE

9 STATE OF NORTH DAKOTA:

10 That the creation of a select Senate study and review  
11 committee is hereby authorized. The committee shall be  
12 composed of eight members, five from the majority party and  
13 three from the minority party, to be appointed by the floor  
14 leaders of the two parties. The appointments are to be made  
15 within two days after passage of this resolution, and the  
16 Majority Floor Leader shall appoint the chairman of the  
17 committee. The committee is hereby empowered to study and  
18 review the administration and operation of the Bank of  
19 North Dakota in all its phases, and to review proposals for  
20 legislation in the Forty-fifth Legislative Assembly concern-  
21 ing Bank programs, policies, activities, and funding of new  
22 or expanded programs. The committee is to report its  
23 findings and recommendations to the Senate within forty-  
24 five legislative days after passage of this resolution; and

25 BE IT FURTHER RESOLVED, that the select committee  
26 created by this resolution may call upon such persons in the  
27 employ of the Bank of North Dakota as it may deem appropriate;  
28 and may call upon members of the Industrial Commission, the  
29 Legislative Council staff, the State Treasurer, the Commis-  
30 sioner of Banking and Financial Institutions, and any other  
31 executive department, agency, office, officer, board, bureau,  
32 commission, or institution, or any organization or individual  
33 outside state government, for any reasonable assistance in  
34 the conduct of its study and review as the committee deems  
35 necessary; and

Page 3

1 BE IT FURTHER RESOLVED, that copies of this resolu-  
2 tion be forwarded immediately by the Secretary of State to  
3 each member of the Industrial Commission, to the President  
4 of the Bank of North Dakota, to the State Treasurer, and to  
5 the Commissioner of Banking and Financial Institutions.

#### FIRST READING OF HOUSE BILLS

• House Bill No. 1019. A Bill for an Act to repeal section 12-48-13 of the North Dakota Century Code, relating to depositing receipts from manufacture and sale of license plates and road signs at the state penitentiary into the general fund.

Which was read the first time and referred to the Committee on State & Federal Gov't.

**House Bill No. 1033.** A Bill for an Act to amend and reenact section 49-01-08 of the North Dakota Century Code, relating to the appointment of examiners by the public service commission.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1123.** A Bill for an Act to amend and reenact section 4-12-03.1 of the North Dakota Century Code, relating to establishment of bee locations.

Which was read the first time and referred to the Committee on Agriculture.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2058.** A Bill for an Act to define offense and to create and enact new sections to chapters 5-03 and 10-04, section 12.1-33-02.1, and new sections to chapters 25-16, 27-11, 36-06, 43-01, 43-02.1, 43-04, 43-05, 43-06, 43-07, 43-09, 43-10, 43-15, 43-18, 43-18.1, 43-19.1, 43-20, 43-21, 43-22, 43-23, 43-27, 43-28, 43-33, 43-34, 43-35, 43-36, 50-11, 50-11.1, 50-12, 50-19, and 51-05.1 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, unless, following conviction, a person is not sufficiently rehabilitated; and to amend and reenact subsection 3 of section 5-02-02, subsection 7 of section 10-04-11, subsection 4 of section 25-16-08, subsection 7 of section 26-17.1-42, subsection 1 of section 27-14-02, subsection 2 of section 43-01-16, subdivision a of subsection 1 of section 43-02.1-05, subdivision a of subsection 2 of section 43-03-13, subsection 4 of section 43-03-20, subsection 1 of section 43-04-40, subsection 5 of section 43-05-16, subsection 2 of section 43-11-31, subsection 2 of section 43-12-22, subsection 1 of section 43-13-22, subsection 3 of section 43-17-31, subsection 1 of section 43-18-18, subsection 1 of section 43-18.1-07, section 43-19.1-25, subdivision f of subsection 1 of section 43-23-11.1, subdivision b of subsection 1 of section 43-23.1-15, section 43-25-07, subsection 2 of section 43-25-10, subsection 3 of section 43-26-11, subsection 3 of section 43-28-18, subsections 3 and 10 of section 43-29-14, subsection 4 of section 43-30-05, subsection 3 of section 43-30-12, subsection 4 of section 43-31-07, subsection 3 of section 43-31-10, subsection 1 of section 43-32-27, subsection 2 of section 43-33-12, section 43-36-21, subdivision c of subsection 1 of section 43-37-13, section 50-11-07, section 50-11.1-09, section 50-12-10, section 50-19-12, subdivision e of subsection 1 of section 51-05.1-03, and section 53-06-06 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, or unless, following conviction of any offense, a person is not sufficiently rehabilitated.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 74) the roll was called and there were ayes, 47 nays, 3; absent and not voting 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |          |      | ROLL CALL |         |      | 1977 LEGISLATURE |           |      |
|-----------------|-----|------|---------------------|----------|------|-----------|---------|------|------------------|-----------|------|
| YEAS            | N-V | NAYS | YEAS                | N-V      | NAYS | YEAS      | N-V     | NAYS | YEAS             | N-V       | NAYS |
| •               |     |      | •                   | JACOBSON |      | •         | NAADEN  |      | •                | SMYKOWSKI |      |
| •               |     |      | •                   | JONES    |      | •         | NELSON  |      | •                | SOLBERG   |      |
| •               |     |      | •                   | KRAUTER  |      | •         | NETHING |      | •                | STRAND    |      |

|               |              |            |                |
|---------------|--------------|------------|----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN     |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON   |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS     |
| • FREED       | • LIPS       | • RAIT     | • THANE        |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER       |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH        |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM     |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT       |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                |

So the bill passed and the title was agreed to.

**Senate Bill No. 2060.** A Bill for an Act to create and enact section 29-28-06.1 of the North Dakota Century Code, relating to seeking leave to appeal a felony sentence to the supreme court; and to amend and reenact sections 29-28-06 and 29-28-28 of the North Dakota Century Code, relating to supreme court appeals allowed a criminal defendant and powers of the supreme court on criminal appeal.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |              |      |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      |      |            |      | ROLL CALL |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V          | NAYS |
|                     |     | •    |      | JACOBSON   | •    |           | NAADEN   | •    |                  | SMYKOWSKI    | •    |
|                     |     | •    |      | JONES      | •    |           | NELSON   | •    |                  | SOLBERG      | •    |
|                     |     | •    |      | KRAUTER    | •    |           | NETHING  | •    |                  | STRAND       | •    |
|                     |     | •    |      | LARSON     | •    |           | ORANGE   | •    |                  | STRINDEN     | •    |
|                     |     | •    |      | LASHKOWITZ | •    |           | PETERSON | •    |                  | TALLACKSON   | •    |
|                     |     | •    |      | LEE        | •    |           | PIETRON  | •    |                  | TENNEFOS     | •    |
|                     |     | •    |      | LIPS       | •    |           | RAIT     | •    |                  | THANE        | •    |
|                     |     | •    |      | LODOEN     | •    |           | REDLIN   | •    |                  | VOSPER       | •    |
|                     |     | •    |      | MAHER      | •    |           | REITEN   | •    |                  | WALSH        | •    |
|                     |     | •    |      | MAU        | •    |           | SANDNESS | •    |                  | WENSTROM     | •    |
|                     |     | •    |      | MELLAND    | •    |           | SANDS    | •    |                  | WRIGHT       | •    |
|                     |     | •    |      | MILLER     | •    |           | SCHIRADO | •    |                  | MR PRESIDENT | •    |
|                     |     | •    |      | MORGAN     | •    |           | SHABLOW  | •    |                  |              |      |

Senate Bill No. 2060 was declared lost.

**Senate Bill No. 2103.** A Bill for an Act to amend and reenact sections 43-28-03 and 43-28-04 of the North Dakota Century Code, relating to the term of office of members of the state board of dental examiners, and the qualifications and appointment of members of the board.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |              |      |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      |      |            |      | ROLL CALL |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     |      |      | JACOBSON   | •    |           | NAADEN   | •    |                  | SMYKOWSKI    | •    |
| •                   |     |      |      | JONES      | •    |           | NELSON   | •    |                  | SOLBERG      | •    |
| •                   |     |      |      | KRAUTER    | •    |           | NETHING  | •    |                  | STRAND       | •    |
| •                   |     |      |      | LARSON     | •    |           | ORANGE   | •    |                  | STRINDEN     | •    |
| •                   |     |      |      | LASHKOWITZ | •    |           | PETERSON | •    |                  | TALLACKSON   | •    |
| •                   |     |      |      | LEE        | •    |           | PIETRON  | •    |                  | TENNEFOS     | •    |
| •                   |     |      |      | LIPS       | •    |           | RAIT     | •    |                  | THANE        | •    |
| •                   |     |      |      | LODOEN     | •    |           | REDLIN   | •    |                  | VOSPER       | •    |
| •                   |     |      |      | MAHER      | •    |           | REITEN   | •    |                  | WALSH        | •    |
| •                   |     |      |      | MAU        | •    |           | SANDNESS | •    |                  | WENSTROM     | •    |
| •                   |     |      |      | MELLAND    | •    |           | SANDS    | •    |                  | WRIGHT       | •    |
| •                   |     |      |      | MILLER     | •    |           | SCHIRADO | •    |                  | MR PRESIDENT | •    |
| •                   |     |      |      | MORGAN     | •    |           | SHABLOW  | •    |                  |              |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

**EIGHTH DAY**

Thursday, January 13, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Thomas E. Kramer, Cathedral of the Holy Spirit, Bismarck.

"Lord God, source of light and goodness, we acknowledge your manifold blessings upon us and we accept the responsibilities that Your gifts demand of us. We ask Your assistance this day that we might be wise and prudent in our deliberations, kind and thoughtful in our conversations, and always merciful in our judgements. Help us to be secure in Your providence and not anxious about our personal desires or positions. Help us, as representatives of all the people to be unselfish and courageous in seeking what is good and right and just. Aid us in this legislature to act so as to preserve and protect freedom, enhance and increase justice and foster the good of all citizens. May your Spirit strengthen, enlighten and encourage us.

AMEN"

The roll was called and all Senators were present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the sixth day after recess and seventh day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2119. A Bill for an Act to amend and reenact section 21-10-02 of the North Dakota Century Code, relating to the power of the state investment board to enter into lending of securities agreements.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 75) the roll was called and there were ayes, 48 nays, 2; absent and not voting 0.

| NORTH DAKOTA SENATE |     |      |      |     |           |      |     |      |      |                  |      |      |     |      |
|---------------------|-----|------|------|-----|-----------|------|-----|------|------|------------------|------|------|-----|------|
| REGULAR SESSION     |     |      |      |     | ROLL CALL |      |     |      |      | 1977 LEGISLATURE |      |      |     |      |
| YEAS                | N-V | NAYS | YEAS | N-V | NAYS      | YEAS | N-V | NAYS | YEAS | N-V              | NAYS | YEAS | N-V | NAYS |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |
| •                   |     |      | •    |     |           | •    |     |      | •    |                  |      | •    |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2121. A Bill for an Act to amend and reenact section 40-24-08 of the North Dakota Century Code, relating to special assessments for street beautification and the period for payment of the same; and declaring an emergency.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 75) the roll was called and there were ayes, 50 nays, 0; absent and not voting 0.

| REGULAR SESSION |      |      |             | NORTH DAKOTA SENATE |      |      |            | 1977 LEGISLATURE |      |      |          |   |  |  |               |
|-----------------|------|------|-------------|---------------------|------|------|------------|------------------|------|------|----------|---|--|--|---------------|
| ROLL CALL       |      |      |             | ROLL CALL           |      |      |            | ROLL CALL        |      |      |          |   |  |  |               |
| YEAS            | N.V. | NAYS |             | YEAS                | N.V. | NAYS |            | YEAS             | N.V. | NAYS |          |   |  |  |               |
| •               |      |      | ALBERS      | •                   |      |      | JACOBSON   | •                |      |      | NAADEN   | • |  |  | SMYKOWSKI     |
| •               |      |      | BARTH       | •                   |      |      | JONES      | •                |      |      | NELSON   | • |  |  | SOLBERG       |
| •               |      |      | BERUBE      | •                   |      |      | KRAUTER    | •                |      |      | NETHING  | • |  |  | STRAND        |
| •               |      |      | CHRISTENSEN | •                   |      |      | LARSON     | •                |      |      | ORANGE   | • |  |  | STRINDEN      |
| •               |      |      | ERDMAN      | •                   |      |      | LASHKOWITZ | •                |      |      | PETERSON | • |  |  | TALLACKSON    |
| •               |      |      | FARRINGTON  | •                   |      |      | LEE        | •                |      |      | PIETRON  | • |  |  | TENNEFOS      |
| •               |      |      | FREED       | •                   |      |      | LIPS       | •                |      |      | RAIT     | • |  |  | THANE         |
| •               |      |      | FRITZELL    | •                   |      |      | LODOEN     | •                |      |      | REDLIN   | • |  |  | VOSPER        |
| •               |      |      | GOODMAN     | •                   |      |      | MAHER      | •                |      |      | REITEN   | • |  |  | WALSH         |
| •               |      |      | HANSON      | •                   |      |      | MAU        | •                |      |      | SANDNESS | • |  |  | WENSTROM      |
| •               |      |      | HOFFNER     | •                   |      |      | MELAND     | •                |      |      | SANDS    | • |  |  | WRIGHT        |
| •               |      |      | HOLMBERG    | •                   |      |      | MILLER     | •                |      |      | SCHIRADO | • |  |  | MR. PRESIDENT |
| •               |      |      | ISZLER      | •                   |      |      | MORGAN     | •                |      |      | SHABLOW  |   |  |  |               |

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

## MOTION

Senator Peterson moved that Senate Concurrent Resolution No. 4015 be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

### SECOND READING OF A SENATE CONCURRENT RESOLUTION

**Senate Concurrent Resolution No. 4017.** A concurrent resolution urging Congress to enact legislation providing for the reimbursement of political subdivisions for the loss of property tax revenue resulting from federally owned electrical transmission lines.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Vosper moved that Senate Concurrent Resolution No. 4017 be adopted, which motion prevailed.

### SECOND READING OF SENATE BILLS

**Senate Bill No. 2020.** A Bill for an Act to amend and reenact sections 54-10-13 and 54-10-14 of the North Dakota Century Code, relating to audits by the state auditor.

Which has been read (amended SJ pages 81, 82).

## MOTION

Senator Jones moved that Senate Bill 2020 be amended as follows:

On page 4, line 1 of the engrossed bill following the ending triple parentheses, after the word "copies" insert the following: "The number of copies as requested by the state auditor"

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

Senator Jones moved that the rules be suspended, that Senate Bill No. 2020 be deemed properly re-engrossed, which motion prevailed.

Senator Jones moved that Senate Bill No. 2020 be re-referred to the Committee on State and Federal Government, which motion prevailed.

Senator Jones moved that Senate Bill No. 2020 be re-printed, which motion prevailed.

**Senate Bill No. 2025.** A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to payment of special education costs of handicapped children by the residence school district in child placement cases.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 82) the roll was called and there were ayes, 49 nays, 0; absent and not voting 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2032. A Bill for an Act to provide for a phaseout of existing private deposits in the Bank of North Dakota and to amend and reenact section 6-09-09 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota to receive deposits from individuals, corporations, associations, and banks.

Which has been read.

**MOTION**

Senator Nething moved that all the Senators who requested to be excused from voting on this bill due to a conflict of interest under Rule 24 be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 30 nays, 20; absent and not voting 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2032 was declared lost due to a lack of two thirds majority vote.

**PERSONAL PRIVILEGES**

Senator Mehand: Mr. President, I rise on a point of personal privilege. Today, many of you seemed to be very concerned about the rules of the Senate. Several things have been drawn to our attention and people are rising and stating conflicts. I want to point out to the members of the Senate that under Rule 24 I feel a compulsion to tell you that I am a stockholder in a private bank, but I don't feel that I have a conflict of interest and I am not going to state it on this bill. This bank is not a

private bank, it is a public bank, it is not competitive to a private bank; however there may be a bill coming up later where I may feel such a conflict. The bank in which I am a stockholder cannot in my mind ever be competitive in the Bank of North Dakota and I feel no personal conflict, so I take this point of personal privilege to explain it.

Senator Goodman: Mr. President, I also did not rise earlier on a conflict of interest and I do own stock in a bank and I am a director in a bank. I do not see it as a conflict. I think if there were such a conflict I would have to rise on every bill that came up having to do with the Bank of North Dakota. I don't see that. I also don't intend to rise as a conflict of interest on all the agricultural bills that will face this session even though I own farmland. I just do not see a conflict of interest.

#### MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2023

Senate Bill No. 2028

Senate Bill No. 2071

Senate Bill No. 2148

Senate Bill No. 2149

Senate Bill No. 2150

Senate Concurrent Resolution No. 4026

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 Concurrent Resolution No. 4025

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1103

House Bill No. 1104

House Bill No. 1115

House Bill No. 1127

House Concurrent Resolution No. 3017

House Concurrent Resolution No. 3018

ROY GILBREATH, Chief Clerk

Senator Nothing moved that after the reading of Senate Bills Nos. 2038, 2122, 2133, 2134, 2145, 2147, 2151 and 2162, the Senate stand recessed until Friday, January 14, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## EIGHTH DAY AFTER RECESS AND NINTH DAY

Bismarck, January 14, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Pro Tem Freed presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2038

Senate Bill No. 2122

Senate Bill No. 2145

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2075 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2075 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2130 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2130 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2137 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2137 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2167 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2167 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2168 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman



Senate Bill No. 2168 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2170 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2170 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2183 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2183 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2184 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2184 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2185 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2185 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2186 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2186 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2189 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2189 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2207 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2207 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Sands moved that the amendments to Senate Bill No. 2100 as recommended by the Committee on Political Subdivisions as printed on page 115 of the Senate Journal be adopted, which motion prevailed.

Senator Thane moved that the amendments to Senate Bill No. 2111 as printed on page 115 of the Senate Journal be laid over one legislative day, which motion prevailed.

#### MOTION

Senator Redlin moved that Senate Bill No. 2108 be returned to the

Senate floor from the Committee on Natural Resources, which motion prevailed.

Senator Redlin requested the unanimous consent of the Senate to withdraw Senate Bill No. 2108. There being no objection the request was granted, and Senate Bill No. 2108 was withdrawn.

#### FIRST READING OF SENATE BILLS

Senators Orange, Krauter, Fritzell introduced:

**Senate Bill No. 2270.** A Bill for an Act to require disclosure of the unit price of specified consumer commodities, to require the disclosure of the total price of such commodities, to specify the means of such disclosure, to restrict the advertising of such commodities, to delegate specific powers to the director of the state laboratories department in furtherance of the purposes of this Act; and to provide a penalty.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senators Hoffner, Wenstrom introduced:

**Senate Bill No. 2271.** A Bill for an Act requiring all public bodies to keep minutes that shall be, unless otherwise specifically provided by law, public records, and providing for the contents and deposit of these minutes.

Was read the first time and referred to the committee on State and Federal Government.

Senators Hoffner, Jones introduced:

**Senate Bill No. 2272.** A Bill for an Act to provide for the disposition of fines assessed by a county justice; and to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to the assessment of costs in criminal convictions.

Was read the first time and referred to the committee on Judiciary.

Senators Wenstrom, Hoffner, Barth, Lips introduced:

**Senate Bill No. 2273.** A Bill for an Act to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, relating to the authority of the North Dakota educational broadcasting council to contract with noncommercial educational television stations.

Was read the first time and referred to the committee on Education.

Senators Tennesos, Wenstrom, Freed, Orange introduced:

**Senate Bill No. 2274.** A Bill for an Act to amend and reenact sections 21-04-03, 21-04-05, 21-04-06, 21-04-07, 21-04-08, 21-04-09, 21-04-10, 21-04-12, 21-04-13, 21-04-14, 21-04-15, 21-04-16, 21-04-17, 21-04-18, and 21-04-21 of the North Dakota Century Code, to include savings and loan associations within class of depositories for public funds.

Was read the first time and referred to the committee on Industry, Business & Labor.

Senators Fritzell, Albers, Krauter, Maher introduced:

**Senate Bill No. 2275.** A Bill for an Act to provide for a civil penalty to be assessed against any operator violating the provisions of chapter 38-14 or any rule, regulation, or order promulgated or issued thereunder.

Was read the first time and referred to the committee on Judiciary.

Senator Freed introduced:

**Senate Bill No. 2276.** A Bill for an Act to amend and reenact section 47-16-36 of the North Dakota Century Code, relating to the duty of a lessee to have a terminated or forfeited oil, gas, or other mineral lease recorded and allowing a lessor to record an affidavit of forfeiture upon failure of

lessee to do so; and providing for a change from an affidavit of forfeiture to a satisfaction of lease.

Was read the first time and referred to the committee on Judiciary.  
Senator Freed introduced:

**Senate Bill No. 2277.** A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to lease security deposits on real property and dwellings; the return of such deposits with interest upon termination of a lease; deposit amounts which may be withheld by a lessor and conditions under which amounts may be withheld; recovery by a lessee for wrongful withholding of security deposits; providing for transfer of security deposits upon a change of ownership; and binding the lessor holding the lease at the time of termination to return the security deposit.

Was read the first time and referred to the committee on Judiciary.

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Senators Hoffner, Wenstrom introduced:

**Senate Concurrent Resolution No. 4028.** A concurrent resolution directing the Legislative Council to conduct a study of the minute keeping practices and procedures of public bodies.

Was read the first time and referred to the committee on State and Federal Government.

#### MOTIONS

Senator Nething moved that the Senate authorize the Bismarck Tribune, Journal printer, to have permission to print more than seven hundred copies of the bills and distribute the numbers required by persons, firms and associations requesting more than the legal limit allowed for distribution. Further Senator Nething moved that the Bismarck Tribune, Journal printer, be authorized to print more than the number of copies of resolutions as previously set (Rule 25, SJ page 70) in the Rules of the Senate for distribution, which motion prevailed.

#### MOTION

Senator Nething moved that Senate Resolution No. 2 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF A SENATE RESOLUTION

**Senate Resolution No. 2.** A resolution creating a select Senate committee to study and review the administration and operation of the Bank of North Dakota and legislative proposals for use of the Bank, and to report its findings and recommendations to the Senate within forty-five legislative days after passage of this resolution.

Which has been read.

The question being on the adoption of the resolution.

Senator Nething moved that Senate Resolution 2 be adopted, which motion prevailed and Senate Resoluition 2 was adopted.

#### APPOINTMENT OF A SELECT COMMITTEE ON THE BANK OF NORTH DAKOTA

The President appointed to the Select Committee on the Bank of North Dakota the following:

Senator Strinden, Chairman  
Senator Vosper, Vice Chairman  
Senator Reiten  
Senator Strand  
Senator Peterson

Senator Barth  
 Senator Miller  
 Senator Redlin

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2041.** A Bill for an Act to amend and reenact section 34-14-03 of the North Dakota Century Code, relating to the payment of wages of employees who have been separated from employment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 3; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| ROLL-CALL           |     |      |              |     |      |                  |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • KARLSON    |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2042.** A Bill for an Act to amend and reenact section 34-13-01 of the North Dakota Century Code, relating to the definition of "employment agent" or "employment agency".

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| ROLL-CALL           |     |      |              |     |      |                  |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2043.** A Bill for an Act to amend and reenact sections 34-13-04 and 34-13-05 of the North Dakota Century Code, relating to the licensing fees and bonds required of employment agencies.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON   | •   |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    | •   |      | • NETHING  | •   |      | • STRAND         |     |      |
| • CHRISTENSEN       | •   |      | • LARSON     | •   |      | • ORANGE   | •   |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON | •   |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  | •   |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       | •   |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   | •   |      | • VOSPER         |     |      |
| • GOODMAN           | •   |      | • MAHER      | •   |      | • REITEN   | •   |      | • WALSH          |     |      |
| • HANSON            | •   |      | • MAU        | •   |      | • SANDNESS | •   |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    | •   |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO | •   |      | • MR. PRESIDENT  |     |      |
| • ISZLER            | •   |      | • MORGAN     | •   |      | • SHABLOW  | •   |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2055. A Bill for an Act to create and enact a new subsection to section 27-20-03 of the North Dakota Century Code, relating to the jurisdiction of juvenile courts over adults in certain instances.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 1; nays, 46; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON   | •   |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    | •   |      | • NETHING  | •   |      | • STRAND         |     |      |
| • CHRISTENSEN       | •   |      | • LARSON     | •   |      | • ORANGE   | •   |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON | •   |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  | •   |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       | •   |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   | •   |      | • VOSPER         |     |      |
| • GOODMAN           | •   |      | • MAHER      | •   |      | • REITEN   | •   |      | • WALSH          |     |      |
| • HANSON            | •   |      | • MAU        | •   |      | • SANDNESS | •   |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    | •   |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO | •   |      | • MR. PRESIDENT  |     |      |
| • ISZLER            | •   |      | • MORGAN     | •   |      | • SHABLOW  | •   |      |                  |     |      |

So Senate Bill No. 2055 was declared lost.

Senate Bill No. 2072. A Bill for an Act requiring the labeling of a date on perishable food packages, providing a penalty, and providing an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 41; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON   | •   |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    | •   |      | • NETHING  | •   |      | • STRAND         |     |      |
| • CHRISTENSEN       | •   |      | • LARSON     | •   |      | • ORANGE   | •   |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON | •   |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  | •   |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       | •   |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   | •   |      | • VOSPER         |     |      |
| • GOODMAN           | •   |      | • MAHER      | •   |      | • REITEN   | •   |      | • WALSH          |     |      |
| • HANSON            | •   |      | • MAU        | •   |      | • SANDNESS | •   |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    | •   |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO | •   |      | • MR. PRESIDENT  |     |      |
| • ISZLER            | •   |      | • MORGAN     | •   |      | • SHABLOW  | •   |      |                  |     |      |

Senate Bill No. 2072 was declared lost.

Senate Bill No. 2085. A Bill for an Act to amend and reenact sections 15-20.1-08, 57-15-14, 57-15-16, 57-16-05, and 57-19-09 of the North Dakota Cen-

ture Code, relating to the vote required for passage or discontinuance of school district mill levies, mill levy limitations, and special reserve funds.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 15; nays, 32; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | JACOBSON   |     |      | NAADEN   |     |      | SMYKOWSKI        |     |      |
|                     |     |      | JONES      |     |      | NELSON   |     |      | SOLBERG          |     |      |
|                     |     |      | KRAUTER    |     |      | NETHING  |     |      | STRAND           |     |      |
|                     |     |      | LARSON     |     |      | ORANGE   |     |      | STRINDEN         |     |      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON |     |      | TALLACKSON       |     |      |
|                     |     |      | LEE        |     |      | PIETROW  |     |      | TENNEFOS         |     |      |
|                     |     |      | LIPS       |     |      | RAIT     |     |      | THANE            |     |      |
|                     |     |      | LODOEN     |     |      | REDLIN   |     |      | VOSPER           |     |      |
|                     |     |      | MAHER      |     |      | REITEN   |     |      | WALSH            |     |      |
|                     |     |      | MAU        |     |      | SANDNESS |     |      | WENSTROM         |     |      |
|                     |     |      | MELLAND    |     |      | SANDS    |     |      | WRIGHT           |     |      |
|                     |     |      | MILLER     |     |      | SCHIRADO |     |      | MR. PRESIDENT    |     |      |
|                     |     |      | MORGAN     |     |      | SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2085 was declared lost.

Senate Bill No. 2086. A Bill for an Act to amend and reenact section 21-03-07 of the North Dakota Century Code, relating to lowering majority requirements on bond issue elections to fifty-five percent of the voters.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 14; nays, 34; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     |      | JACOBSON   |     |      | NAADEN   |     |      | SMYKOWSKI        |     |      |
|                     |     |      | JONES      |     |      | NELSON   |     |      | SOLBERG          |     |      |
|                     |     |      | KRAUTER    |     |      | NETHING  |     |      | STRAND           |     |      |
|                     |     |      | LARSON     |     |      | ORANGE   |     |      | STRINDEN         |     |      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON |     |      | TALLACKSON       |     |      |
|                     |     |      | LEE        |     |      | PIETROW  |     |      | TENNEFOS         |     |      |
|                     |     |      | LIPS       |     |      | RAIT     |     |      | THANE            |     |      |
|                     |     |      | LODOEN     |     |      | REDLIN   |     |      | VOSPER           |     |      |
|                     |     |      | MAHER      |     |      | REITEN   |     |      | WALSH            |     |      |
|                     |     |      | MAU        |     |      | SANDNESS |     |      | WENSTROM         |     |      |
|                     |     |      | MELLAND    |     |      | SANDS    |     |      | WRIGHT           |     |      |
|                     |     |      | MILLER     |     |      | SCHIRADO |     |      | MR. PRESIDENT    |     |      |
|                     |     |      | MORGAN     |     |      | SHABLOW  |     |      |                  |     |      |

So Senate Bill No. 2086 was declared lost.

**FIRST READING OF A SENATE RESOLUTION**

Senators Melland, Lashkowitz introduced:

Senate Resolution No. 3. A resolution supporting and urging early completion of the Garrison Diversion Project.

Was read the first time.

**MOTION**

Senator Melland moved that the rules be suspended, that Senate Resolution No. 3 not be printed as a bill, not referred to a committee, but printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

**SENATE RESOLUTION No. 3**

Introduced by Senators Melland, Lashkowitz.

- 1 A resolution supporting and urging early completion of the
- 2 Garrison Diversion Project.
- 3

4 WHEREAS, the State of North Dakota has suffered the  
5 ravages of reoccurring drought throughout its history resulting  
6 in tragic impacts to its citizens and severe economic losses to  
7 the state; and

8 WHEREAS, the Garrison Diversion Unit would help stabilize  
9 North Dakota's agricultural production and furnish dependable  
10 municipal and rural water supplies thereby benefiting a large  
11 portion of the state's citizens; and

12 WHEREAS, the Garrison Diversion Unit will add an  
13 estimated \$160 million annually to the economy of North Dakota;  
14 and \*

15 WHEREAS, the increased and stabilized food production  
16 resulting from the Garrison Diversion Unit will be important to  
17 hungry people throughout the world; and

18 WHEREAS, the lake restoration program and recreation  
19 development of the Garrison Diversion Unit will result in a  
20 greatly expanded tourist industry for North Dakota; and

21 WHEREAS, the Congress of the United States recognized the  
22 necessity of the Garrison Diversion Unit by its authorization  
23 in the Flood Control Act of 1944; and

Page 2

1 WHEREAS, Congress reauthorized the Garrison Diversion  
2 Unit in 1965 and proceeded to fund its construction through  
3 subsequent appropriations; and

4 WHEREAS, the Garrison Diversion Unit is now approximately  
5 20 percent complete and more than \$100 million has been  
6 expended towards its completion; and

7 WHEREAS, the State of North Dakota has transferred to the  
8 federal government 62,370 acres of land valued at \$3.6 million  
9 as its share of the reimbursable costs associated with  
10 recreation and fish and wildlife; and

11 WHEREAS, the citizens of the Garrison Diversion  
12 Conservancy District have invested \$4.2 million for  
13 administration of the district in preparation for the operation  
14 and maintenance of the project; and

15 WHEREAS, the State of North Dakota has suffered the loss  
16 of 568,000 acres of fertile river bottom farmland for the  
17 construction of Missouri River reservoirs necessary as a first  
18 stage to the development of the entire Missouri River Basin;  
19 and

20 WHEREAS, the benefits from the reservoir construction on  
21 the mainstem of the Missouri River in the form of flood  
22 control, navigation, and power generation have been largely for  
23 downstream and out-of-state interests; and

24 WHEREAS, the State of North Dakota and the Garrison  
25 Diversion Conservancy District have recognized the concerns of  
26 our good neighbors in South Dakota, Minnesota, and Manitoba,  
27 and have asked that all legal and administrative means be used  
28 for an amicable settlement of boundary water issues; and

29 WHEREAS, more equitable land acquisition policies have  
30 resulted from the recommendations made by the Conservancy  
31 District to the Bureau of Reclamation concerning rules and  
32 regulations under which the U.S. Bureau of Reclamation and the

33 federal government operate; and

34 WHEREAS, the Garrison Diversion Conservancy District made  
35 recommendations to the North Dakota Congressional Delegation to  
Page 3

1 secure revisions in federal land acquisition and tax laws to  
2 assure fair and compassionate treatment of landowners and  
3 counties affected by federal projects; and

4 WHEREAS, those recommendations resulted in passage of HR  
5 9719 which provides for certain payments to be made to local  
6 governments by the Secretary of the Interior based upon the  
7 amount of certain public lands within the boundaries of such  
8 localities; and

9 WHEREAS, the federal tax regulations concerning capital  
10 gains now give the landowners an additional year in which to  
11 reinvest money received for their lands purchased for project  
12 purposes;

13 NOW THEREFORE, BE IT RESOLVED BY THE SENATE  
13a OF THE STATE

14 OF NORTH DAKOTA:

15 That the Senate of the Forty-fifth Legislative Assembly  
16 wholeheartedly supports and reaffirms North Dakota's need  
17 for the water distribution which would be provided by the  
18 Garrison Diversion Unit, and further urges the early  
19 completion of the plan necessary to bring the long awaited  
20 benefits to its citizens; and

21 BE IT FURTHER RESOLVED, that the President of the  
22 United States, the United States Congress, and the Governor  
23 of North Dakota are respectfully urged to support and give  
24 immediate attention to accelerating the funding for the  
25 Garrison Diversion Unit; and

26 BE IT FURTHER RESOLVED, that accelerated funding is  
27 needed not only to complete construction of the Garrison  
28 Diversion Unit, but also to provide additional emergency  
29 funds to plan and build water systems to meet the continuing  
30 critical water supply needs of a large number of North Dakota  
31 towns and cities; and

32 BE IT FURTHER RESOLVED, that the parties responsible for  
33 resolution of the International Boundary Waters Treaty issue  
34 are respectfully urged to apply the terms and conditions of the  
35 Boundary Waters Treaty in a fair and equitable manner giving

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1 bi-national consideration to each party's need to utilize and  
2 manage its natural resources; and

3 BE IT FURTHER RESOLVED, that copies of this resolution be  
4 forwarded by the Secretary of State to the President of the  
5 United States, the Speaker of the U.S. House of  
6 Representatives, the President of the U.S. Senate, the Chairmen  
7 of the House and Senate Committees on Interior and Insular  
8 Affairs, the Secretary of the Interior, the North Dakota  
9 Congressional Delegation, and the Governor of North Dakota.

SECOND READING OF A SENATE RESOLUTION

Senate Resolution No. 3. A resolution supporting and urging early  
completion of the Garrison Diversion Project.



Was read the second time.

The question being on the final adoption of the resolution.

Senator Nething requested a roll call vote on the adoption of the resolution, which request was granted.

### ROLL CALL

The roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •    | JACOBSON   |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •    | NELSON   |                  | •    | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •    | NETHING  |                  | •    | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •    | ORANGE   |                  | •    | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •    | PETERSON |                  | •    | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •    | PIETRON  |                  | •    | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •    | RAIT     |                  | •    | THANE         |      |
| •                   |     |      | •    | LODOEN     |      | •    | REDLIN   |                  | •    | VOSPFR        |      |
| •                   |     |      | •    | MAHER      |      | •    | REITEN   |                  | •    | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •    | SANDNESS |                  | •    | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •    | SANDS    |                  | •    | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •    | SCHIRADO |                  | •    | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •    | SHABLOW  |                  |      |               |      |

Senate Resolution No. 3 was adopted.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

### NINTH DAY

Bismarck, January 14, 1977

The Senate convened at 2:00 P.M., President Pro Tem Freed presiding. Prayer was offered by James M. Butler, First Presbyterian Church, Bismarck.

"Lord, we are so hurried, and so impressed with our place and our importance. Let us not be so harried that we run on without You, or forget our responsibility to You, true source of all power and all authority.

Ever sensitive to one another, help us also to be sensitive to the grieving of Your spirit when we give ourselves to lesser things, or make judgements from motives we know to be wrong.

Amid all the pressures on us, may we ever hear that still small voice not to be denied; and follow Your guidance for the good of your people. Increase our faith until we are no longer awed by difficulties, nor frightened by problems.

Make us servants of your kind of liberty — not to do what we please, but the chance to do what is right in Your sight. Amen"

The roll was called and all Senators were present except Erdman, Smykowski and Thane.

A quorum was declared by the President.

### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the seventh day after recess and eighth day and finds the same to be correct.

SENATOR VOSPFR, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2091. A Bill for an Act to provide that persons damaging the property of others be liable for damages and to provide that resulting judgments not be subject to cancellation or discharge in bankruptcy nor subject to the statute of limitations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 2; absent and not voting 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | JACOBSON   |     |      | NAADEN   |     |      | SMYKOWSKI        |     |      |
| •                   |     |      | JONES      |     |      | NELSON   |     |      | SOLBERG          |     |      |
| •                   |     |      | KRAUTER    |     |      | NETHING  |     |      | STRAND           |     |      |
| •                   |     |      | LARSON     |     |      | ORANGE   |     |      | STRINDEN         |     |      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON |     |      | TALLACKSON       |     |      |
| •                   |     |      | LEE        |     |      | PIETRON  |     |      | TENNEFOS         |     |      |
| •                   |     |      | LIPS       |     |      | RAIT     |     |      | THANE            |     |      |
| •                   |     |      | LODOEN     |     |      | REDLIN   |     |      | VOSPER           |     |      |
| •                   |     |      | MAHER      |     |      | REITEN   |     |      | WALSH            |     |      |
| •                   |     |      | MAU        |     |      | SANDNESS |     |      | WENSTROM         |     |      |
| •                   |     |      | MELLAND    |     |      | SANDS    |     |      | WRIGHT           |     |      |
| •                   |     |      | MILLER     |     |      | SCHIRADO |     |      | MR PRESIDENT     |     |      |
| •                   |     |      | MORGAN     |     |      | SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Nothing moved, that Senate Bill No. 2097 be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2116. A Bill for an Act to establish a reward fund under the attorney general for information leading to the arrest and conviction of persons committing violent crimes, and providing an appropriation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 44; abstent and not voting 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     |      | JACOBSON   |     |      | NAADEN   |     |      | SMYKOWSKI        |     |      |
|                     |     |      | JONES      |     |      | NELSON   |     |      | SOLBERG          |     |      |
|                     |     |      | KRAUTER    |     |      | NETHING  |     |      | STRAND           |     |      |
|                     |     |      | LARSON     |     |      | ORANGE   |     |      | STRINDEN         |     |      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON |     |      | TALLACKSON       |     |      |
|                     |     |      | LEE        |     |      | PIETRON  |     |      | TENNEFOS         |     |      |
|                     |     |      | LIPS       |     |      | RAIT     |     |      | THANE            |     |      |
|                     |     |      | LODOEN     |     |      | REDLIN   |     |      | VOSPER           |     |      |
|                     |     |      | MAHER      |     |      | REITEN   |     |      | WALSH            |     |      |
|                     |     |      | MAU        |     |      | SANDNESS |     |      | WENSTROM         |     |      |
|                     |     |      | MELLAND    |     |      | SANDS    |     |      | WRIGHT           |     |      |
|                     |     |      | MILLER     |     |      | SCHIRADO |     |      | MR PRESIDENT     |     |      |
|                     |     |      | MORGAN     |     |      | SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2116 was declared lost.

Senate Bill No. 2163. A Bill for an Act to amend and reenact section 15-10-08 of the North Dakota Century Code, relating to compensation of the members of the state board of higher education, and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

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

**Senate Bill No. 2038.** A Bill for an Act to create and enact section 26-07-14.1 of the North Dakota Century Code, relating to a procedure for the revocation or suspension of the authority of a foreign insurance company to do business in the state; to amend and reenact sections 26-01-07, 26-03-42, 26-03-43, 26-07-14, 26-08-04, 26-08-07, 26-08-18, subsection 6 of section 26-09-01, sections 26-11-02, 26-11-11, 26-14-03, 26-14-05, subsection 4 of section 26-14-08, sections 26-14-12, 26-20-01, and subsection 7 of section 26-21-02 of the North Dakota Century Code, relating to procedure for filing policies and articles of incorporation and amendments thereto with the commissioner of insurance, capital asset and surplus requirements for certain domestic and foreign insurance companies, procedure for revocation of authority of a foreign insurance company to do business in the state, liability of insurance company officers to stockholders and policyholders, collection of premiums by mutual insurance companies, and consolidation and dissolution of domestic insurance companies; and to repeal sections 26-07-12, 26-08-14, 26-08-15, and 26-10-06, and chapters 26-13 and 26-19, all of the North Dakota Century Code, relating to procedures on revocation of authority of insurance company for discrimination, notice of impairment of capital, assessment of stock, selection of application of surplus, assessment plan accident and sickness insurance companies, and crop hail insurance.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 101) the roll was called and there were ayes, 45; nays, 0; absent and not voting 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2122. A Bill for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to a minimum term of imprisonment for committing a felony while armed with a dangerous weapon, a destructive device, an explosive, or a firearm, or being armed at the time of arrest for such offense.

Which has been read (amended SJ page 103).

Senator Jones moved that Senate Bill 2122 be amended as follows:

Page 1, line 4 of the engrossed bill following the word "while" delete the following: "armed with" and insert in lieu thereof "in possession of"

Page 1, line 5 following the word "firearm" insert a period and delete the remainder of the line

Page 1 delete line 6.

Page 1, line 17 following the word "was" insert the word "in"

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

Senator Jones moved that the rules be suspended and that Senate Bill 2122 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

Senate Bill No. 2122. A Bill for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to a minimum term of imprisonment for committing a felony while armed with a dangerous weapon, a destructive device, an explosive, or a firearm, or being armed at the time of arrest for such offense.

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, 2; absent and not voting 6.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |     |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |      |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS          |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      | •    |     | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | •    |     | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      | •    |     | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      | •    |     | STRINDEN      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | •    |     | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | •    |     | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | •    |     | THANE         |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   |      | •    |     | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | •    |     | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS |      | •    |     | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | •    |     | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      | •    |     | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |      |     |               |

So the bill passed and the title was agreed to.

#### RECOGNITION

The Sergeant-at-Arms announced that Paul Ott, a representative of the National Wildlife Federation was in the chamber. President Pro Tem Freed appointed Senator Fritzell to escort Mr. Ott to the front desk. Mr. Ott was escorted to the front desk and entertained the members of the Senate with his songs and guitar.

PAUL OTT, of Dixie Springs, Miss.

Paul Ott grew up in the backwoods of Mississippi — and has sung his way across the United States and its territories — singing about what he loves most — conservation of our natural resources.

Everybody loves a song — and this traveling balladeer has told the story of conservation across the land in his own simple but moving way. His message is that "Conservation and industrial progress have a meeting ground, and they must work together to achieve a healthy balance."



|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2145. A Bill for an Act to amend and reenact section 11-11-39 of the North Dakota Century Code, relating to an appeal from a decision of the board of county commissioners.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 103) the roll was called and there were ayes, 44; nays, 1; absent and not voting 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRIED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2147. A Bill for an Act to create and enact a new paragraph to subdivision a of subsection 1 of section 39-01-01 of the North Dakota Century Code, relating to designation of park service vehicles as class A authorized emergency vehicles.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRIED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2151. A Bill for an Act to amend and reenact section 24-01-02 of the North Dakota Century Code, relating to the designation of the state highway system.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 5; absent and not voting 6.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        | •    | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    | •    | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO | •    | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2162. A Bill for an Act to amend and reenact section 39-08-10 of the North Dakota Century Code, relating to an officer's duty to make and forward a written report of a motor vehicle accident.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 1; absent and not voting 6.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        | •    | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    | •    | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO | •    | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**MESSAGE TO THE HOUSE**

Senate Chamber

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

- Senate Bill No. 2029
- Senate Bill No. 2030
- Senate Bill No. 2031
- Senate Bill No. 2051
- Senate Concurrent Resolution No. 4002

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE**

House Chamber

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

- House Bill No. 1036
- House Bill No. 1039
- House Bill No. 1054
- House Bill No. 1064

House Bill No. 1078  
House Bill No. 1101  
House Bill No. 1117  
House Bill No. 1118  
House Bill No. 1119  
House Bill No. 1145  
House Concurrent Resolution No. 3019

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that after the reading of Senate Bills Nos. 2075, 2097, 2100, 2130, 2137, 2167, 2168, 2170, 2183, 2184, 2185, 2186, 2189 and 2207, the Senate adjourn until Monday, January 17, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary





## TENTH DAY

Bismarck, January 17, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by D. Josh Nelson, Lutheran Church of the Cross, Bismarck.

"Psalm 8. O Lord, our Lord, how majestic is Thy name in all the earth.

We thank and praise You, dear Lord, that You have revealed Yourself to us through Your creation. We thank and praise You for Your artistic and creative design on everything You have made. We confess that we are sometimes slow to recognize and appreciate Your order and balance of things. We confess that sometimes our desires and needs blot out long range planning. We ask for Your guidance because it is an awesome task to be given charge and dominion over Your creation.

I pray that You will bless this 1977 North Dakota Legislature.....both Senate and House, and that Your watchful eye and helping hand will penetrate and guide all of her actions. I pray that the laws that are enacted upon will benefit the common populace.....thereby making our life and living joyous and productive.

I pray for these blessings in Your name. Amen."

The roll was called and revealed all Senators present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

On page 136 delete line 25. On page 136, line 26 delete "prevailed and"

On page 139 after line 14 insert "Senator Jones moved that the amendments be adopted, which motion prevailed."

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2100

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was

referred Senate Bill No. 2015 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2015 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2019 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2019 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2024 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "to" delete the words "implement an" and insert the words "provide for implementation of"

On page 1, line 3, after the word "requirements" delete the words "and to provide an appropriation"

On page 1, line 9, delete the words "contract for services"

On page 1, line 10, delete the word "to"

On page 1, line 12, delete the word "shall" and insert in lieu thereof the word "may"

On page 1, delete lines 15 through 23.

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

It is the intent of the Senate Appropriation Committee that emphasis be given Indian Studies and curriculum in the public school system of North Dakota but that it be within the budget limitations of the individual schools and the office of the Superintendent of Public Instruction.

SENATOR LIPS, Chairman

Senate Bill No. 2024 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2035 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 14, after the word "members" delete the following: "to use and"

On page 3, line 15, delete the following words: "control their own money"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2035 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2048 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2048 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to

whom was referred Senate Bill No. 2061 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2061 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2090 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2090 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2095 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2095 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2105 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2105 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2118 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 16, after the word "law" delete beginning triple parentheses

On page 2, line 16, after the second word "the" insert triple parentheses around the word "questionnaires" and insert in lieu thereof the word "inquiries"

On page 2, line 17, after the word "whatsoever" delete ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2118 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2136 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 9, following the first period, insert the following new language: "All moneys received pursuant to any such sale or exchange shall be deposited in the Bank of North Dakota to the credit of the district and may be disbursed only for the payment of expenses of the district as specified in subsection 9 of this section."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2136 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to

whom was referred Senate Bill No. 2152 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 23, after the word "treasury" insert the following new language: "for use by the state penitentiary"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2152 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2153 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2153 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2156 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2156 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2176 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2176 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2191 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2191 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2211 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2211 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

#### MOTIONS

Senator Jones moved that Senate Bill No. 2138 be returned to the Senate floor from the Committee on State & Federal Government, which motion prevailed.

Senator Jones requested the unanimous consent of the Senate to withdraw Senate Bill No. 2138. There being no objection the request was granted, and Senate Bill No. 2138 was withdrawn.

Senator Christensen moved that Senate Bills 2167 and 2207 be referred to the Committee on Social Welfare and Veterans Affairs, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Jacobson moved that the amendments to Senate Bill No. 2111 as recommended by the Committee on Natural Resources as printed on

pages 115 and 116 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senators Hoffner, Fritzell introduced:

**Senate Bill No. 2278.** A Bill for an Act to create a public issues review panel and to establish its membership, powers, and duties; and to provide an appropriation.

Was read the first time and referred to the committee on State and Federal Government.

Senators Melland, Nething introduced:

**Senate Bill No. 2279.** A Bill for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to the issuance of water permits; and to amend and reenact subsection 2 of section 23-25-04.1, and sections 23-26-05, 23-29-07, 49-03-02, and 49-22-10 of the North Dakota Century Code, relating to the issuance of permits or certificates for air pollution, water treatment or discharge, solid waste management, public convenience and necessity, and energy conversion and transmission facility siting.

Was read the first time and referred to the committee on Natural Resources.

Senators Shablow, Vosper introduced:

**Senate Bill No. 2280.** A Bill for an Act making an appropriation to defray the expenses of continuing the position of state ABM coordinator, and declaring an emergency.

Was read the first time and referred to the committee on Appropriations.

Senator Thane introduced:

**Senate Bill No. 2281.** A Bill for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, granting authority to the state auditor to examine information relating to operations of governmental units subject to audit.

Was read the first time and referred to the committee on State and Federal Government.

Senators Barth, Wright introduced:

**Senate Bill No. 2282.** A Bill for an Act to provide for grants by the Bank of North Dakota in conjunction with state loan moneys and federal moneys for community water facilities; defining community water facility, grant eligibility, limitations, purposes, and approval; and providing for rules and regulations, and a transfer of funds to the community water facility grant fund.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Maher, Krauter, Rait introduced:

**Senate Bill No. 2283.** A Bill for an Act to create and enact two new sections to chapter 11-11 of the North Dakota Century Code, relating to a survey and record of water well locations by the board of county commissioners, and the form in which the information is to be submitted, to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to the responsibility of the county register of deeds to maintain a record of water well locations, and to create and enact a new subsection to section 61-02-14 of the North Dakota Century Code, relating to the responsibility of the state water conservation commission to maintain a record of water well locations; and to amend and reenact

sections 43-35-19 and 61-20-05 of the North Dakota Century Code, relating to information provided to the state board of water well contractors and the listing of all artesian wells in the county by county and township assessors.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Erdman introduced:

**Senate Bill No. 2284.** A Bill for an Act to create and enact a new section to chapter 37-25 of the North Dakota Century Code, providing for Vietnam bonus payments for combat zone service during the Mayaguez Incident or the evacuation of Cambodia and Vietnam.

Was read the first time and referred to the committee on Social Welfare & Veterans Affairs.

Senators Thane, Morgan, Hanson introduced:

**Senate Bill No. 2285.** A Bill for an Act to amend and reenact section 39-06-42 and subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to the impoundment of motor vehicle number plates instead of motor vehicles as an additional penalty for driving while under the influence of intoxicating liquor or driving while a driver's license has been suspended or revoked; and to provide a penalty.

Was read the first time and referred to the committee on Transportation.

Senator Strinden introduced:

**Senate Bill No. 2286.** A Bill for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota Century Code, relating to the specific powers and duties of the board of higher education, and providing that no tenure shall be granted to faculty hired after January 1, 1977.

Was read the first time and referred to the committee on Education.

Committee on Agriculture introduced:

**Senate Bill No. 2287.** A Bill for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to noxious weed control and eradication by telephone, telegraph, and electric companies and cooperatives under the supervision of the commissioner of agriculture; and to amend and reenact section 63-01.1-13 of the North Dakota Century Code, relating to noxious weed control on publicly owned land and providing for state agency programs to be under the supervision of the commissioner of agriculture.

Was read the first time and referred to the committee on Agriculture.

Senators Holmberg, Hanson, Lips introduced:

**Senate Bill No. 2288.** A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an income tax adjustment for rent paid for residential real property.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Holmberg introduced:

**Senate Bill No. 2289.** A Bill for an Act to amend and reenact section 46-03-10 of the North Dakota Century Code, relating to arranging laws for publication and providing for adding equivalent metric measurements to laws containing customary measurements.

Was read the first time and referred to the committee on State and Federal Government.

Senator Holmberg introduced:

**Senate Bill No. 2290.** A Bill for an Act to provide for the office of the governor to coordinate and plan executive branch conversion to the metric system.

Was read the first time and referred to the committee on State and Federal Government.

Senator Mau introduced:

**Senate Bill No. 2291.** A Bill for an Act to amend and reenact subsection 17 of section 11-11-14 of the North Dakota Century Code, relating to the powers of the board of county commissioners.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Rait, Albers, Barth, Jacobson, Krauter introduced:

**Senate Bill No. 2292.** A Bill for an Act to require recording of mineral interests which have been severed from the surface, to provide a method of filing and verifying ownership of severed mineral interests, forfeiture for failure to refile, publication of the requirements of this Act, and a filing fee; to repeal subsection 2 of section 11-18-03 of the North Dakota Century Code, relating to the recording of mineral deeds without regard to taxes; and to provide an appropriation.

Was read the first time and referred to the committee on State and Federal Government.

Senator Fritzell introduced:

**Senate Bill No. 2293.** A Bill for an Act to provide for the regulation of the rights and responsibilities of mobile home park owners and tenants; and to provide a penalty.

Was read the first time and referred to the committee on Industry, Business and Labor.

#### FIRST READING OF A SENATE RESOLUTION

Senator Erdman introduced:

**Senate Resolution No. 4.** A resolution congratulating Miss Tamera Brandvold for being named 1977 North Dakota Pork Queen.

Was read the first time.

Senator Erdman moved that the rules be suspended, that Senate Resolution No. 4 not be printed as a bill, not referred to a committee, but 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. 4

Introduced by Senator Erdman.

1 A resolution congratulating Miss Tamera Brandvold for being  
2 named 1977 North Dakota Pork Queen.

3

4 WHEREAS, the North Dakota Pork Producers Council is an  
5 important part of North Dakota's agriculturally based economy;  
6 and

7 WHEREAS, the Council held its Fifth Annual State  
8 Convention in Bismarck on January 12-14, 1977; and  
9 WHEREAS, as part of the Council's efforts to increase  
10 recognition and appreciation of the pork industry in North  
11 Dakota, it has annually sponsored a queen contest; and

12 WHEREAS, the 1977 North Dakota Pork Queen is the  
13 Northwest Pork Council Region Princess, Miss Tamera Brandvold,  
14 a student at Bottineau High School and the daughter of Mr. and  
15 Mrs. Marvin Brandvold of Bottineau;



16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE  
16a OF THE STATE

17 OF NORTH DAKOTA:

18 That the Senate extends its sincere and heartiest  
19 congratulations and best wishes to Miss Tamera Brandvold, the  
20 1977 North Dakota Pork Queen, as she begins a year of  
21 representing the important pork industry in North Dakota; and

22 BE IT FURTHER RESOLVED, that the Secretary of  
22a State send

23 a copy of this resolution to Miss Brandvold.

24

#### SECOND READING OF SENATE RESOLUTION NO. 4

**Senate Resolution No. 4.** A resolution congratulating Miss Tamera Brandvold for being named 1977 North Dakota Pork Queen.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Erdman moved that the resolution be adopted, which motion prevailed and Senate Resolution No. 4 was adopted.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1036.** A Bill for an Act to authorize the public service commission to assess a civil penalty against any person subject to the commission's authority.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1039.** A Bill for an Act to amend and reenact section 49-04-05 of the North Dakota Century Code, relating to the consent of the public service commission to dispose of or encumber public utility franchises, works, or systems.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1054.** A Bill for an Act to amend and reenact subsection 1 of section 27-20-22 and section 27-20-24 of the North Dakota Century Code, relating to the time for a hearing and the right of dismissal of a petition against a juvenile.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1064.** A Bill for an Act to amend and reenact section 28-32-02 of the North Dakota Century Code, relating to the rulemaking power of an administrative agency, and providing for public opportunity to submit data, views, and arguments and for required oral hearings.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1078.** A Bill for an Act to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to school board elections.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1101.** A Bill for an Act to amend and reenact section 15-20.1-08 of the North Dakota Century Code, relating to a mill levy for cooperative vocational education programs.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1103.** A Bill for an Act to amend and reenact section 57-02-31 of the North Dakota Century Code, relating to the furnishing of assessment books to county assessors by the county auditor.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1104.** A Bill for an Act to amend and reenact section 28-22-05 of the North Dakota Century Code, relating to the judgment exemptions for a single person.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1115.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for truck-mounted haystack movers.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1117.** A Bill for an Act to amend and reenact section 21-03-18 of the North Dakota Century Code, relating to the form and content of bonds, their coupons, and number of bonds.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1118.** A Bill for an Act to amend and reenact section 6-09-15 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota to make loans.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1119.** A Bill for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the compensation, mileage and travel expenses for members of the Health Council.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1127.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for recreational vehicles.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1145.** A Bill for an Act to prohibit requiring a fingerprint or thumbprint upon a check for identification or other check cashing purposes.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3017.** A concurrent resolution commending President Gerald R. Ford for his service to the nation.

Was read the first time.

#### MOTION

Senator Nothing moved that the rules be suspended, that House Concurrent Resolution No. 3017 not be printed as a bill, not referred to a committee, but read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

HOUSE CONCURRENT RESOLUTION No. 3017

Introduced by Representatives Strinden, Backes, Solberg.  
A concurrent resolution commending President Gerald R. Ford for his service to the nation.

WHEREAS, President Gerald Ford, the nation's 38th President, will leave that high office on January 20, 1977; and

WHEREAS, President Ford came to office under unusual circumstances that caused additional problems and pressures not ordinarily associated with the presidency; and

WHEREAS, President Ford has handled his presidential duties in a forthright and forceful manner, seeking at all times to serve his country to the very best of his abilities; and

WHEREAS, President Ford's entire adult career has been one of public service to the United States and its citizens, first as Congressman, later as Vice President, and finally as President;

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

That the Forty-fifth Legislative Assembly of the State of North Dakota extend to President Gerald R. Ford the sincere thanks and appreciation of all North Dakotans for the many years of service he has given the nation in his duties as Congressman, Vice President, and President; and

BE IT FURTHER RESOLVED, that the Forty-fifth Legislative Assembly extend to President Ford the best wishes and prayers of all North Dakotans in his post-presidential activities; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the North Dakota Congressional Delegation and to President Gerald R. Ford.

SECOND READING OF HOUSE CONCURRENT  
RESOLUTION No. 3017

House Concurrent Resolution No. 3017. A concurrent resolution commending President Gerald R. Ford for his service to the nation.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Nething moved that the resolution be adopted, which motion prevailed and House Concurrent Resolution No. 3017 was adopted.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3018. A concurrent resolution congratulating President-elect Jimmy Carter and wishing him well as he begins his administration.

Was read the first time.

Senator Nething moved that the rules be suspended, that House Concurrent Resolution No. 3018 not be printed as a bill, not referred to a committee, but read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

HOUSE CONCURRENT RESOLUTION No. 3018

Introduced by Representatives Backes, Solberg, Strinden.

A concurrent resolution congratulating President-elect Jimmy Carter and wishing him well as he begins his administration.

WHEREAS, Jimmy Carter will be inaugurated as the nation's 39th President on January 20, 1977; and

WHEREAS, the problems and pressures facing a new presidential administration are immense; and

WHEREAS, President-elect Carter, if he is to succeed in serving all of the people, must have the cooperation and support of all Americans; and WHEREAS, many North Dakotans can identify with President-elect Carter because of his farm background and his campaign visit to the state;

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

That the Forty-fifth Legislative Assembly of the State of North Dakota extend to President-elect Jimmy Carter the hopes, prayers, and best wishes of all North Dakotans upon the beginning of the Carter Administration; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation and to the transition office of President-elect Carter.

SECOND READING OF HOUSE CONCURRENT RESOLUTION No. 3018 .

**House Concurrent Resolution No. 3018.** A concurrent resolution congratulating President-elect Jimmy Carter and wishing him well as he begins his administration.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Nething moved that the resolution be adopted, which motion prevailed and House Concurrent Resolution No. 3018 was adopted.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3019.** A concurrent resolution providing and designating House and Senate employees and fixing their compensation.

Was read the first time.

Senator Solberg offered the following amendments to House Concurrent Resolution No. 3019:

On page 1, line 15 of the engrossed resolution, delete \$42.50 and insert in lieu thereof \$45.00

On page 1, line 17 of the engrossed resolution, delete \$42.50 and insert in lieu thereof \$45.00

On page 3, line 34 of the engrossed resolution, delete \$42.50 and insert in lieu thereof \$45.00

On page 4, line 1 of the engrossed resolution, delete \$42.50 and insert in lieu thereof \$45.00

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

#### MOTION

Senator Solberg moved that the rules be suspended, that House Concurrent Resolution No. 3019 as printed on pages 147-149 of the House Journal be placed on the calendar for second reading and final passage, as amended which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3019.** A concurrent resolution providing and designating House and Senate employees and fixing their compensation.

Was read the second time.

The question being on the final adoption of the resolution.

## ROLL CALL

The roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |               |

House Concurrent Resolution No. 3019 was adopted.

## SECOND READING OF SENATE BILLS

Senate Bill No. 2075. A Bill for an Act to amend and reenact sections 40-47-01.1, 40-48-18, and 58-03-11 of the North Dakota Century Code, relating to the application of zoning and subdivision regulation authority to land lying outside the corporate limits of a city.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 42; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
|                     |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
|                     |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
|                     |     |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
|                     |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
|                     |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
|                     |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
|                     |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
|                     |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
|                     |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
|                     |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
|                     |     |      | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT        |
|                     |     |      | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
|                     |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |               |

Senate Bill No. 2075 was declared lost.

Senate Bill No. 2097. A Bill for an Act to amend and reenact subsection 3 of section 12.1-32-09 of the North Dakota Century Code, relating to the procedure for extended sentences for dangerous special offenders.

Which has been read.

## ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |            |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |            |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |            |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI  |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG    |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND     |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN   |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS   |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE      |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER     |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2100.** A Bill for an Act to amend and reenact section 57-15-42 of the North Dakota Century Code, relating to a mill levy for city fire departments.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 115) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2130.** A Bill for an Act to provide a time limit for action by the state engineer and the state water commission on water permit applications.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 43; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill 2130 was declared lost.

**Senate Bill No. 2137.** A Bill for an Act to create and enact a new section to Chapter 20.1-01 of the North Dakota Century Code, relating to the substitution of the term conservation officer wherever the term game warden now appears.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 45; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      |           | JACOBSON   |      |      | NAADEN   |      |                  |     | SMYKOWSKI     |
|                     |     |      |           | JONES      |      |      | NELSON   |      |                  |     | SOLBERG       |
|                     |     |      |           | KRAUTER    |      |      | NOTHING  |      |                  |     | STRAND        |
|                     |     |      |           | LARSON     |      |      | ORANGE   |      |                  |     | STRINDEN      |
|                     |     |      |           | LASHKOWITZ |      |      | PETERSON |      |                  |     | TALLACKSON    |
|                     |     |      |           | LEE        |      |      | PIETRON  |      |                  |     | TENNEFOS      |
|                     |     |      |           | LIPS       |      |      | RAIT     |      |                  |     | THANE         |
|                     |     |      |           | LODOEN     |      |      | REDLIN   |      |                  |     | VOSPER        |
|                     |     |      |           | MAHER      |      |      | REITEN   |      |                  |     | WALSH         |
|                     |     |      |           | MAU        |      |      | SANDNESS |      |                  |     | WENSTROM      |
|                     |     |      |           | MELLAND    |      |      | SANDS    |      |                  |     | WRIGHT        |
|                     |     |      |           | MILLER     |      |      | SCHIRADO |      |                  |     | MR. PRESIDENT |
|                     |     |      |           | MORGAN     |      |      | SHABLOW  |      |                  |     |               |

Senate Bill 2137 was declared lost.

Senate Bill No. 2168. A Bill for an Act to create and enact sections 14-17-04.1 and 14-17-04.2 of the North Dakota Century Code, relating to artificial insemination and artificial implantation.

Which has been read. ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 6; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      |           | JACOBSON   |      |      | NAADEN   |      |                  |     | SMYKOWSKI     |
|                     |     |      |           | JONES      |      |      | NELSON   |      |                  |     | SOLBERG       |
|                     |     |      |           | KRAUTER    |      |      | NOTHING  |      |                  |     | STRAND        |
|                     |     |      |           | LARSON     |      |      | ORANGE   |      |                  |     | STRINDEN      |
|                     |     |      |           | LASHKOWITZ |      |      | PETERSON |      |                  |     | TALLACKSON    |
|                     |     |      |           | LEE        |      |      | PIETRON  |      |                  |     | TENNEFOS      |
|                     |     |      |           | LIPS       |      |      | RAIT     |      |                  |     | THANE         |
|                     |     |      |           | LODOEN     |      |      | REDLIN   |      |                  |     | VOSPER        |
|                     |     |      |           | MAHER      |      |      | REITEN   |      |                  |     | WALSH         |
|                     |     |      |           | MAU        |      |      | SANDNESS |      |                  |     | WENSTROM      |
|                     |     |      |           | MELLAND    |      |      | SANDS    |      |                  |     | WRIGHT        |
|                     |     |      |           | MILLER     |      |      | SCHIRADO |      |                  |     | MR. PRESIDENT |
|                     |     |      |           | MORGAN     |      |      | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2170. A Bill for an Act to amend and reenact sections 50-24-33 and 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estates of medical assistance recipients and from the estates of recipients of assistance to the aged, blind, or disabled.

MOTIONS

Senator Sands moved that due to a conflict of interest, he be excused from voting on this bill. Senator Nothing moved that Senator Sands be permitted to vote, which motion prevailed.

Senator Melland offered the following amendment:

On page 1, line 22 of the printed bill, delete the word **preferment** and insert in lieu thereof the word "**priority**".

Senator Melland moved the amendment be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2170 be deemed properly engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

Senate Bill No. 2170. A Bill for an Act to amend and reenact sections 50-24-33 and 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estates of medical assistance recipients and from the estates of recipients of assistance to the aged, blind, or disabled.

Which has been read. ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS |                 |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2183. A Bill for an Act to amend and reenact subsection 1 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration fees.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS |                 |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |

So the bill passed and the title was agreed to.

MESSAGES FROM THE HOUSE

House Chamber

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

- House Bill No. 1020
- House Bill No. 1032
- House Bill No. 1048
- House Bill No. 1058
- House Bill No. 1060
- House Bill No. 1076
- House Bill No. 1085
- House Bill No. 1122
- House Bill No. 1128
- House Bill No. 1153

ROY GILBREATH, Chief Clerk

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

Senate Concurrent Resolution No. 4026

ROY GILBREATH, Chief Clerk

Senator Nothing moved that after the reading of Senate Bills Nos. 2015,



2019, 2048 (IP), 2090 (IP), 2105 (IP), 2111, 2153, 2156 (IP), 2176, 2191 and 2211, the Senate recess until Tuesday, January 18, 1977 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## TENTH DAY AFTER RECESS AND ELEVENTH DAY

Bismarck, January 18, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2111

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2020 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

Senate Bill No. 2020 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2039 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2039 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2107 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2107 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2110 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 20, delete the word "may" and insert in lieu thereof the word "shall"

On page 3, line 22, after the word "chapter" insert the following: "including publication of notice of any sale or lease at least once a week for two weeks in a newspaper of general circulation. Such rules shall also provide for consultation with the state engineer prior to the sale or lease of sovereign lands"

On page 3, line 23, after the numerals "15-08.2-09." delete the words "CREATION OF SOVEREIGN LANDS TRUST" and insert in lieu

thereof the words "INCOME TO GENERAL FUND"

On page 3, line 27, after the word "in" delete the remainder of the line

On page 3, delete all of line 28

On page 3, delete line 29 through the word "provide" and insert in lieu thereof the following words: "the general fund"

On page 5, delete lines 6 and 7

Renumber lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2110 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2120 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2120 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2173 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2173 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2197 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2197 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Concurrent Resolution 4020 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Concurrent Resolution 4020 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution 4021 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR FREED, Chairman

Senate Concurrent Resolution 4021 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1030 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1030 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Melland moved that the reading of the amendments to Senate Bill No 2024 be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2024 as recommended by the Committee on Appropriations as printed on page



Deaf, Devils Lake, N. Dak., Randy Wass, Starkweather, N. D. and Elaine Rice, Columbus, N. Dak.

The roll was called and all Senators were present except Hoffner, Jones and Morgan. Senators Jones and Hoffner are in Washington, D. C., for the inauguration of Jimmy Carter.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

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

On page 158 after line 42, insert the title of Senate Bill 2170.

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

#### FIRST READING OF SENATE BILLS

Senators Goodman, Freed introduced:

**Senate Bill No. 2294.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and sections 57-37.1-03, 57-37.1-04, and 57-37.1-07 of the North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate, rates applied to a taxable estate, interest, federalization; and to provide for an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Orange, Sandness introduced:

**Senate Bill No. 2295.** A Bill for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to the issuance of photo identification cards for nondrivers by the highway commissioner; to repeal section 14-10-16 and chapter 14-16 of the North Dakota Century Code, relating to the issuance of identification cards by the clerk of the district court; and to provide a penalty.

Was read the first time and referred to the committee on Transportation.

Senators Strand, Rait, Sandness introduced:

**Senate Bill No. 2296.** A Bill for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to the fees for printing legal notices.

Was read the first time and referred to the committee on Judiciary.

Senator Jacobson introduced:

**Senate Bill No. 2297.** A Bill for an Act to create and enact sections 49-22-05.1, 49-22-07.1, 49-22-07.2, 49-22-12.1, and 49-22-14.1 of the North Dakota Century Code, relating to inventory of exclusion areas, letters of intent prior to construction of energy conversion or transmission facilities, waiver of procedures and time schedules, emergency certification, and cooperation with state and federal agencies; to amend and reenact subsections 8, 10, 11, and 12 of section 49-22-03, sections 49-22-04, 49-22-07, 49-22-08, 49-22-10, 49-22-11, 49-22-13, 49-22-19, 49-22-21, and subsections 1 and 2 of section 49-22-22 of the North Dakota Century Code, relating to definitions, ten-year plans of utilities, certificates of site compatibility, application for a certificate of site compatibility, designation of sites and corridors, approval of routes within corridors, public hearings, requests for rehearings, penalties, and application fees; to repeal sections 49-22-05,

49-22-06, and 49-22-12, relating to inventory of potential sites, energy conversion and transmission facility development plans, and emergency certification.

Was read the first time and referred to the committee on Natural Resources.

Senators Lips, Peterson, Strand introduced:

**Senate Bill No. 2298.** A Bill for an Act to create and enact a new subsection to section 12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

Was read the first time and referred to the committee on State and Federal Government.

Senators Smykowski, Iszler introduced:

**Senate Bill No. 2299.** A Bill for an Act to amend and reenact section 20.1-01-18 of the North Dakota Century Code, relating to hunting on posted land without permission as being unlawful, and providing that written permission must be obtained for trapping fur-bearing animals.

Was read the first time and referred to the committee on Natural Resources.

Senators Orange, Lips introduced:

**Senate Bill No. 2300.** A Bill for an Act to amend and reenact section 5-01-06 of the North Dakota Century Code, providing limitations on the recovery of damages resulting from intoxication.

Was read the first time and referred to the committee on Judiciary.

Senators Lashkowitz, Sands, Schirado, Freed introduced:

**Senate Bill No. 2301.** A Bill for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, assuring a person subject to any administrative procedure or hearing process the right to justice, by providing the right to elect either to proceed with such procedure or hearing or to proceed in the appropriate court, providing procedure when a court action is elected, and providing for appeals from administrative agency or body decisions not subject to chapter 28-32; and to amend and reenact section 28-32-15 of the North Dakota Century Code, relating to an appeal from an agency determination, and providing that any administrative agency decision may be appealed to district court.

Was read the first time and referred to the committee on Judiciary.

Senator Albers introduced:

**Senate Bill No. 2302.** A Bill for an Act to amend and reenact section 18-07-03 of the North Dakota Century Code, relating to the appointment of fire wardens.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Schirado introduced:

**Senate Bill No. 2303.** A Bill for an Act making an appropriation to the state industrial school for construction of a vocational education and shop complex.

Was read the first time and referred to the committee on Appropriations.

Senator Goodman introduced:

**Senate Bill No. 2304.** A Bill for an Act to establish a chiropractic scholarship loan fund, for qualified students enrolling in an approved school of chiropractic, to be administered by the North Dakota state board of chiropractic, and provide an appropriation.

Was read the first time and referred to the committee on Education.

Senator Thane introduced:

**Senate Bill No. 2305.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of water from the sales and use tax; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, section 57-39.2-04.1, subsection 2 of section 57-39.2-18, subdivision a of subsection 6 of section 57-40.2-01, section 57-40.2-04.1 of the North Dakota Century Code, and subsection 2 of section 1 of Initiative Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to the exemption of water from sales and use taxes, and to remove references to sales and use taxes on electricity.

Was read the first time and referred to the committee on Finance and Taxation.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1020.** A Bill for an Act to create and enact a new section to chapter 37-01, relating to unit funds of the national guard.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1032.** A Bill for an Act to amend and reenact section 49-02-02 of the North Dakota Century Code, relating to commission powers with reference to public utilities.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1048.** A Bill for an Act to prohibit discrimination in the choice of optometric services.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1058.** A Bill for an Act to amend and reenact sections 40-45-15 and 40-46-16 of the North Dakota Century Code, relating to the loss of a policeman's and a city employee's right to retirement benefits upon conviction of a felony, and providing that conviction of a felony shall not cause forfeiture once a person is entitled to be retired.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1060.** A Bill for an Act to amend and reenact section 12-48-15 of the North Dakota Century Code, relating to the disposition of moneys earned by a penitentiary inmate, allowing an inmate to deposit penitentiary earnings in a Bank of North Dakota interest account, and to deposit outside earnings in any bank or organization upon approval of the director of institutions.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1076.** A Bill for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to requirements for advertisement for bids on school district contracts.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1085.** A Bill for an Act to amend and reenact subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to the exemption of mobile homes from taxation.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1122.** A Bill for an Act to amend and reenact sections 11-10-05 and 44-01-03 of the North Dakota Century Code relating to the time county and district officers take office when elected to fill an unexpired term.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1128.** A Bill for an Act to amend and reenact section 57-15-31.1 of the North Dakota Century Code, relating to the date by which a taxing district must certify taxes or submit budget amendments.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1153.** A Bill for an Act to amend and reenact subsection 2 of section 6-01-03 of the North Dakota Century Code, relating to the state credit union board.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

### SECOND READING OF SENATE BILLS

**Senate Bill No. 2185.** A Bill for an Act to amend and reenact section 39-05-17 of the North Dakota Century Code, relating to transfer of title of vehicles.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 7; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •                | NEHING   | •    | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2186.** A Bill for an Act to amend and reenact section 39-04-08 of the North Dakota Century Code, relating to the number plates furnished by the motor vehicle department.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |            |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |            |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |            |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI  |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG    |
| •                   |     |      | •         | KRAUTER    |      | •                | NEHING   | •    | STRAND     |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN   |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS   |



|            |           |            |              |
|------------|-----------|------------|--------------|
| ● FREED    | ● LIPS    | ● RAIT     | ● THANE      |
| ● FRITZELL | ● LODOEN  | ● REDLIN   | ● VOSPER     |
| ● GOODMAN  | ● MAHER   | ● REITEN   | ● WALSH      |
| ● HANSON   | ● MAU     | ● SANDNESS | ● WENSTROM   |
| ● HOFFNER  | ● MELLAND | ● SANDS    | ● WRIGHT     |
| ● HOLMBERG | ● MILLER  | ● SCHIRADO | MR PRESIDENT |
| ● ISZLER   | ● MORGAN  | ● SHABLOW  |              |

So the bill passed and the title was agreed to.

**MOTION**

Senator Peterson moved that Senate Bill No. 2189 be re-referred to the Committee on Social Welfare and Veterans Affairs, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2015. Administration of Motor Fuel Tax — A Bill for an Act to transfer a portion of the motor vehicle fuel tax revenues to the general fund to cover the cost of administering the motor fuel tax laws.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| ROLL CALL           |     |      |              |     |      |                  |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI  |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG    |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND     |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN   |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS   |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE      |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER     |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH      |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM   |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT     |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |              |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2019. A Bill for an Act to provide for the state auditor's review of emergency action; and to repeal section 54-16-06 of the North Dakota Century Code, relating to quarterly reporting requirements for agencies authorized by the emergency commission to make extraordinary expenditures, or to make use of funds transferred or made available through an order of the emergency commission.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| ROLL CALL           |     |      |              |     |      |                  |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI  |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG    |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND     |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN   |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS   |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE      |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER     |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH      |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM   |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT     |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |              |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2048. Alternative 2 — A Bill for an Act to provide for state reimbursement to counties for the cost of statewide elections. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 1; nays, 46; absent and not voting, 3.

Table with 12 columns: REGULAR SESSION (YEAS, N-V, NAYS), ROLL-CALL (YEAS, N-V, NAYS), 1977 LEGISLATURE (YEAS, N-V, NAYS). Rows list names: ALBERS, BARTH, BERUBE, CHRISTENSEN, ERDMAN, FARRINGTON, FREED, FRITZELL, GOODMAN, HANSON, HOFFNER, HOLMBERG, ISZLER, JACOBSON, JONES, KRAUTER, LARSON, LASHKOWITZ, LEE, LIPS, LODGEN, MAHER, MAU, MELLAND, MILLER, MORGAN, NAADEN, NELSON, NOTHING, ORANGE, PETERSON, PIETRON, RAIT, REDLIN, REITEN, SANDNESS, SANDS, SCHIRADO, SHABLOW, SMYKOWSKI, SOLBERG, STRAND, STRINDEN, TALLACKSON, TENNEFOS, THANE, VOSPER, WALSH, WENSTROM, WRIGHT, MR. PRESIDENT.

Senate Bill No. 2048 was declared lost.

Senate Bill No. 2090. A Bill for an Act to amend and reenact sections 29-04-01 and 29-04-02 of the North Dakota Century Code, relating to unlimited prosecution time for certain felonies, and increasing prosecution time for other felonies. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 1; nays, 46; absent and not voting, 3.

Table with 12 columns: REGULAR SESSION (YEAS, N-V, NAYS), ROLL-CALL (YEAS, N-V, NAYS), 1977 LEGISLATURE (YEAS, N-V, NAYS). Rows list names: ALBERS, BARTH, BERUBE, CHRISTENSEN, ERDMAN, FARRINGTON, FREED, FRITZELL, GOODMAN, HANSON, HOFFNER, HOLMBERG, ISZLER, JACOBSON, JONES, KRAUTER, LARSON, LASHKOWITZ, LEE, LIPS, LODGEN, MAHER, MAU, MELLAND, MILLER, MORGAN, NAADEN, NELSON, NOTHING, ORANGE, PETERSON, PIETRON, RAIT, REDLIN, REITEN, SANDNESS, SANDS, SCHIRADO, SHABLOW, SMYKOWSKI, SOLBERG, STRAND, STRINDEN, TALLACKSON, TENNEFOS, THANE, VOSPER, WALSH, WENSTROM, WRIGHT, MR. PRESIDENT.

Senate Bill No. 2090 was declared lost.

Senate Bill No. 2095. A Bill for an Act to amend and reenact section 12.1-20-07 of the North Dakota Century Code, relating to sexual assault and providing penalties for such offenses. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

Table with 12 columns: REGULAR SESSION (YEAS, N-V, NAYS), ROLL-CALL (YEAS, N-V, NAYS), 1977 LEGISLATURE (YEAS, N-V, NAYS). Rows list names: ALBERS, BARTH, BERUBE, CHRISTENSEN, ERDMAN, FARRINGTON, JACOBSON, JONES, KRAUTER, LARSON, LASHKOWITZ, LEE, NAADEN, NELSON, NOTHING, ORANGE, PETERSON, PIETRON, SMYKOWSKI, SOLBERG, STRAND, STRINDEN, TALLACKSON, TENNEFOS.

|            |           |            |              |
|------------|-----------|------------|--------------|
| • FRED     | • LIPS    | • RAIT     | • THANE      |
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER     |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH      |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM   |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT     |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |              |

So the bill passed and the title was agreed to.

**Senate Bill No. 2105.** A Bill for an Act to amend and reenact sections 65-12-04 and 65-12-04.1 of the North Dakota Century Code, relating to the definition of boiler and exempt boilers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 30; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| • ALBERS            |     | •    |           | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| • BARTH             |     |      |           | JONES      |      |      | NELSON   |      | •                | SOLBERG      |      |
| • BERUBE            |     |      |           | KRAUTER    |      | •    | NETHING  |      | •                | STRAND       | •    |
| • CHRISTENSEN       |     |      | •         | LARSON     |      |      | ORANGE   |      | •                | STRINDEN     | •    |
| • ERDMAN            |     | •    |           | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON   | •    |
| • FARRINGTON        |     |      | •         | LEE        |      |      | PIETRON  |      | •                | TENNEFOS     | •    |
| • FRED              |     |      | •         | LIPS       |      |      | RAIT     |      | •                | THANE        | •    |
| • FRITZELL          |     | •    |           | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER       | •    |
| • GOODMAN           |     | •    |           | MAHER      |      |      | REITEN   |      | •                | WALSH        | •    |
| • HANSON            |     | •    | •         | MAU        |      |      | SANDNESS |      | •                | WENSTROM     | •    |
| • HOFFNER           |     |      |           | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT       | •    |
| • HOLMBERG          |     | •    |           | MILLER     |      |      | SCHIRADO |      | •                | MR PRESIDENT |      |
| • ISZLER            |     | •    |           | MORGAN     |      |      | SHABLOW  |      | •                |              |      |

**Senate Bill No. 2105** was declared lost.

**Senate Bill No. 2111.** A Bill for an Act to create and enact sections 38-11-02.1, 38-11-02.2, 38-11-02.3, and 38-11-02.4 of the North Dakota Century Code, relating to the leasing of minerals on public lands; to amend and reenact subsection 2 of section 38-11-01 and sections 38-11-02, 38-11-04, and 38-11-10 of the North Dakota Century Code, relating to the leasing of minerals on public lands; and to repeal sections 15-05-17, 38-11-03, 38-11-05, 38-11-06, 38-11-07, 38-11-08, and 38-11-09 of the North Dakota Century Code, relating to the leasing of minerals on public lands.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 115, 116) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| • ALBERS            |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| • BARTH             |     |      |           | JONES      |      | •    | NELSON   |      | •                | SOLBERG      |      |
| • BERUBE            |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND       | •    |
| • CHRISTENSEN       |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN     | •    |
| • ERDMAN            |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON   | •    |
| • FARRINGTON        |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS     | •    |
| • FRED              |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE        | •    |
| • FRITZELL          |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER       | •    |
| • GOODMAN           |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH        | •    |
| • HANSON            |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM     | •    |
| • HOFFNER           |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT       | •    |
| • HOLMBERG          |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| • ISZLER            |     |      | •         | MORGAN     |      | •    | SHABLOW  |      | •                |              |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2153.** A Bill for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to requiring

state banks to have federal deposit insurance corporation insurance of deposits; to amend and reenact sections 6-02-03, 6-02-07, and 6-03-01 of the North Dakota Century Code, relating to capital stock, surplus, and federal deposit insurance requirements for state banking associations, organization certificates of state banking associations, and certificates of authority of state banking associations; and to provide a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBEKS            |     |      | • JACOBSON   |           |      | • NAAOEN   |     |                  | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |           |      | • REDLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                 |     |      |

So the bill passed and the title was agreed to.

**MESSAGES TO THE HOUSE**

Senate Chamber

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

- Senate Bill No. 2038                      Senate Bill No. 2151
- Senate Bill No. 2134                      Senate Bill No. 2162
- Senate Bill No. 2145                      Senate Bill No. 2163
- Senate Bill No. 2147

LEO LEIDHOLM, Secretary

Senate Chamber

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

- House Concurrent Resolution No. 3017
- House Concurrent Resolution No. 3018

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE**

House Chamber

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

- House Bill No. 1059                      House Bill No. 1146
- House Bill No. 1107                      House Bill No. 1151

ROY GILBREATH, Chief Clerk

Senator Nothing moved that after the reading of Senate Bills Nos. 2020, 2035, 2039, 2107, 2118, 2120, 2173, 2197, Senate Concurrent Resolution No. 4020 and House Bill No. 1030, the Senate recess until Wednesday, January 19, 1977 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## ELEVENTH DAY AFTER RECESS AND TWELFTH DAY

Bismarck, January 19, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2024

Senate Bill No. 2035

Senate Bill No. 2118

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2040 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2040 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2047 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the second comma, insert the following: "setting up voting machines,"

On page 1, line 16, after the word "machines" insert the following: "at the rate of \$15.00 per machine per election"

On page 1, line 22, after the word "pay" delete the words "seventy-five" and insert in lieu thereof the following: "twenty-five"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2047 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2106 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 1, after the word "Dakota" delete the word "may" and insert in lieu thereof the word "shall"

On page 3, line 3, after the word "lands" delete the word "might" and insert in lieu thereof the word "shall"

On page 3, line 6, after the word "other" delete the word "banks" and insert in lieu thereof the words "financial institutions"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2106 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2157 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "enact" delete the word "three" and insert in lieu thereof the word "two"

On page 1, line 2, after the word "Code," delete the following: "relating to"

On page 1, line 3, delete the following words: "making claimants' files private,"

On page 1, after line 18, delete all of lines 19 through 24.

On page 2, delete all of line 1.

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2157 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2158 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2158 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2159 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 21, delete the beginning triple parentheses and also on the same line delete the ending triple parentheses after the word "jurisdiction"

On page 2, line 23, after the word "of" delete the following: "any felony or any crime involving" and also on the same line insert beginning triple parentheses before the word "theft"

On page 2, line 26, after the word "like" insert ending triple parentheses and following these insert the word "an"

On page 2, line 26, after the word "offense" insert the following new language: "determined by the commission to have a direct bearing upon a person's ability to serve the public as a real estate broker or salesman, or the commission determines, following conviction of any offense, that the person is not sufficiently rehabilitated under section 12.1-33-02.1

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR VOSPER, Vice Chairman

Senate Bill No. 2159 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2160 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

Senate Bill No. 2160 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2161 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2161 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2166 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR VOSPER, Vice Chairman

Senate Bill No. 2166 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2187 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2187 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2192 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 24, after the word "such" delete beginning and ending triple parentheses around the word "permit" and on the same line delete the word "certificate"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2192 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2200 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

Senate Bill No. 2200 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2209 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

Senate Bill No. 2209 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2212 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2212 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2214 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2, after the word "of" delete the word "nonprofit" and on the same line, after the word "service" delete the word "corporations"



On page 1, line 10, after the word "OF" delete the word "NONPROFIT"  
 On page 1, line 11, delete the word "CORPORATIONS" and on the same line after the word "any" delete the word "nonprofit"

On page 1, line 12, after the word "service" delete the word "corporation"

On page 1, line 17, after the word "care" insert the following:  
 "provided such person is properly trained according to law"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2214 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2226 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2226 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2230 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 3, after the word "notwithstanding" delete the words "any other" and insert in lieu thereof the word "the" and on the same line after the word "provisions" delete the words "in this"

On page 4, line 4, delete the words "chapter to the contrary" and insert in lieu thereof the following: "of section 57-38-08"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2230 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2231 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 23, after the word "chapter" delete the following: ", and by such directions as may"

On page 1, line 24, delete the following: "be given to him by the state board of equalization"

On page 2, line 3, after the comma delete the word "or" and insert in lieu thereof the word "of"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2231 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2243 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2, after the word "scholarships" insert the following words: "and declaring an emergency"

On page 1, after line 14, insert the following new section:

"SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after the passage and approval."

And renumber the lines and sections accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2243 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2244 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2244 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4023 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 9, after the semicolon, insert the following new language: "adopting an interstate disaster compact;"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

And be rereferred to the Legislative Council Resolutions Committee.

SENATOR VOSPER, Vice Chairman

Senate Concurrent Resolution No. 4023 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1090 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1090 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### REPORT OF SELECT COMMITTEES

Mr. President: Your Select Committee appointed to act as a Committee on Employment has had the same under consideration and recommends that House Concurrent Resolution 3019 be amended as follows:

On page 2, line 11, of the engrossed resolution, delete \$37.50 and insert in lieu thereof \$40.00.

On page 2, line 35, of the engrossed resolution, delete \$37.50 and insert in lieu thereof \$40.00.

On page 4, line 17, of the engrossed resolution, delete \$37.50 and insert in lieu thereof \$40.00.

On page 4, line 32 of the engrossed resolution, delete \$37.50 and insert in lieu thereof \$40.00.

SENATOR SOLBERG, Chairman

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

#### MOTION

Senator Solberg moved that the rules be suspended, that House Concurrent Resolution 3019 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. 3019. A concurrent resolution providing and designating House and Senate employees and fixing their compensation.

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, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |      |            |      |                  |          |      |      |              |      |
|---------------------|-----|------|------|------------|------|------------------|----------|------|------|--------------|------|
| REGULAR SESSION     |     |      |      |            |      | 1977 LEGISLATURE |          |      |      |              |      |
| ROLL CALL           |     |      |      |            |      |                  |          |      |      |              |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V          | NAYS |
| •                   |     |      | •    | JACOBSON   |      | •                | NAADEN   |      | •    | SMYKOWSKI    |      |
| •                   |     |      | •    | JONES      |      | •                | NELSON   |      | •    | SOLBERG      |      |
| •                   |     |      | •    | KRAUTER    |      | •                | NETHING  |      | •    | STRAND       |      |
| •                   |     |      | •    | LARSON     |      | •                | ORANGE   |      | •    | STRINDEN     |      |
| •                   |     |      | •    | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON   |      |
| •                   |     |      | •    | LEE        |      | •                | PIETRON  |      | •    | TENNEFOS     |      |
| •                   |     |      | •    | LIPS       |      | •                | RAIT     |      | •    | THANE        |      |
| •                   |     |      | •    | LODOEN     |      | •                | REDLIN   |      | •    | VOSPER       |      |
| •                   |     |      | •    | MAHER      |      | •                | REITEN   |      | •    | WALSH        |      |
| •                   |     |      | •    | MAU        |      | •                | SANDNESS |      | •    | WENSTROM     |      |
| •                   |     |      | •    | MELLAND    |      | •                | SANDS    |      | •    | WRIGHT       |      |
| •                   |     |      | •    | MILLER     |      | •                | SCHIRADO |      | •    | MR PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •                | SHABLOW  |      |      |              |      |

House Concurrent Resolution No. 3019 was adopted.

**MOTIONS**

Senator Solberg moved that Senate Bill No. 2240 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

Senator Solberg moved that Senate Bill No. 2240 be re-referred to the Committee on Finance and Taxation, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

Senator Jacobson moved that the amendments to Senate Bill No. 2110 as recommended by the Committee on Natural Resources as printed on pages 161 and 162 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the amendments to Senate Bill No. 2136 as recommended by the Committee on State and Federal Government as printed on page 147 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the amendments to Senate Bill No. 2152 as recommended by the Committee on State and Federal Government as printed on page 148 of the Senate Journal be adopted, which motion prevailed.

**FIRST READING OF SENATE BILLS**

Senators Nothing, Melland introduced:

Senate Bill No. 2306. A Bill for an Act to provide for the deduction of 1975 federal income taxes on the 1976 North Dakota income tax returns of individuals, estates, and trusts; and declaring an emergency.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Freed, Hoffner, Lashkowitz, Lips, Wenstrom introduced:

Senate Bill No. 2307. A Bill for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

Was read the first time and referred to the committee on Judiciary.

Senators Iszler, Smykowski introduced:

Senate Bill No. 2308. A Bill for an Act to authorize creation of rural ambulance service districts, setting forth the powers and duties of such districts, authorizing the levy of a tax, and setting limits on the indebtedness of such districts.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Freed, Goodman introduced:

**Senate Bill No. 2309.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and sections 57-37.1-03, 57-37.1-04, and 57-37.1-07 of the North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate, rates applied to a taxable estate, interest, federalization; and to provide for an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Redlin, Reiten introduced:

**Senate Bill No. 2310.** A Bill for an Act to amend and reenact subsection 3 of section 57-39.2-01 of the 1975 Supplement to the North Dakota Century Code, relating to the definition of a retail sale.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Redlin, Reiten introduced:

**Senate Bill No. 2311.** A Bill for an Act to create and enact a new subsection to section 57-40.2-04 of the 1975 Supplement to the North Dakota Century Code, relating to use tax exemptions.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Redlin, Reiten introduced:

**Senate Bill No. 2312.** A Bill for an Act to create and enact a new subparagraph to subsection 9 of section 57-40.2-01 of the North Dakota Century Code, relating to the definition of a purchase at retail.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Redlin, Reiten introduced:

**Senate Bill No. 2313.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the 1975 Supplement to the North Dakota Century Code, relating to sales tax exemptions.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Sandness, Strand, Peterson introduced:

**Senate Bill No. 2314.** A Bill for an Act to amend and reenact subsection 1 of section 15-53.1-11 of the North Dakota Century Code, relating to compensation for county committee members.

Was read the first time and referred to the committee on Education.

Senators Sandness, Peterson, Strand introduced:

**Senate Bill No. 2315.** A Bill for an Act to amend and reenact section 15-38-03 of the North Dakota Century Code, relating to teacher's register in school districts.

Was read the first time and referred to the committee on Education.

Senators Thane, Tennefos, Lodoen introduced:

**Senate Bill No. 2316.** A Bill for an Act to amend and reenact section 40-20-05 of the North Dakota Century Code, relating to chief of police and police officer powers and duties, and allowing hot pursuit by a police officer beyond the one and one-half mile limits of a city to make an arrest when obtaining aid of a peace officer having jurisdiction beyond that limit would cause a delay permitting escape.

Was read the first time and referred to the committee on Judiciary.

Senator Redlin introduced:

Senate Bill No. 2317. A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo and raffles; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors and printers, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

Was read the first time and referred to the committee on State and Federal Government.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Senator Strinden introduced:

Senate Concurrent Resolution No. 4029. A concurrent resolution congratulating the Valley City State College football team on its extraordinarily fine 1976 season.

Was read the first time.

Senator Strinden moved that the rules be suspended, that Senate Concurrent Resolution No. 4029 not be printed as a bill, not referred to a committee, but 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. 4029

Introduced by Senator Strinden.

1 A concurrent resolution congratulating the Valley City State  
2 College football team on its extraordinarily fine 1976 season.

3

4 WHEREAS, the Valley City State College 1976 football team  
5 stormed through the North Dakota College Athletic Conference  
6 schedule to compile a sparkling 6-0 record and annex the  
7 conference championship; and

8 WHEREAS, the VCSC Vikings, ably coached by Jim Dew, had  
9 an 8-1 record in regular season play, a mark that earned them  
10 fifth place in the national poll for Division 2 National  
11 Association of Intercollegiate Athletic teams; and

12 WHEREAS, the Vikings were selected as one of four teams  
13 to playoff in post-season competition for the NAIA Division 2  
14 national championship, thus becoming the first team in VCSC  
15 history and only the second team ever from the NDCAC to compete  
16 in post-season playoffs; and

17 WHEREAS, the fates and everything else evil and bad  
18 conspired against the Vikings in the playoff game and they lost  
19 40-39 in overtime to the University of Redlands in a game at  
20 Redlands, California; and

21 WHEREAS, even in losing, they looked considerably better  
22 than a certain other Viking team in this region which also  
23 played in a post-season game in California; and

Page 2

1 WHEREAS, an offensive lineman for the VCSC Vikings, Jim  
2 Ukestad, was tapped as a first team NAIA All-America choice,  
3 the first VCSC athlete to be so honored;

4 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE  
4a OF THE STATE

5 OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
5a CONCURRING

6 THEREIN:

7 That Forty-fifth Legislative Assembly of the State of  
8 North Dakota hereby extends hearty congratulations to Valley  
9 City State College Vikings 1976 football team, to coach Jim  
10 Dew, to NAIA All-American pick Jim Ukestad, and to the VCSC  
11 Athletic Department for its excellent 1976 football season  
12 which included the NDCAC championship, an NAIA Division 2 post-  
13 season playoff game, and a fifth place ranking nationally in  
14 NAIA's final 1976 Division 2 poll; and

15 BE IT FURTHER RESOLVED, that the Secretary of State send  
16 copies of this resolution to the Valley City State College  
17 Athletic Department, to coach Jim Dew, and to offensive lineman  
18 Jim Ukestad.

SECOND READING OF SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 4029. A concurrent resolution congratulating the Valley City State College football team on its extraordinarily fine 1976 season.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Strinden moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution No. 4029 was adopted.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Senators Solberg, Freed introduced:

Senate Concurrent Resolution No. 4030. A concurrent resolution directing the Legislative Council to conduct a study of products liability and related insurance problems.

Was read the first time and referred to the committee on Industry, Business and Labor.

FIRST READING OF A SENATE RESOLUTION

Senator Nething Introduced:

Senate Resolution No. 5. A resolution supporting the Tri-State Water Forum to be held in Fargo January 31 and authorizing Senators Hoffner and Nething to attend as official representatives of the Senate of the Forty-fifth Legislative Assembly.

Was read the first time.

Senator Nething moved that the rules be suspended, that Senate Resolution No. 5 not be printed as a bill, not referred to a committee, but 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. 5

Introduced by Senator Nething.

1 A resolution supporting the Tri-State Water Forum to be held in  
2 Fargo January 31 and authorizing Senators Hoffner and Nething  
3 to attend as official representatives of the Senate of the  
4 Forty-fifth Legislative Assembly.

5  
6 WHEREAS, the Tri-State Water Forum will be held in Fargo  
7 on Monday, January 31, 1977; and

8 WHEREAS, the Tri-State Water Forum is designed to  
9 stimulate tri-state and international cooperation in the

10 solution of regional water management problems; and  
 11 WHEREAS, specific objectives of the Tri-State Water Forum  
 12 are to emphasize the critical nature of current and future  
 13 water shortage problems in the Red, Souris, and James River  
 14 Basins; to establish the importance of the Garrison Diversion  
 15 Project to stabilize water supplies for municipal, industrial,  
 16 agricultural, and recreational uses; and to examine the extent  
 17 to which legal and institutional regulations restrict  
 18 cooperation; and

19 WHEREAS, it is expected that the Governors of North  
 20 Dakota, South Dakota, and Minnesota, and Manitoba's Prime  
 21 Minister will be taking part in the Forum, along with a host of  
 22 other key federal, state, and Canadian water officials; and

23 WHEREAS, as the branch of government charged with the  
 24 responsibility of formulating the state's water laws, it is

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1 important that the North Dakota Legislative Assembly  
 2 participate in such meetings as the Tri-State Water Forum;  
 3 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE  
 3a OF THE STATE

4 OF NORTH DAKOTA:

5 That the Senate of the Forty-fifth Legislative Assembly  
 6 express its strong support of the Tri-State Water Forum in its  
 7 efforts to encourage discussions and cooperation in regional  
 8 and international water management problems; and

9 BE IT FURTHER RESOLVED, that Senators Hoffner and Nothing  
 10 be authorized to attend the Tri-State Water Forum as  
 11 representatives of the Senate, that they be excused for  
 12 absences caused by such attendance, and that they have their  
 13 expenses paid by the Forty-fifth Legislative Assembly.

SECOND READING OF A SENATE RESOLUTION

Senate Resolution No. 5. A resolution supporting the Tri-State Water Forum to be held in Fargo January 31 and authorizing Senators Hoffner and Nothing to attend as official representatives of the Senate of the Forty-fifth Legislative Assembly.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NEHING   |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODDEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

Senate Resolution No. 5 was adopted.

## MOTION

Senator Solberg moved that Senate Concurrent Resolution No. 4030 be re-referred to the Committee on Judiciary, which motion prevailed.

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

Senator Nething moved that the Senate stand adjourned, which motion prevailed.

LEO LEIDHOLM, Secretary

## TWELFTH DAY

Bismarck, January 19, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Bob Fisher, Wesleyan Church, Bismarck.

"O God, our Lord and Master, allow us to visualize Your presence here today. As we do we see Your compassion and Your Love as You watch over us as individuals.

We cannot help wondering why our lives are so fully blessed when we think of the four billion people on earth, all of whom are important objects of Your love and interest. Most are not so fortunate as we are. If it is Your special favor to us which has made the difference, we pray You'll help us to know how to be worthy of Your continual favor as we thank You, Lord, for the past. If our lives are blessed because of intelligent actions and God honoring decisions that we, and those before us, have made; please show us the wisdom and courage, so we can still know what to do to make our future bright.

It is not this structure, these halls, or this room that reaches out for Your love and guidance, but rather it is the spirit of each individual, who while inwardly struggling with our minds for often illusive facts, weighing alternatives and reaching for decisions which will determine our future and record our history; it is these souls whose individual lives you have ordained for leadership in this hour who reach out and open their consciousness to God; that they might receive Your peace and strength within. As You have promised may our reaching for You not be a disappointment to any. Amen."

The roll was called and all Senators were present except Hoffner and Jones.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Tenth day after recess and Eleventh day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

## FIRST READING OF HOUSE BILLS

**HOUSE Bill No. 1059.** A Bill for an Act to provide good conduct and merit sentence reductions for penitentiary and state farm inmates; providing for retroactive effect; and declaring an emergency.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1107.** A Bill for an Act to amend and reenact sections 47-30-24 and 47-30-26 of the North Dakota Century Code, relating to the administration of the abandoned property laws.



Which was read the first time and referred to the Committee on Natural Resources.

House Bill No. 1146. A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for motor vehicles.

Which was read the first time and referred to the Committee on Transportation.

House Bill No. 1151. A Bill for an Act to amend and reenact section 6-06-08 of the North Dakota Century Code, relating to supervision of credit unions by the state credit union board, reports, examinations, and fees.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2156. A Bill for an Act to amend and reenact section 65-04-26 of the North Dakota Century Code, relating to priority of liens.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |     |            |                  |     |          |                  |     |               |
|---------------------|-----|------|-----------|-----|------------|------------------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |     |            | 1977 LEGISLATURE |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS       | YEAS             | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      |           |     | JACOBSON   |                  |     | NAADEN   |                  |     | SMYKOWSKI     |
| •                   |     |      |           |     | JONES      |                  |     | NELSON   |                  |     | SOLBERG       |
| •                   |     |      |           |     | KRAUTER    |                  |     | NETHING  |                  |     | STRAND        |
| •                   |     |      |           |     | LARSON     |                  |     | ORANGE   |                  |     | STRINDEN      |
| •                   |     |      |           |     | LASHKOWITZ |                  |     | PETERSON |                  |     | TALLACKSON    |
| •                   |     |      |           |     | LEE        |                  |     | PIETRON  |                  |     | TENNEFOS      |
| •                   |     |      |           |     | LIPS       |                  |     | RAIT     |                  |     | THANE         |
| •                   |     |      |           |     | LODOEN     |                  |     | REDLIN   |                  |     | VOSPER        |
| •                   |     |      |           |     | MAHER      |                  |     | REITEN   |                  |     | WALSH         |
| •                   |     |      |           |     | MAU        |                  |     | SANDNESS |                  |     | WENSTROM      |
| •                   |     |      |           |     | MELLAND    |                  |     | SANDS    |                  |     | WRIGHT        |
| •                   |     |      |           |     | MILLER     |                  |     | SCHIRADO |                  |     | MR. PRESIDENT |
| •                   |     |      |           |     | MORGAN     |                  |     | SHABLOW  |                  |     |               |

Senate Bill No. 2156 was declared lost.

**MOTION**

Senator Goodman moved that Senate Bill No. 2176 be re-referred to the Committee on Finance and Taxation, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2191. A Bill for an Act to amend and reenact section 57-02.1-03 of the North Dakota Century Code, relating to payments in lieu of real estate taxes.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |     |            |                  |     |          |                  |     |               |
|---------------------|-----|------|-----------|-----|------------|------------------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |     |            | 1977 LEGISLATURE |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS       | YEAS             | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      | •         |     | JACOBSON   |                  |     | NAADEN   | •                |     | SMYKOWSKI     |
| •                   |     |      | •         |     | JONES      |                  |     | NELSON   | •                |     | SOLBERG       |
| •                   |     |      | •         |     | KRAUTER    |                  |     | NETHING  | •                |     | STRAND        |
| •                   |     |      | •         |     | LARSON     |                  |     | ORANGE   | •                |     | STRINDEN      |
| •                   |     |      | •         |     | LASHKOWITZ |                  |     | PETERSON | •                |     | TALLACKSON    |
| •                   |     |      | •         |     | LEE        |                  |     | PIETRON  | •                |     | TENNEFOS      |
| •                   |     |      | •         |     | LIPS       |                  |     | RAIT     | •                |     | THANE         |
| •                   |     |      | •         |     | LODOEN     |                  |     | REDLIN   | •                |     | VOSPER        |
| •                   |     |      | •         |     | MAHER      |                  |     | REITEN   | •                |     | WALSH         |
| •                   |     |      | •         |     | MAU        |                  |     | SANDNESS | •                |     | WENSTROM      |
| •                   |     |      | •         |     | MELLAND    |                  |     | SANDS    | •                |     | WRIGHT        |
| •                   |     |      | •         |     | MILLER     |                  |     | SCHIRADO | •                |     | MR. PRESIDENT |
| •                   |     |      | •         |     | MORGAN     |                  |     | SHABLOW  |                  |     |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2211.** A Bill for an Act to amend and reenact subsection 10 of section 57-38-14 of the North Dakota Century Code, relating to allocation of corporate income in special cases; and to provide for an effective date.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      |      | •   | NAADEN   | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      |      | •   | NELSON   | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NOTHING  | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      |      | •   | ORANGE   | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | PETERSON | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      |      | •   | PIETRON  | •                | TENNEFOS      | •    |
| •                   |     |      | •         | LIPS       |      |      | •   | RAIT     | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      |      | •   | REDLIN   | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      |      | •   | REITEN   | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      |      | •   | SANDNESS | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      |      | •   | SANDS    | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      |      | •   | SCHIRADO | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      |      | •   | SHABLOW  |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2020.** A Bill for an Act to amend and reenact sections 54-10-13 and 54-10-14 of the North Dakota Century Code, relating to audits by the state auditor.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      |      | •   | NAADEN   | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      |      | •   | NELSON   | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NOTHING  | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      |      | •   | ORANGE   | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | PETERSON | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      |      | •   | PIETRON  | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      |      | •   | RAIT     | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      |      | •   | REDLIN   | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      |      | •   | REITEN   | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      |      | •   | SANDNESS | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      |      | •   | SANDS    | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      |      | •   | SCHIRADO | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      |      | •   | SHABLOW  |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2035.** A Bill for an Act to amend and reenact sections 6-01-01, 6-01-02, 6-02-01, and subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to the financial institutions under the control of the department of banking and financial institutions, definitions applicable to title 6, compliance with banking chapters, and powers of credit unions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 146) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |              |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |              |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |              |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI    |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG      |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND       |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN     |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON   |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS     |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE        |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER       |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH        |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM     |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT       |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO | •    | MR PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |              |

So the bill passed and the title was agreed to.

MOTIONS

Senator Goodman moved that Senate Bill No. 2127 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

Senator Goodman requested the unanimous consent of the Senate to withdraw Senate Bill No. 2127. There being no objection the request was granted, and Senate Bill No. 2127 was withdrawn.

SECOND READING OF SENATE BILLS

Senate Bill No. 2039. A Bill for an Act to provide family medical hospital insurance coverage for incarcerated juvenile delinquents.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 26; nays, 22; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |              |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |              |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |              |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI    |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG      |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND       |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN     |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON   |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS     |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE        |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER       |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH        |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM     |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT       |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO | •    | MR PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |              |

So the bill passed and the title was agreed to.

MESSAGE TO THE HOUSE

Senate Chamber

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

- Senate Bill No. 2097
- Senate Bill No. 2100
- Senate Bill No. 2122
- Senate Bill No. 2168
- Senate Bill No. 2170
- Senate Bill No. 2183

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
House Chamber

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

House Bill No. 1057

House Bill No. 1133

House Bill No. 1148

House Bill No. 1154

House Bill No. 1155

House Bill No. 1157

House Bill No. 1168

House Concurrent Resolution No. 3025

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2040, 2110, 2136, 2152, 2158, 2160, 2161, 2166, 2187, 2200, 2209, 2212, 2226, 2244, and House Bill 1090, the Senate recess until Thursday, January 20, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## TWELFTH DAY AFTER RECESS AND THIRTEENTH DAY

Bismarck, January 20, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2025  
 Senate Bill No. 2041  
 Senate Bill No. 2042  
 Senate Bill No. 2043  
 Senate Bill No. 2058  
 Senate Bill No. 2091  
 Senate Bill No. 2103  
 Senate Bill No. 2119  
 Senate Bill No. 2121  
 Senate Concurrent Resolution No. 4017

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. 2110  
 Senate Bill No. 2136  
 Senate Bill No. 2152

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2059 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the word "section" and insert in lieu thereof the words "sections 14-03-07 and"

On page 1, line 2, following the word "to" insert the words "prohibited marriages and"

On page 1, line 3, delete the words "; and to" insert in lieu thereof a period

On page 1, delete lines 4 and 5

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

"SECTION 1. AMENDMENT.) Section 14-03-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-03-07. MARRIAGES PROHIBITED.) Marriage by a woman under the age of forty-five years or by a man of any age, unless he marries a woman over the age of forty-five years, is prohibited if such a man or woman is ((a chronic alcoholic, an habitual criminal, a mentally deficient person, an insane person, a person who has been afflicted with hereditary insanity, or with any contagious venereal disease))) institutionalized as severely retarded."

On page 2, delete lines 5 and 6

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2059 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2065 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2065 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2067 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2067 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2112 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, delete the words "peace or parole officer" and insert in lieu thereof the following: "member of or affiliated with the criminal justice system"

On page 1, line 8, after the word "a" delete the word "peace"

On page 1, line 9, delete the words "or parole officer" and insert in lieu thereof the following: "member of or affiliated with the criminal justice system"

On page 1, line 19, insert beginning triple parentheses before the word "peace", delete the words "or parole", insert ending triple parentheses after the word "officer" and insert in lieu thereof the following: "member of or affiliated with the criminal justice system, which shall include any peace officer, highway patrolman, probationary and correctional personnel"

On page 2, line 10, after the word "a", delete the words "peace or parole officer" and insert in lieu thereof the following: "member of or affiliated with the criminal justice system, which shall include any peace officer, highway patrolman, probationary and correctional personnel"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2112 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs

to whom was referred Senate Bill No. 2132 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2132 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2139 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 18, after the word "When" delete the word "the" and insert in lieu thereof the word "an"

On page 4, line 15, after the word "injured" delete the word "persons" and insert in lieu thereof the word "person's"

On page 4 delete all of lines 17 through 25.

On page 5, line 18, after the word "a" delete the word "commercial" and insert in lieu thereof the word "motor"

On page 5, line 21, after the word "operated" insert the following words: "on public roads or highways"

On page 6, line 11, after the word "motor" delete the word "vehicles" and insert in lieu thereof the word "vehicle"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2139 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2146 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 21, after the word "of" insert triple parentheses around the word "net"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2146 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2180 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2180 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2181 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2181 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2182 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2182 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred



Senate Bill No. 2208 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2208 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2210 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2210 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Freed moved that the amendments to Senate Bill No. 2047 as recommended by the Committee on Judiciary as printed on page 173 of the Senate Journal be adopted, and be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2106 as recommended by the Committee on Industry, Business and Labor as printed on page 173 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2157 as recommended by the Committee on Industry, Business and Labor as printed on page 174 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the amendments to Senate Bill No. 2159 as recommended by the Committee on State and Federal Government as printed on page 174 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2192 as recommended by the Committee on Industry, Business and Labor as printed on page 175 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2214 as recommended by the Committee on Judiciary as printed on pages 175 and 176 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2230 as recommended by the Committee on Finance and Taxation as printed on page 176 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2231 as recommended by the Committee on Finance and Taxation as printed on page 176 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2243 as recommended by the Committee on Education as printed on page 176 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the amendments to Senate Concurrent Resolution No. 4023 as recommended by the Committee on State and Federal Government as printed on page 177 of the Senate Journal be adopted and be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senator Mau introduced:

Senate Bill No. 2318. A Bill for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to when the board of

county commissioners shall cause contracts to be advertised and the requirements for rental contracts.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Fritzell introduced:

**Senate Bill No. 2319.** A Bill for an Act to amend and reenact subsection 27 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for solar energy installations.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Wenstrom introduced:

**Senate Bill No. 2320.** A Bill for an Act to establish a commission on uniform state laws, to provide for appointment of commissioners, and to prescribe the duties of commissioners.

Was read the first time and referred to the committee on State and Federal Government.

Senator Mau introduced:

**Senate Bill No. 2321.** A Bill for an Act to establish a reward fund under the attorney general for information leading to the arrest and conviction of persons illegally manufacturing, selling, or delivering drugs; and providing an appropriation.

Was read the first time and referred to the committee on Judiciary.

Senator Orange introduced:

**Senate Bill No. 2322.** A Bill for an Act to create and enact a new subsection to each of sections 57-39.2-04 and 57-40.2-04 of the North Dakota Century Code, to provide retail sales tax and use tax exemptions for clothing and wearing apparel, including fabrics and other items to be incorporated directly therein.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Hoffner, Freed, Schirado, Christensen introduced:

**Senate Bill No. 2323.** A Bill for an Act to create and enact sections 16.1-06-10.1, 16.1-06-10.2, 16.1-06-11.1, 16.1-06-11.2, 16.1-06-12.1, 16.1-06-14.1, 16.1-06-18.1, 16.1-13-23.1, and 16.1-15-09.1 of the North Dakota Century Code, relating to the use of electronic voting systems and the requirements of such systems; to amend and reenact sections 16.1-06-03, 16.1-06-04, 16.1-06-05, 16.1-07-13, subsection 1 of section 16.1-11-17, subsection 2 of section 16.1-11-22, sections 16.1-13-05, 16.1-13-31, 16.1-13-32, 16.1-15-08, 16.1-15-09, subsection 4 of section 16.1-16-01, and section 16.1-16-07 of the North Dakota Century Code as contained in House Bill No. 1049 as approved by the forty-fifth legislative assembly, relating to supplying electronic voting systems, and using electronic voting systems at elections; and to provide a penalty; or, in the alternative, to create and enact chapter 16-23 of the North Dakota Century Code, relating to the use of electronic voting systems; and to provide a penalty.

Was read the first time and referred to the committee on Judiciary.

Senator Freed introduced:

**Senate Bill No. 2324.** A Bill for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to fines and costs of criminal prosecutions.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2325.** A Bill for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment benefits.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lips introduced:

**Senate Bill No. 2326.** A Bill for an Act to amend and reenact section 52-06-36 of the North Dakota Century Code, relating to the factors considered in determining suitability of work and good cause for voluntarily leaving.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Reiten, Barth introduced:

**Senate Bill No. 2327.** A Bill for an Act to create and enact subsection 11 of section 6-06-06(11) of the North Dakota Century Code, relating to authority of state credit unions to exercise federal powers; to create and enact section 6-06-39 of the North Dakota Century Code, relating to scaledown of shares in credit unions; to create and enact section 6-06-40 of the North Dakota Century Code, relating to mandatory share and deposit insurance for credit unions; to amend and reenact subsections 1, 2, 3 and 5 of section 6-06-02 of the North Dakota Century Code, relating to the par value of shares of credit unions and filing of certificates of organization with the register of deeds; to amend and reenact section 6-06-04 of the North Dakota Century Code, relating to the recording of amendments of certificates of organization of credit unions with the register of deeds; to amend and reenact subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to making loans for provident or productive purposes; to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to entrance fees and field of membership of credit unions; to amend and reenact section 6-06-11 of the North Dakota Century Code, relating to the appointment of supervisory committee members of credit unions; to amend and reenact subsection 4 of section 6-06-12 of the North Dakota Century Code, relating to the declaration of dividends for credit unions; to amend and reenact section 6-06-13 of the North Dakota Century Code, relating to officers of credit unions; to amend and reenact subsection 2 of section 6-06-15 of the North Dakota Century Code, relating to annual audits of credit unions by the supervisory committee; to amend and reenact section 6-06-16 of the North Dakota Century Code, relating to the credit union membership entrance fee; to amend and reenact subsection 1 of section 6-06-35 of the North Dakota Century Code, relating to the vote required to convert from a state to a federal credit union; to repeal subsection 6 of section 6-06-02 of the North Dakota Century Code, relating to recording of certificate of organization and charter of a credit union with the register of deeds.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Lee, Thane, Hoffner, Orange, Wenstrom introduced:

**Senate Bill No. 2328.** A Bill for an Act to provide for the regulation of smoking in certain places of public assembly; to repeal sections 48-05-07 and 48-05-08 of the North Dakota Century Code, relating to designated

areas for smoking or nonsmoking in publicly owned buildings; and to provide a penalty.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senators Naaden, Holmberg introduced:

**Senate Bill No. 2329.** A Bill for an Act to allocate fifteen percent of the alcoholic beverage wholesalers privilege tax to the state division of alcoholism and drug abuse for programs to rehabilitate abusers of alcoholic beverages; to allow counties to establish alcoholism treatment programs and receive financial assistance from the fund established by this Act; and providing an appropriation.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Reiten, Barth introduced:

**Senate Bill No. 2330.** A Bill for an Act to amend and reenact subsection 2 of section 6-01-03 of the North Dakota Century Code, relating to the calling of special meetings of the state credit union board; to amend and reenact section 6-06-08 of the North Dakota Century Code relating to the authority to approve examinations and reports; to amend and reenact section 6-06-28 of the North Dakota Century Code relating to authority to approve a change of place of business of a credit union; to amend and reenact section 6-06.1-07 of the North Dakota Century Code relating to the authority to approve partial distributions of credit unions.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Goodman, Freed introduced:

**Senate Bill No. 2331.** A Bill for an Act to provide for the establishment of separate and independent trust companies with respect to holding company banks.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Larson introduced:

**Senate Bill No. 2332.** A Bill for an Act to amend and reenact sections 16.1-06-13, 16.1-06-14, 16.1-07-12, 16.1-13-22, 16.1-13-23 and 16.1-15-01 of the North Dakota Century Code as created by House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the stamping and initialing of ballots; or, in the alternative, to amend and reenact sections 16-11-11, 16-11-12, 16-11-16, 16-12-04, 16-12-05, 16-13-01, and 16-18-17 of the North Dakota Century Code, relating to the stamping and initialing of ballots.

Was read the first time and referred to the committee on Judiciary.

Senators Lashkowitz, Walsh, Holmberg, Sands introduced:

**Senate Bill No. 2333.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these agencies by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all such entities scheduled

for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

Was read the first time and referred to the committee on State and Federal Government.

Senators Lashkowitz, Schirado, Lodoen, Wright, Mau introduced:

**Senate Bill No. 2334.** A Bill for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to open governmental meetings, and providing criminal penalties for violation by governing body members.

Was read the first time and referred to the committee on State and Federal Government.

Senator Larson introduced:

**Senate Bill No. 2335.** A Bill for an Act to amend and reenact subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to exempting gooseneck trailers from the semitrailer identification plate fee.

Was read the first time and referred to the committee on Transportation.

Senator Redlin introduced:

**Senate Bill No. 2336.** A Bill for an Act to create and enact two new sections to chapter 57-39.2, a new section to chapter 57-40.2, and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to the sales and use tax and motor vehicle excise tax and providing new rates for such taxes, to provide for the dedication of certain revenues derived from such taxes for state revenue sharing and allocation to counties, cities, city park districts, and townships; and to repeal sections 1, 2, and 3 of Initiated Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to sales and use tax rates and brackets.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Barth introduced:

**Senate Bill No. 2337.** A Bill for an Act to amend and reenact section 5-01-11 of the North Dakota Century Code, relating to unfair competition in the alcoholic beverage industry.

Was read the first time and referred to the committee on Industry, Business and Labor.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1057.** A Bill for an Act to amend and reenact section 27-20-38 of the North Dakota Century Code, relating to emergency medical treatment for juveniles under the supervision of a legal custodian.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1133.** A Bill for an Act to provide for standards of health for public water systems; to provide for system approval, limitations on water contaminants, records and reporting procedure, variances and exemptions, enforcement process; and to provide for imposition of penalties.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1148.** A Bill for an Act to amend and reenact sections 39-24-03 and 39-24-05 of the North Dakota Century Code, relating to snowmobile registration fees and the disposition of same.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1154.** A Bill for an Act to amend and reenact sections 24-02-41 and 24-02-42 of the North Dakota Century Code, relating to certain highway department revenues and the time for deposit of such revenues with the state treasurer, and changing the interest rate on engineering scholarships.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1155.** A Bill for an Act to amend and reenact subsections 1 and 2 of section 39-12-04 of the North Dakota Century Code, relating to width, height, and length limitations on vehicles.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1157.** A Bill for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to examination of applicants; to repeal subsection 2 of section 39-06-14 of the North Dakota Century Code, relating to licenses issued to operators.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1168.** A Bill for an Act to amend and reenact section 46-06-01 of the North Dakota Century Code, relating to selection of official county newspapers.

Which was read the first time and referred to the Committee on Political Subdivisions.

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3025.** A concurrent resolution commending Miss North Dakota USA Universe.

Was read the first time.

Senator Smykowski moved that the rules be suspended, that House Concurrent Resolution No. 3025, be read in its entirety printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

#### HOUSE CONCURRENT RESOLUTION No. 3025

Introduced by Representatives Erickson, Crabtree.

1 A concurrent resolution commending Miss North Dakota USA  
2 Universe.

3

4 WHEREAS, it is a custom of the Legislative Assembly to  
5 recognize and honor North Dakota citizens for their accomplish-  
6 ments; and

7 WHEREAS, Miss Barbara Ann Redlin of Ellendale was  
8 recently named Miss North Dakota USA Universe and will be  
9 representing North Dakota in the Miss USA pageant in May in  
10 Charleston, South Carolina; and

11 WHEREAS, Miss Redlin brings outstanding credentials to  
12 this contest and has achieved remarkable accomplishments in

- 13 prior contests, including being named North Dakota Junior  
 14 Miss of 1975 and being crowned 1976 NDSU Homecoming Queen;  
 15 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
 15a REPRE-  
 16 SENTATIVES OF THE STATE OF NORTH DAKOTA, THE  
 16a SENATE CON-  
 17 CURRING THEREIN:  
 18 That the Forty-fifth Legislative Assembly takes great  
 19 pleasure in commending Miss Barbara Ann Redlin and expresses  
 20 its best wishes to her in her reign as Miss North Dakota USA  
 21 Universe; and  
 22 BE IT FURTHER RESOLVED, that the Secretary of State send  
 23 a copy of this resolution to Miss Barbara Ann Redlin, Ellendale,  
 24 North Dakota.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

House Concurrent Resolution No. 3025. A concurrent resolution commending Miss North Dakota USA Universe.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Smykowski moved that the resolution be adopted, which motion prevailed and House Concurrent Resolution No. 3025 was adopted.

SECOND READING OF SENATE BILLS

Senate Bill No. 2107. A Bill for an Act to amend and reenact sections 6-06-34, 6-06-38, and 10-15-49 of the North Dakota Century Code, relating to the duties of credit unions under the escheat laws; and to repeal section 10-15-34 of the North Dakota Century Code, relating to the duties of credit unions and cooperatives under the escheat laws.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |      |      |           |            |      |      |           |      |                  |               |      |
|---------------------|------|------|-----------|------------|------|------|-----------|------|------------------|---------------|------|
| REGULAR SESSION     |      |      | ROLL CALL |            |      |      |           |      | 1977 LEGISLATURE |               |      |
| YEAS                | N.V. | NAYS | YEAS      | N.V.       | NAYS | YEAS | N.V.      | NAYS | YEAS             | N.V.          | NAYS |
| •                   |      |      | •         | JACOBSON   |      | •    | NAADEN    |      | •                | SMYKOWSKI     |      |
| •                   |      |      | •         | JONES      |      | •    | NELSON    |      | •                | SOLBERG       |      |
| •                   |      |      | •         | KRAUTER    |      | •    | NETHING   |      | •                | STRAND        |      |
| •                   |      |      | •         | LARSON     |      | •    | ORANGE    |      | •                | STRINDEN      |      |
| •                   |      |      | •         | LASHKOWITZ |      | •    | PETERSON  |      | •                | TALLACKSON    |      |
| •                   |      |      | •         | LEE        |      | •    | PIETRON   |      | •                | TENNIFOS      |      |
| •                   |      |      | •         | LIPS       |      | •    | RAIT      |      | •                | THANE         |      |
| •                   |      |      | •         | LODOEN     |      | •    | REDLIN    |      | •                | VOSPER        |      |
| •                   |      |      | •         | MAHER      |      | •    | REITEN    |      | •                | WALSH         |      |
| •                   |      |      | •         | MAU        |      | •    | SANDNESS  |      | •                | WENSTROM      |      |
| •                   |      |      | •         | MELLAND    |      | •    | SANDS     |      | •                | WRIGHT        |      |
| •                   |      |      | •         | MILLER     |      | •    | SCHIRADDO |      |                  | MR. PRESIDENT |      |
| •                   |      |      | •         | MORGAN     |      | •    | SHABLOW   |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2118. A Bill for an Act to amend and reenact section 16-01-11.1 of the North Dakota Century Code, relating to the passing of the sufficiency of petitions by the secretary of state.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 147) the roll was called and there were ayes, 41; nays, 6; absent and not voting, 3.

| REGULAR SESSION |  |   |      |  |  |      |  |  | NORTH DAKOTA SENATE |  |  |      |  |  |            |  |   | 1977 LEGISLATURE |  |  |                 |  |   |      |  |  |
|-----------------|--|---|------|--|--|------|--|--|---------------------|--|--|------|--|--|------------|--|---|------------------|--|--|-----------------|--|---|------|--|--|
| YEAS            |  |   | N.V. |  |  | NAYS |  |  | YEAS                |  |  | N.V. |  |  | NAYS       |  |   | YEAS             |  |  | N.V.            |  |   | NAYS |  |  |
| • ALBERS        |  |   |      |  |  |      |  |  | • JACOBSON          |  |  |      |  |  | • NAADEN   |  |   |                  |  |  | • SMYKOWSKI     |  |   |      |  |  |
| • BARTH         |  | • |      |  |  |      |  |  | • JONES             |  |  |      |  |  | • NELSON   |  | • |                  |  |  | • SOLBERG       |  | • |      |  |  |
| • BERUBE        |  | • |      |  |  |      |  |  | • KRAUTER           |  |  |      |  |  | • NETHING  |  | • |                  |  |  | • STRAND        |  | • |      |  |  |
| • CHRISTENSEN   |  |   |      |  |  |      |  |  | • LARSON            |  |  |      |  |  | • ORANGE   |  | • |                  |  |  | • STRINDEN      |  | • |      |  |  |
| • ERDMAN        |  |   |      |  |  |      |  |  | • LASHKOWITZ        |  |  |      |  |  | • PETERSON |  | • |                  |  |  | • TALLACKSON    |  | • |      |  |  |
| • FARRINGTON    |  | • |      |  |  |      |  |  | • LEE               |  |  |      |  |  | • PIETRON  |  | • |                  |  |  | • TENNEFOS      |  | • |      |  |  |
| • FREED         |  |   |      |  |  |      |  |  | • LIPS              |  |  |      |  |  | • RAIT     |  |   |                  |  |  | • THANE         |  | • |      |  |  |
| • FRITZELL      |  |   |      |  |  |      |  |  | • LODOEN            |  |  |      |  |  | • REDLIN   |  |   |                  |  |  | • VOSPER        |  | • |      |  |  |
| • GOODMAN       |  |   |      |  |  |      |  |  | • MAHER             |  |  |      |  |  | • REITEN   |  |   |                  |  |  | • WALSH         |  | • |      |  |  |
| • HANSON        |  |   |      |  |  |      |  |  | • MAU               |  |  |      |  |  | • SANDNESS |  |   |                  |  |  | • WENSTROM      |  | • |      |  |  |
| • HOFFNER       |  |   |      |  |  |      |  |  | • MELLAND           |  |  |      |  |  | • SANDS    |  |   |                  |  |  | • WRIGHT        |  | • |      |  |  |
| • HOLMBERG      |  |   |      |  |  |      |  |  | • MILLER            |  |  |      |  |  | • SCHIRADO |  |   |                  |  |  | • MR. PRESIDENT |  | • |      |  |  |
| • ISZLER        |  |   |      |  |  |      |  |  | • MORGAN            |  |  |      |  |  | • SHABLOW  |  |   |                  |  |  |                 |  |   |      |  |  |

So the bill passed and the title was agreed to.

MOTION

Senator Melland moved that the Senate reconsider its action by which Senate Bill No. 2039 was passed, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2039. A Bill for an Act to provide family medical hospital insurance coverage for incarcerated juvenile delinquents.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 22; nays, 25; absent and not voting, 3.

| REGULAR SESSION |  |   |      |  |  |      |  |  | NORTH DAKOTA SENATE |  |  |      |  |  |            |  |   | 1977 LEGISLATURE |  |  |                 |  |   |      |  |  |
|-----------------|--|---|------|--|--|------|--|--|---------------------|--|--|------|--|--|------------|--|---|------------------|--|--|-----------------|--|---|------|--|--|
| YEAS            |  |   | N.V. |  |  | NAYS |  |  | YEAS                |  |  | N.V. |  |  | NAYS       |  |   | YEAS             |  |  | N.V.            |  |   | NAYS |  |  |
| • ALBERS        |  | • |      |  |  |      |  |  | • JACOBSON          |  |  |      |  |  | • NAADEN   |  |   |                  |  |  | • SMYKOWSKI     |  | • |      |  |  |
| • BARTH         |  | • |      |  |  |      |  |  | • JONES             |  |  |      |  |  | • NELSON   |  | • |                  |  |  | • SOLBERG       |  | • |      |  |  |
| • BERUBE        |  | • |      |  |  |      |  |  | • KRAUTER           |  |  |      |  |  | • NETHING  |  | • |                  |  |  | • STRAND        |  | • |      |  |  |
| • CHRISTENSEN   |  |   |      |  |  |      |  |  | • LARSON            |  |  |      |  |  | • ORANGE   |  | • |                  |  |  | • STRINDEN      |  | • |      |  |  |
| • ERDMAN        |  |   |      |  |  |      |  |  | • LASHKOWITZ        |  |  |      |  |  | • PETERSON |  | • |                  |  |  | • TALLACKSON    |  | • |      |  |  |
| • FARRINGTON    |  | • |      |  |  |      |  |  | • LEE               |  |  |      |  |  | • PIETRON  |  | • |                  |  |  | • TENNEFOS      |  | • |      |  |  |
| • FREED         |  |   |      |  |  |      |  |  | • LIPS              |  |  |      |  |  | • RAIT     |  |   |                  |  |  | • THANE         |  | • |      |  |  |
| • FRITZELL      |  |   |      |  |  |      |  |  | • LODOEN            |  |  |      |  |  | • REDLIN   |  |   |                  |  |  | • VOSPER        |  | • |      |  |  |
| • GOODMAN       |  |   |      |  |  |      |  |  | • MAHER             |  |  |      |  |  | • REITEN   |  |   |                  |  |  | • WALSH         |  | • |      |  |  |
| • HANSON        |  |   |      |  |  |      |  |  | • MAU               |  |  |      |  |  | • SANDNESS |  |   |                  |  |  | • WENSTROM      |  | • |      |  |  |
| • HOFFNER       |  |   |      |  |  |      |  |  | • MELLAND           |  |  |      |  |  | • SANDS    |  |   |                  |  |  | • WRIGHT        |  | • |      |  |  |
| • HOLMBERG      |  |   |      |  |  |      |  |  | • MILLER            |  |  |      |  |  | • SCHIRADO |  |   |                  |  |  | • MR. PRESIDENT |  | • |      |  |  |
| • ISZLER        |  |   |      |  |  |      |  |  | • MORGAN            |  |  |      |  |  | • SHABLOW  |  |   |                  |  |  |                 |  |   |      |  |  |

Senate Bill No. 2039 was declared lost.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

THIRTEENTH DAY

Bismarck, January 20, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by John Nicolai, Trinity Lutheran Church, Bismarck.

"It is good to know, O God, that you are aware of us and near to us always; and that in your wisdom and full understanding you see all things clearly and in true perspective. We seek your continued direction and guidance for these Legislators as they proceed down through each day. Grant them keen insights, right judgments and an earnest zeal to serve our state and its constituents. Lead them to these ends, in Jesus Name, Amen."



The roll was called and revealed all Senators present except Hoffner, Jones and Tallackson. Senators Hoffner and Jones are in Washington, D. C. attending the inaugural festivities.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Eleventh day after recess and Twelfth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2120. A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to execution of instruments by the Bank of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 7; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •                |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODDEN     |      | •                | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS |      | •                | WENSTRUM      |      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2173. A Bill for an Act to create a new section to chapter 39-06 of the North Dakota Century Code, relating to the proof of a valid driver's license prior to sale of motor vehicle or motorcycle.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 1; nays, 45; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |     | •    |           | JACOBSON   | •    |                  | NAADEN   | •    |                  | SMYKOWSKI     | •    |
|                     |     | •    |           | JONES      | •    |                  | NELSON   | •    |                  | SOLBERG       | •    |
|                     |     | •    |           | KRAUTER    | •    |                  | NETHING  | •    |                  | STRAND        | •    |
|                     |     | •    |           | LARSON     | •    |                  | ORANGE   | •    |                  | STRINDEN      | •    |
|                     |     | •    |           | LASHKOWITZ | •    |                  | PETERSON | •    |                  | TALLACKSON    | •    |
|                     |     | •    |           | LEE        | •    |                  | PIETRON  | •    |                  | TENNEFOS      | •    |
|                     |     | •    |           | LIPS       | •    |                  | RAIT     | •    |                  | THANE         | •    |
|                     |     | •    |           | LODDEN     | •    | •                | REDLIN   | •    |                  | VOSPER        | •    |
|                     |     | •    |           | MAHER      | •    |                  | REITEN   | •    |                  | WALSH         | •    |
|                     |     | •    |           | MAU        | •    |                  | SANDNESS | •    |                  | WENSTRUM      | •    |
|                     |     | •    |           | MELLAND    | •    |                  | SANDS    | •    |                  | WRIGHT        | •    |
|                     |     | •    |           | MILLER     | •    |                  | SCHIRADO | •    |                  | MR. PRESIDENT | •    |
|                     |     | •    |           | MORGAN     | •    |                  | SHABLOW  | •    |                  |               |      |

Senate Bill No. 2173 was declared lost.

Senate Bill No. 2197. A Bill for an Act to amend and reenact sections 32-



Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 26; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |               |
| •                   |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON           |     |      | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING          |     |      | STRAND        |
| •                   |     |      | LARSON     |     |      | ORANGE           |     |      | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON         |     |      | TALLACKSON    |
| •                   |     |      | LEE        |     |      | PIETRON          |     |      | TENNEFOS      |
| •                   |     |      | LIPS       |     |      | RAIT             |     |      | THANE         |
| •                   |     |      | LODOEN     |     |      | REDLIN           |     |      | VOSPER        |
| •                   |     |      | MAHER      |     |      | REITEN           |     |      | WALSH         |
| •                   |     |      | MAU        |     |      | SANDNESS         |     |      | WENSTROM      |
| •                   |     |      | MELLAND    |     |      | SANDS            |     |      | WRIGHT        |
| •                   |     |      | MILLER     |     |      | SCHIRADO         |     |      | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     |      | SHABLOW          |     |      |               |

Senate Bill No. 2040 was declared lost.

Senate Bill No. 2110. A Bill for an Act to create and enact chapter 15-08.2 of the North Dakota Century Code, relating to the sovereign lands of the state of North Dakota; to amend and reenact sections 38-11-02 and 47-06-08 of the North Dakota Century Code, relating to the leasing of public lands and ownership of islands and relicted lands.

Which has been read.

Senator Lee moved to amend Senate Bill 2110 as follows:

On page 1, line 6, of the engrossed bill after the word "lands" delete the following: "; and to repeal section 38-11-06 of the North Dakota "

On page 1, line 7, delete the following: "Century Code, relating to the leasing of islands and streambeds"

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

Senator Lee moved that the rules be suspended, that Senate Bill 2110 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

Senate Bill No. 2110. A Bill for an Act to create and enact chapter 15-08.2 of the North Dakota Century Code, relating to the sovereign lands of the state of North Dakota; to amend and reenact sections 38-11-02 and 47-06-08 of the North Dakota Century Code, relating to the leasing of public lands and ownership of islands and relicted lands.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 161, 162) the roll was called and there were ayes, 44; nays, 3; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |               |
| •                   |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON           |     |      | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING          |     |      | STRAND        |
| •                   |     |      | LARSON     |     |      | ORANGE           |     |      | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON         |     |      | TALLACKSON    |
| •                   |     |      | LEE        |     |      | PIETRON          |     |      | TENNEFOS      |
| •                   |     |      | LIPS       |     |      | RAIT             |     |      | THANE         |
| •                   |     |      | LODOEN     |     |      | REDLIN           |     |      | VOSPER        |
| •                   |     |      | MAHER      |     |      | REITEN           |     |      | WALSH         |
| •                   |     |      | MAU        |     |      | SANDNESS         |     |      | WENSTROM      |
| •                   |     |      | MELLAND    |     |      | SANDS            |     |      | WRIGHT        |
| •                   |     |      | MILLER     |     |      | SCHIRADO         |     |      | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     |      | SHABLOW          |     |      |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2136.** A Bill for an Act to create and enact subsection 15 of section 61-24-08 of the North Dakota Century Code, relating to the powers and duties of the Garrison Diversion Conservancy District board of directors; and to amend and reenact section 61-24-03 of the North Dakota Century Code, relating to the election of the same board of directors.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, SJ page 147) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      |      | •   | NAADEN   | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      |      | •   | NELSON   | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NETHING  | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      |      | •   | ORANGE   | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | PETERSON | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      |      | •   | PIETRON  | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      |      | •   | RAIT     | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      |      | •   | REDLIN   | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      |      | •   | REITEN   | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      |      | •   | SANDNESS | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      |      | •   | SANDS    | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      |      | •   | SCHIRADO | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      |      | •   | SHABLOW  |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2152.** A Bill for an Act to authorize the director of institutions to sell and convey three tracts of land owned by the state of North Dakota and used by the state penitentiary.

- Which has been read.

Senator Melland moved that Senate Bill No. 2152 be amended as follows:

On page 2, line 23 of the engrossed bill as amended, delete the words "for use by the state penitentiary".

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

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

**Senate Bill No. 2152.** A Bill for an Act to authorize the director of institutions to sell and convey three tracts of land owned by the state of North Dakota and used by the state penitentiary.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended; (SJ page 148) the roll was called and there were ayes, 40; nays, 7; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |            |      |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |            |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V        | NAYS |
| •                   |     |      | •         | JACOBSON   |      |      | •   | NAADEN   | •                | SMYKOWSKI  |      |
| •                   |     |      | •         | JONES      |      |      | •   | NELSON   | •                | SOLBERG    |      |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NETHING  | •                | STRAND     |      |
| •                   |     |      | •         | LARSON     |      |      | •   | ORANGE   | •                | STRINDEN   |      |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | PETERSON | •                | TALLACKSON |      |
| •                   |     |      | •         | LEE        |      |      | •   | PIETRON  | •                | TENNEFOS   |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • FREED    | • LIPS    | • RAIT     | • THANE         |
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**MOTION**

Senator Tennesfos moved that Senate Bill No. 2158 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2160.** A Bill for an Act to amend and reenact sections 62-01-08 and 62-01-09 and subsection 4 of section 62-01-14 of the North Dakota Century Code, relating to regulation of the sale of pistols.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2161.** A Bill for an Act to create and enact four new subsections to section 19-10-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact sections 19-10-03 and 19-10-10 of the North Dakota Century Code, relating to the sale of adulterated lubricating oils, and to the specifications for petroleum products.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2166.** A Bill for an Act to provide for enactment of the interstate disaster compact.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 0; nays, 46; absent and not voting, 4.

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                 |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                 |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
|                 |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                 |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                 |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                 |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                 |     |      | LODDEN     |     |      | REDLIN           |     | VOSPER        |
|                 |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                 |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                 |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                 |     |      | MILLER     |     |      | SCHRADD          |     | MR. PRESIDENT |
|                 |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2166 was declared lost.

Senate Bill No. 2187. A Bill for an Act to amend and reenact section 49-18-15 of the North Dakota Century Code, relating to motor carriers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                 |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                 |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
|                 |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                 |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                 |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                 |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                 |     |      | LODDEN     |     |      | REDLIN           |     | VOSPER        |
|                 |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                 |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                 |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                 |     |      | MILLER     |     |      | SCHRADD          |     | MR. PRESIDENT |
|                 |     |      | MORGAN     |     |      | SHABLOW          |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2200. A Bill for an Act to repeal subsection 4 of section 54-09-04 of the North Dakota Century Code, relating to the fee of five dollars charged by the secretary of state for issuance of each extradition warrant.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |            |
|-----------------|-----|------|------------|-----|------|------------------|-----|------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS       |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI  |
|                 |     |      | JONES      |     |      | NELSON           |     | SOLBERG    |
|                 |     |      | KRAUTER    |     |      | NETHING          |     | STRAND     |
|                 |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN   |
|                 |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON |
|                 |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS   |
|                 |     |      | LIPS       |     |      | RAIT             |     | THANE      |
|                 |     |      | LODDEN     |     |      | REDLIN           |     | VOSPER     |
|                 |     |      | MAHER      |     |      | REITEN           |     | WALSH      |
|                 |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM   |
|                 |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT     |

|            |          |            |               |
|------------|----------|------------|---------------|
| • HOLMBERG | • MILLER | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2209.** A Bill for an Act to amend and reenact section 19-01-10 of the North Dakota Century Code, relating to examination or analysis of products, articles or things by state laboratories department chemists submitted by prosecutors or law enforcement officers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2212.** A Bill for an Act to create and enact a new section to chapter 57-39.2 and to chapter 57-40.2 of the North Dakota Century Code, relating to the liability of corporate officers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 28; nays, 18; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2226.** A Bill for an Act to repeal section 12-55-15 of the North Dakota Century Code, relating to the requirements of the board of pardons precedent to parole.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |  |  |           |  |  |                  |  |  |  |  |  |
|---------------------|--|--|-----------|--|--|------------------|--|--|--|--|--|
| REGULAR SESSION     |  |  | ROLL-CALL |  |  | 1977 LEGISLATURE |  |  |  |  |  |

| YEAS | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS | N-V           | NAYS |
|------|-----|------|------|------------|------|------|----------|------|------|---------------|------|
| •    |     |      | •    | JACOBSON   |      | •    | NAADEN   |      | •    | SMYKOWSKI     |      |
| •    |     |      | •    | JONES      |      | •    | NELSON   |      | •    | SOLBERG       |      |
| •    |     |      | •    | KRAUTER    |      | •    | NETHING  |      | •    | STRAND        |      |
| •    |     |      | •    | LARSON     |      | •    | ORANGE   |      | •    | STRINDEN      |      |
| •    |     |      | •    | LASHKOWITZ |      | •    | PETERSON |      | •    | TALLACKSON    |      |
| •    |     |      | •    | LEE        |      | •    | PIETRON  |      | •    | TENNEFOS      |      |
| •    |     |      | •    | LIPS       |      | •    | RAIT     |      | •    | THANE         |      |
| •    |     |      | •    | LODOEN     |      | •    | REDLIN   |      | •    | VOSPER        |      |
| •    |     |      | •    | MAHER      |      | •    | REITEN   |      | •    | WALSH         |      |
| •    |     |      | •    | MAU        |      | •    | SANDNESS |      | •    | WENSTROM      |      |
| •    |     |      | •    | MELLAND    |      | •    | SANDS    |      | •    | WRIGHT        |      |
| •    |     |      | •    | MILLER     |      | •    | SCHIRADO |      | •    | MR. PRESIDENT |      |
| •    |     |      | •    | MORGAN     |      | •    | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2244.** A Bill for an Act to repeal section 15-35-07 of the North Dakota Century Code, relating to the erecting of school buildings. Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      | •    | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | •    | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      | •    | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      | •    | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | •    | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | •    | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   |      | •    | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | •    | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS |      | •    | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | •    | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      | •    | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

**SECOND READING OF A HOUSE BILL**

**House Bill No. 1090.** A Bill for an Act to amend and reenact section 15-10-28.1 of the North Dakota Century Code, relating to repayment of student loans to the state. Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      | •    | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | •    | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      | •    | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      | •    | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | •    | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | •    | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   |      | •    | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | •    | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS |      | •    | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | •    | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      | •    | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

**PERSONAL PRIVILEGE**

Senator Strinden: Mr. President, I rise on a point of personal privilege.

Mr. President, members of the Senate, as we are drawing to the close of another day, we are also drawing to the close of another week. We are well into the third week of the session of the 45th Legislative session body.



The executive, through the Governor, listed many of his aims, many of his requests in his executive message to the Legislature and this is as it should be. The Executive Branch of government should certainly give his aims for the next two years. I feel very strongly that it is also the responsibility of the Legislative Branch to voice concerns. I have concerns that have come to light during the past three weeks. The Appropriations Committee has certainly heard many requests that are over and above the call of the Governor's budget.

Another concern that I have is the, one point that the Governor has made, and that is, his "go slow" policy. This concerns me very much. As I point out Mr. President and members of the Senate, it is just as dangerous to go too slow on a busy highway as it is to go too fast. The reason I bring this out, in the 24th District, and particularly in Valley City, as we look over the Highline Bridge that gives a perfect view of the railroad trains crossing the prairies of North Dakota, crossing the Cheyenne Valley and on out of the state. I have heard many comments that people as they view this, of the concern they have for the western part of North Dakota being torn up, never to be replaced again. I bring this up at this time for only one reason. The "go slow" policy presently has three trains of North Dakota coal crossing the State of North Dakota each week. We have thirty-five trains of Montana coal passing through the state. The estimate is this: It is forecast for the 1980's there will be 91 trains of Montana coal passing through Bismarck each week. There will be little or no increase in North Dakota coal. And let us note that these trains are all 100 cars each, hauling 10 thousand tons, the destination, Chicago, Duluth, St Louis, Hammond, Indiana, St Paul, Minneapolis. I think that I have attempted to point out, Mr. President and members of the Senate, the "go slow" policy that the State of North Dakota had adopted in my opinion has stymied industry, the growth and wealth of the State of North Dakota. I have other concerns as I have viewed the budget and the Governor's message. We are experiencing a growth of bureaucracy through the establishment of organizations by executive order. I am not going to dwell on these many things. We have our differences of opinion and is as it should be. I think what concerns me most are the many things that were not listed, the many concerns that the Governor has, he is honest in this, the same concerns we have. But of the concerns, no mention was made, I believe, as to the monetary need and the teachers' retirement system. We as legislators have no legal obligation whatever to take care of the teachers' retirement system. We do have a moral obligation because it is through the laws passed by the body that has put this system in bad shape. We have other things and I am not going into them other than the lack of a sound building policy. Two years ago we established our second, I believe it was, priority list. This has been disbanded so we are starting from scratch once again. I think the things that concern me the most and rather than take your time, we are going to go right into them. My main concern is the fiscal responsibility of the Executive Branch and of the Legislative Branch. The Executive branch in all honesty has certainly listed their estimates. I personally believe the estimates are too high. The reason I say this is this: I am speaking only now of general fund appropriations. The Governor's budget calls for expenditures of \$538,000,000.00, projected revenue \$465,000,000.00, or a deficit of \$72,655,000.00. The reason I say it is a deficit, in any business if you spend more than you take in, it certainly is

a deficit situation. My main concern, I think, and you all have the budget book, would you check the revenues, the estimated revenues, and here is where I voice concern. We lost \$86,000,000.00 in revenue through the vote on the sales tax. Much as we dislike to, I think we have to face the situation and the future as it exists at the present time. We are experiencing severe drought over much of North Dakota. We are experiencing low prices thereby we are going to experience a lack of sales tax dollars coming into the treasury. When the Governor's estimates of revenue are only \$1,000,000.00 less than the next biennium as they were the past, this in spite of the fact that we have gone through the best possible times the state of North Dakota has seen. I am going to make my predictions and I certainly hope I am wrong, I hope the Governor and the Executive branch are correct. I see anywhere from \$23,000,000.00 to \$40,000,000.00 less in revenues unless we are willing to assume the responsibility of fiscal activity, unless we are going to be responsible for the taxpayer of North Dakota, \$538,000,000.00 will not cover the expenditures of the next two years. Unless we are careful and I have been overly cautious with the dealings of the government, we are going to see the balance of \$180,000,000.00 as projected next July, we are going to see that balance almost depleted in 1979. Mr. President, members of the Senate, as one member of the Legislative body, as one member elect, I feel it incumbent upon all of us to voice our opinions, to voice our concerns, to differ with the Executive when we feel it necessary. Thank you.

#### PERSONAL PRIVILEGE

Senator Shablow: Mr. President, I rise on a point of personal privilege. Mr. President, I am not rising to reply to the good senator. I want to make one thing clear though in relation to the coal trains. I sit in on the Finance and Taxation committee and I have heard all the testimony in relation to coal and coal development and this should be made clear to the members of the assembly. Montana coal being of its quality, and the lack of moisture really in it, lends itself to be shipped to distant points, whereas North Dakota coal does not, and in lieu of that we are using and developing our coal within the state through generation rather than shipping it out of state for use in other places. I just wanted to make that point, so that in relation to the trains and the number of trains that will be passing through, I don't see any reason to believe that this will change; however there is a good reason for it. Thank you.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

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

Senate Bill No. 2015  
 Senate Bill No. 2019  
 Senate Bill No. 2095  
 Senate Bill No. 2111  
 Senate Bill No. 2153  
 Senate Bill No. 2184  
 Senate Bill No. 2185  
 Senate Bill No. 2186

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Concurrent Resolution No. 3019

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

House Bill No. 1105

House Bill No. 1113

House Bill No. 1129

House Bill No. 1134

House Bill No. 1156

House Concurrent Resolution No. 3026

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2065, 2067, 2106, 2132, 2157, 2159, 2180, 2181, 2182, 2192, 2208, 2210, 2214, 2230, 2231, and 2243, the Senate recess until Friday, January 21, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## THIRTEENTH DAY AFTER RECESS AND FOURTEENTH DAY

Bismarck, January 21, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2026 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

Senate Bill No. 2026 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2037 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR VOSPER, Vice-Chairman

Senate Bill No. 2037 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2080 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2080 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2135 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2135 and was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2169 has had the same under consideration and recommends that the same do pass.

SENATOR LEE, Vice Chairman

Senate Bill No. 2169 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2171 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, following the word "reenact" insert the following words "subsection 4 of section 37-25-02 and"

On page 1, line 2, following the word "relating" insert the following words "to the definition of honorable discharge and relating"

On page 1, after line 8, insert the following new section:

SECTION 1. AMENDMENT.) Subsection 4 of section 37-25-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. "Honorable and faithful service" shall be such service as is evidenced by:

a. An honorable discharge, or its equivalent, but shall not include any discharge issued pursuant to any act, decree or directive of pardon or amnesty;

b. In the case of an officer, a certificate of service; and

c. In the case of a veteran who has not been discharged, a certificate from appropriate service authority that his service was honorable and faithful.

On page 1, line 9, following the word "SECTION" delete "1." and insert in lieu thereof "2."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2171 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2172 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2172 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2174 has had the same under consideration and recommends that the same do pass.

SENATOR LEE, Vice Chairman

Senate Bill No. 2174 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2188 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 25, delete everything after the period

On page 2, delete lines 26 through 30

On page 2, line 31, delete "k."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2188 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2189 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2189 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2203 has had the same under consideration and recommends that the same do pass.

SENATOR LEE, Vice Chairman

Senate Bill No. 2203 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2205 has had the same under consideration and recommends that the same do pass.

SENATOR LEE, Vice Chairman

Senate Bill No. 2205 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2225 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 25, after the second word "of" insert the words "ten or more"

On page 2, line 25, after the word "lease" delete the words "or rent" and insert in lieu thereof the following words "and rented"

On page 2, line 26, after the word "public" insert a comma

On page 2, line 26, after the word "of" delete the words "at least four" and insert in lieu thereof "not more than six consecutive

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2225 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2248 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR MORGAN, Chairman

Senate Bill No. 2248 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2251 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2251 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred House Bill No. 1119 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1119 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2047

Senate Bill No. 2106

Senate Bill No. 2157

Senate Bill No. 2159

Senate Bill No. 2192

Senate Bill No. 2214

Senate Bill No. 2230

Senate Bill No. 2231

Senate Bill No. 2243

Senate Concurrent Resolution No. 4023

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

#### MOTIONS

Senator Freed moved that Senate Bill No. 2275 be returned to the Senate floor from the Committee on Judiciary which motion prevailed.

Senator Freed moved that Senate Bill No. 2275 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Christensen moved that the amendments to Senate Bill No. 2059 as recommended by the Committee on Social Welfare & Veterans Affairs as printed on pages 189 and 190 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the reading of the amendments to Senate Bill 2112 be dispensed with, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2112 as recommended by the Committee on Judiciary as printed on page 190 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the reading of the amendments to Senate Bill 2139 be dispensed with, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2139 as recommended by the Committee on Industry, Business and Labor as printed on page 191 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2146 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 191 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senator Nething introduced:

**Senate Bill No. 2338.** A Bill for an Act making an appropriation to the North Dakota social service board for defraying the expenses of a program for medically needy children.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Goodman introduced:

**Senate Bill No. 2339.** A Bill for an Act to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code, providing that sales of personal property and services exempt from the sales tax shall also be exempt from the use tax; and to amend and reenact subsection 3 of section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of motor vehicles from the use tax.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Solberg, Strand introduced:

**Senate Bill No. 2340.** A Bill for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the power of a city to levy and collect a sales tax on transient lodging.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Naaden introduced:

**Senate Bill No. 2341.** A Bill for an Act to allow pharmacists to dispense generic drugs in lieu of brand name drugs; and to amend subsection 14 of section 19-02.1-02 of the North Dakota Century Code, prohibiting dispensing different drugs than those prescribed or ordered.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Strinden, Erdman, Hanson, Thane introduced:

**Senate Bill No. 2342.** A Bill for an Act to amend and reenact sections 12-48-03.1 and 12-48-06 of the North Dakota Century Code, relating to the director of institutions establishing and engaging in new prison industries and the sale of prison products; and to repeal sections 12-48-12, 12-48-13, and 12-48-23 of the North Dakota Century Code, relating to the manufacture and sale of license plates and road signs, and employment of penitentiary inmates in book salvage.

Was read the first time and referred to the committee on State and Federal Government.

Senator Goodman introduced:

**Senate Bill No. 2343.** A Bill for an Act to amend and reenact subsection 2 of section 57-60-04 and subsections 1 and 3 of section 57-60-15 of the North Dakota Century Code, relating to the payment of the coal conversion facilities tax by coal gasification plants and to provisions of the distribution formula for coal conversion facilities taxes.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Sands, Goodman introduced:

**Senate Bill No. 2344.** A Bill for an Act to provide for state revenue sharing to counties, cities, city park districts, and townships.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Orange, Reiten introduced:

**Senate Bill No. 2345.** A Bill for an Act to amend and reenact sections 16-10-12 and 16-10-16 of the North Dakota Century Code, relating to compensation for election officials.

Was read the first time and referred to the committee on Judiciary.

Senators Erdman, Jacobson, Redlin, Shablow, Wright introduced:

**Senate Bill No. 2346.** A Bill for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit; and to provide for an appropriation.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Redlin introduced:

**Senate Bill No. 2347.** A Bill for an Act to amend and reenact Section 6-03-05.1 of the North Dakota Century Code, relating to advancement of funds to protect liens.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Morgan, Smykowski introduced:

**Senate Bill No. 2348.** A Bill for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to power of the commissioner to invest game and fish department reserve funds.



Was read the first time and referred to the committee on Natural Resources.

Senator Melland introduced:

**Senate Bill No. 2349.** A Bill for an Act to amend and reenact section 39-22-02 of the North Dakota Century Code, relating to motor vehicle dealer licensing and the sale of motor vehicles.

Was read the first time and referred to the committee on Transportation.

Senator Wright introduced:

**Senate Bill No. 2350.** A Bill for an Act to amend and reenact subsections 11 and 25 of section 57-02-08 of the North Dakota Century Code to exempt from taxation certain personal property owned by lodges, clubs and similar organizations and associations or owned by fraternities, sororities or organizations of college students.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Sandness, Miller introduced:

**Senate Bill No. 2351.** A Bill for an Act to amend and reenact subsection 8 of section 43-33-12 of the North Dakota Century Code, relating to the grounds for suspension of license of hearing aid dealer.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Lips, Nelson, Lodoen, Wright, Shallow introduced:

**Senate Bill No. 2352.** A Bill for an Act abolishing the collateral source rule of evidence relating to personal injury or wrongful death actions.

Was read the first time and referred to the committee on Judiciary.

Senators Lips, Nelson, Lodoen, Wright introduced:

**Senate Bill No. 2353.** A Bill for an Act to provide limitations on product liability civil actions.

Was read the first time and referred to the committee on Judiciary.

Senators Barth, Morgan introduced:

**Senate Bill No. 2354.** A Bill for an Act to amend and reenact subsections 2 and 3 of section 4-34-01 of the North Dakota Century Code relating to assessments by the North Dakota beef commission; to amend and reenact subsections 6, 9, and 10 of section 4-34-05 of the North Dakota Century Code relating to assessments by the North Dakota beef commission; to repeal subsections 6,7,8, 9 and 11 of section 4-34-02 of the North Dakota Century Code relating to definitions; to repeal sections 4-34-08, 4-34-09, 4-34-10 and 4-34-11 of the North Dakota Century Code relating to assessments for sale of cattle by the North Dakota beef commission; and to make such amendments, reenactments and repeals contingent upon the passage of a referendum as provided in Public Law 94-294 of the 94th United States Congress (being known as the Beef Research and Information Act 7 USC 2901 thru 2918, inclusive) and to provide that the amendments, reenactments and repeals herein shall become effective upon the date assessments for sales of beef commence under Public Law 94-294 by or on behalf of the Beef Board described therein.

Was read the first time and referred to the committee on Agriculture.

Senator Thane introduced:

**Senate Bill No. 2355.** A Bill for an Act to amend and reenact paragraph 15 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the driver's license point penalty assigned for exhibition driving.

Was read the first time and referred to the committee on Transportation.

Senator Lashkowitz introduced:

**Senate Bill No. 2356.** A Bill for an Act to create and enact a new section to chapter 55-10 of the North Dakota Century Code, relating to defacement of historical markers, and providing a penalty.

Was read the first time and referred to the committee on Transportation.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senators Iszler, Strand, Solberg introduced:

**Senate Concurrent Resolution No. 4031.** A concurrent resolution to adopt specifications for the modification of motor vehicles.

Was read the first time and referred to the committee on Transportation.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1105.** A Bill for an Act to amend and reenact section 47-18-02 of the North Dakota Century Code, relating to the definition of the head of a family as used for homestead purposes.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1113.** A Bill for an Act to create and enact subsection 5 of section 39-10-07.2 of the North Dakota Century Code, relating to red reflectors within the right-of-way of any highway.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1129.** A Bill for an Act to amend and reenact sections 24-06-28, 24-06-30, 24-07-03, 24-07-19, 24-10-01, 24-10-02, and 24-10-04 of the North Dakota Century Code, relating to obstruction of section lines, removal of fences, section lines as public roads, removal of fences when public roads have been laid out, erection of cattle guards, construction of cattle guards, and removal of cattle guards.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1134.** A Bill for an Act to amend and reenact subsection 1 of section 21-02-11 of the North Dakota Century Code, relating to waiver of bid advertisement when certificates of indebtedness are to be sold to the Bank of North Dakota.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1156.** A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code relating to law enforcement radio equipment prohibited in private automobiles without permit.

Which was read the first time and referred to the Committee on Transportation.

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3026.** A concurrent resolution commending Martin Gronvold for his work as executive director of the Employment Security Bureau upon his retirement.

Was read the first time.

Senator Schirado moved that the rules be suspended, that House Concurrent Resolution No. 3026 be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

**SECOND READING OF A HOUSE CONCURRENT RESOLUTION**  
**House Concurrent Resolution No. 3026.** A concurrent resolution commending Martin Gronvold for his work as executive director of the Employment Security Bureau upon his retirement.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Schirado moved that the resolution be adopted, which motion prevailed and House Concurrent Resolution No. 3026 was adopted.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2065.** Replacement Tax Transfer Alternative 1 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with county and city governments on the basis of population, and to provide an expiration date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 1; nays, 46; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN    | •   |      | SMYKOWSKI        | •   |      |
| BARTH               | •   |      | JONES      | •   |      | NELSON    | •   |      | SOLBERG          | •   |      |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING   | •   |      | STRAND           | •   |      |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE    | •   |      | STRINDEN         | •   |      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON  | •   |      | TALLACKSON       | •   |      |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON   | •   |      | TENNEFOS         | •   |      |
| FREED               | •   |      | LIPS       | •   |      | RAIT      | •   |      | THANE            | •   |      |
| FRITZELL            | •   |      | LODOEN     | •   |      | REDLIN    | •   |      | VOSPERS          | •   |      |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN    | •   |      | WALSH            | •   |      |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS  | •   |      | WENSTROM         | •   |      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS     | •   |      | WRIGHT           | •   |      |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO  | •   |      | MR. PRESIDENT    |     |      |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW   | •   |      |                  |     |      |

Senate Bill No. 2065 was declared lost.

**Senate Bill No. 2067.** Replacement Tax Transfer Alternative 3 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with all political subdivisions on the basis of property tax revenues, to provide an expiration date, and to provide an appropriation.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN    | •   |      | SMYKOWSKI        | •   |      |
| BARTH               | •   |      | JONES      | •   |      | NELSON    | •   |      | SOLBERG          | •   |      |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING   | •   |      | STRAND           | •   |      |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE    | •   |      | STRINDEN         | •   |      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON  | •   |      | TALLACKSON       | •   |      |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON   | •   |      | TENNEFOS         | •   |      |
| FREED               | •   |      | LIPS       | •   |      | RAIT      | •   |      | THANE            | •   |      |
| FRITZELL            | •   |      | LODOEN     | •   |      | REDLIN    | •   |      | VOSPERS          | •   |      |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN    | •   |      | WALSH            | •   |      |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS  | •   |      | WENSTROM         | •   |      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS     | •   |      | WRIGHT           | •   |      |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO  | •   |      | MR. PRESIDENT    |     |      |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW   | •   |      |                  |     |      |

Senate Bill No. 2067 was declared lost.

**MOTION**

Senator Redlin moved that Senate Bill No. 2106 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2132. A Bill for an Act to create and enact a new subsection to section 23-01-09 of the North Dakota Century Code, relating to the duties of the director of the public health laboratories division of the state department of health.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |      |      |            |      |      |                  |      |      |               |      |      |
|---------------------|------|------|------------|------|------|------------------|------|------|---------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL  |      |      | 1977 LEGISLATURE |      |      |               |      |      |
| YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS | YEAS          | N.V. | NAYS |
| •                   |      |      | JACOBSON   | •    |      | NAADEN           | •    |      | SMYKOWSKI     | •    |      |
| •                   |      |      | JONES      | •    |      | NELSON           | •    |      | SOLBERG       | •    |      |
| •                   |      |      | KRAUTER    | •    |      | NETHING          | •    |      | STRAND        | •    |      |
| •                   |      |      | LARSON     | •    |      | ORANGE           | •    |      | STRINDEN      | •    |      |
| •                   |      |      | LASHKOWITZ | •    |      | PETERSON         | •    |      | TALLACKSON    | •    |      |
| •                   |      |      | LEE        | •    |      | PIETRON          | •    |      | TENNEFOS      | •    |      |
| •                   |      |      | LIPS       | •    |      | RAIT             | •    |      | THANE         | •    |      |
| •                   |      |      | LODDEN     | •    |      | REDLIN           | •    |      | VOSPER        | •    |      |
| •                   |      |      | MAHER      | •    |      | REITEN           | •    |      | WALSH         | •    |      |
| •                   |      |      | MAU        | •    |      | SANDNESS         | •    |      | WENSTROM      | •    |      |
| •                   |      |      | MELLAND    | •    |      | SANDS            | •    |      | WRIGHT        | •    |      |
| •                   |      |      | MILLER     | •    |      | SCHIRADO         | •    |      | MR. PRESIDENT | •    |      |
| •                   |      |      | MORGAN     | •    |      | SHABLOW          | •    |      |               | •    |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2157. A Bill for an Act to create and enact two new sections to chapter 65-13 of the North Dakota Century Code, creating a duty on the part of hospitals and law enforcement officers to notify victims, and excluding prisoners from coverage; to amend and reenact sections 65-13-03, 65-13-04, 65-13-05, subsection 7 of section 65-13-06, section 65-13-08, subsection 3 of section 65-13-17, and section 65-13-18 of the North Dakota Century Code, relating to definitions, making awards, powers and duties of the board, limitations on awards, denial of awards and hearings, appeals, and reports to the governor and legislature; and to repeal sections 65-13-07 and 65-13-09 of the North Dakota Century Code, relating to notice to the attorney general and procedure in contested cases.

Which has been read as amended (SJ page 174).

Senator Reiten offered the following amendment to Senate Bill No. 2157:

On page 6, line 16 of the engrossed bill after the word "pregnancy" delete the following: ", mental distress"

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

Senator Reiten moved that the rules be suspended, that Senate Bill 2157 be deemed properly re-engrossed and placed on the calendar for second reading and final passage.

Senator Reiten moved that Senate Bill No. 2157 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

Senate Bill No. 2159. A Bill for an Act to amend and reenact subsection 1 of section 43-23-11.1 of the North Dakota Century Code, relating to grounds for revocation or suspension of real estate agent licenses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 174) the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • MAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FRED              |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • RETEN          |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFMANN          |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.  
 Senator Thane moved that the absent Senators be excused, which motion prevailed.

Senator Nething moved that the Senate stand adjourned, which motion prevailed.

LEO LEIDHOLM, Secretary

FOURTEENTH DAY,

Bismarck, January 21, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.  
 Prayer was offered by D. Josh Nelson, Lutheran Church of the Cross, Bismarck.

Our devotions and opening prayer for this day have a back ground in the book of the prophet Micah, the 6th chapter, verses 6-8. Micah was a contemporary of Isaiah, (740-700 B.C.), but unlike Isaiah, he was from peasant stock...the oppressed. He had a message for the leaders of his day. It was this: God is not impressed with Religiosity, but with Relationships. He said "offerings are easy to do, but doing the offerings is what is required."

So, five questions are asked, and the fifth question contains the answer to the first four. This was the part of the Bible President Jimmy Carter placed his hand upon yesterday for his oath of office.

Micah 6:6-8

With what shall I come before the Lord, and bow myself before God on high?

Shall I come before him with burnt offerings, with calves a year old?

Will the Lord be pleased with thousands of rams, with ten thousands of rivers of oil?

Shall I give my first-born for my transgression, the fruit of my body for the sin of my soul?

HE HAS SHOWED YOU, O MAN, WHAT IS GOOD: AND WHAT DOES THE LORD REQUIRE OF YOU BUT TO DO JUSTICE, AND TO LOVE KINDNESS, AND TO WALK HUMBLY WITH YOUR GOD?

"Dear Lord and Father,

We give you praise and thanks for our United States and especially for our state of North Dakota. Thank you for the privileges that go with being a citizen of a free society. Forgive us when we get bogged down and satisfied with a religiosity of mere offerings that require no 24 hour relationships with you. Help us to learn from history and apply our hearts and minds to Biblical admonitions. Help us to do what is good, to do justice, to love kindness, and to walk humbly with you, our God. Help us to do this in the political arena as well as in our status of everyday citizens. I pray this so that your name will be honored and that our names will be remembered as faithful.

Amen"

The roll was called and revealed all Senators present except Hoffner, Jacobson, Jones and Naaden.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twelfth day after recess and Thirteenth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

#### RECOGNITION

Senator Nothing moved that a committee of two be appointed to escort Mr. Amin El-Hassan, Iraq's Charge d'Affairs, to the rostrum, which motion prevailed. President Sanstead appointed as such committee, Senators Lee and Miller. Mr. Amin El-Hassan was escorted to the rostrum.

President Sanstead introduced Mr. Amin El-Hassan, Iraq's Charge d'Affairs, who then addressed the Assembly.

Senator Nothing moved that the remarks of Mr. Amin El-Hassan Iraq's Charge d'Affairs be printed in the Journal, which motion prevailed.

#### REMARKS OF MR. AMIN EL-HASSAN

##### IRAQ'S CHARGE d'AFFAIRS

It is certainly a great honour to have this opportunity to speak to you. This is my second visit to the beautiful state of North Dakota and I continue to be impressed with the economic and agricultural growth of your state. I truly have felt the generosity and warmth of the North Dakotans on my previous visit, for this state is the heart of the midwest, the bread basket of the U.S., if not for the whole world.

I am a farmer, therefore I am in a position to understand the difficulties and uncertainties of an agricultural economy. During my last visit to Bismarck, I toured Melroe, I met with the honorable Dick Backus, and discussed the electrical co-operative system. I also had the pleasure of visiting Garrison Dam, Steiger Tractor Company of Fargo, the State Mill and Elevator of Grand Forks, and wheat farms in Minot. Because of the initiative of my friend, the honorable Governor Link and the Business & Industrial Development Department, I was able to see for myself the great development taking place in the state of North Dakota.

I would like to say, that in my country of Iraq & in the Middle East, we have the oil & here you have the wheat. What a winning Combination! Certainly, the possibilities of trade & economic ties are vast & should be explored further.

We in the Middle East would like to believe that the U.S. is evenhanded in its foreign policy with a sense of justice & fairness, especially in the Middle East. The torch of the American Revolution in 1776 is still glowing, carrying equality & justice to the whole world. Since 1948 the Arabs have been constantly under aggression. Many people had to leave their homes, their land & their farms, never to return. At this time they are scattered all over the world.

Let us carry the principles of justice & equality of the American revolution to bring peace in that troubled area of the world.

Governor Link's visit to the Arab world meant a great deal to us, not only in the countries he visited, but also to all the countries in the area.



|             |            |          |               |
|-------------|------------|----------|---------------|
| ALBERS      | JACOBSON   | NAADER   | SMYKOWSKI     |
| BARTH       | JONES      | NELSON   | SOLBERG       |
| BERUBE      | KRAUTER    | NETHING  | STRAND        |
| CHRISTENSEN | LARSON     | ORANGE   | STRINDEN      |
| ERDMAN      | LASHKOWITZ | PETERSON | TALLACKSON    |
| FARRINGTON  | LEE        | PIETRON  | TENNEFOS      |
| FREED       | LIPS       | RAIT     | THANE         |
| FRITZELL    | LODOEN     | REDLIN   | VOSPER        |
| GOODMAN     | MAHER      | REITEN   | WALSH         |
| HANSON      | MAU        | SANDNESS | WENSTROM      |
| HOFFNER     | MELLAND    | SANDS    | WRIGHT        |
| HOLMBERG    | MILLER     | SCHIRADO | MR. PRESIDENT |
| ISZLER      | MORGAN     | SHABLOW  |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2181. A Bill for an Act to repeal section 39-04A-05 of the North Dakota Century Code, relating to delinquent fees.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 7.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS          |     |      | JACOBSON   |     |      | NAADER           |     | SMYKOWSKI     |
| BARTH           |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| BERUBE          |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| CHRISTENSEN     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| ERDMAN          |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| FARRINGTON      |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FREED           |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| FRITZELL        |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| GOODMAN         |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| HANSON          |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HOFFNER         |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOLMBERG        |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| ISZLER          |     |      | MORGAN     |     |      | SHABLOW          |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2182. A Bill for an Act to repeal section 39-22-09 of the North Dakota Century Code, relating to filing of list of used motor vehicles and fees paid on used cars by dealers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 7.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS          |     |      | JACOBSON   |     |      | NAADER           |     | SMYKOWSKI     |
| BARTH           |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| BERUBE          |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| CHRISTENSEN     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| ERDMAN          |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| FARRINGTON      |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FREED           |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| FRITZELL        |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| GOODMAN         |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| HANSON          |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HOFFNER         |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOLMBERG        |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| ISZLER          |     |      | MORGAN     |     |      | SHABLOW          |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2192. A Bill for an Act to amend and reenact section 49-18-21 of the North Dakota Century Code, relating to hearings for contract motor carriers permits.

Which has been read.



## ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 175) the roll was called and there were ayes, 44; nays, 0; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON  |            |      | •    |     |          | •                |     |               |
| •                   |     |      | •         | JONES      |      |      | •   | NAADEN   | •                |     | SMYKOWSKI     |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NELSON   | •                |     | SOLBERG       |
| •                   |     |      | •         | LARSON     |      |      | •   | NETHING  | •                |     | STRAND        |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | ORANGE   | •                |     | STRINDEN      |
| •                   |     |      | •         | LEE        |      |      | •   | PETERSON | •                |     | TALLACKSON    |
| •                   |     |      | •         | LIPS       |      |      | •   | PIETRON  | •                |     | TENNEFOS      |
| •                   |     |      | •         | LODDEN     |      |      | •   | RAIT     | •                |     | THANE         |
| •                   |     |      | •         | MAHER      |      |      | •   | REDLIN   | •                |     | VOSPER        |
| •                   |     |      | •         | MAU        |      |      | •   | REITEN   | •                |     | WALSH         |
| •                   |     |      | •         | MELLAND    |      |      | •   | SANDNESS | •                |     | WENSTROM      |
| •                   |     |      | •         | MILLER     |      |      | •   | SANDS    | •                |     | WRIGHT        |
| •                   |     |      | •         | MORGAN     |      |      | •   | SCHIRADO | •                |     | MR. PRESIDENT |
| •                   |     |      |           |            |      |      | •   | SHABLOW  |                  |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2208. A Bill for an act to create and enact sections 4-09-14.1, 4-09-14.2, 4-09-14.3, and 4-09-14.4, of the North Dakota Century Code, requiring fee tags or stamps to be attached to all containers of seed sold in this state for sowing purposes; and to amend and re-enact section 4-09-15 of the North Dakota Century Code, relating to exemptions from certain requirements of the chapter.

Which has been read.

## ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON  |            |      | •    |     |          | •                |     |               |
| •                   |     |      | •         | JONES      |      |      | •   | NAADEN   | •                |     | SMYKOWSKI     |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NELSON   | •                |     | SOLBERG       |
| •                   |     |      | •         | LARSON     |      |      | •   | NETHING  | •                |     | STRAND        |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | ORANGE   | •                |     | STRINDEN      |
| •                   |     |      | •         | LEE        |      |      | •   | PETERSON | •                |     | TALLACKSON    |
| •                   |     |      | •         | LIPS       |      |      | •   | PIETRON  | •                |     | TENNEFOS      |
| •                   |     |      | •         | LODDEN     |      |      | •   | RAIT     | •                |     | THANE         |
| •                   |     |      | •         | MAHER      |      |      | •   | REDLIN   | •                |     | VOSPER        |
| •                   |     |      | •         | MAU        |      |      | •   | REITEN   | •                |     | WALSH         |
| •                   |     |      | •         | MELLAND    |      |      | •   | SANDNESS | •                |     | WENSTROM      |
| •                   |     |      | •         | MILLER     |      |      | •   | SANDS    | •                |     | WRIGHT        |
| •                   |     |      | •         | MORGAN     |      |      | •   | SCHIRADO | •                |     | MR. PRESIDENT |
| •                   |     |      |           |            |      |      | •   | SHABLOW  |                  |     |               |

So the bill passed and the title was agreed to.

## EXPLANATION OF VOTE

Senator Smykowski: Mr. President, I rise on a point of personal privilege to explain my vote. The passage of this bill just taxed the farmers another \$100,000.00

Senate Bill No. 2210. A Bill for an Act to repeal section 39-05-06 of the North Dakota Century Code, relating to verification of applications for certificate of title.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |     |          |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON  |            |      | •    |     |          | •                |     |               |
| •                   |     |      | •         | JONES      |      |      | •   | NAADEN   | •                |     | SMYKOWSKI     |
| •                   |     |      | •         | KRAUTER    |      |      | •   | NELSON   | •                |     | SOLBERG       |
| •                   |     |      | •         | LARSON     |      |      | •   | NETHING  | •                |     | STRAND        |
| •                   |     |      | •         | LASHKOWITZ |      |      | •   | ORANGE   | •                |     | STRINDEN      |
| •                   |     |      | •         | LEE        |      |      | •   | PETERSON | •                |     | TALLACKSON    |
| •                   |     |      | •         | LIPS       |      |      | •   | PIETRON  | •                |     | TENNEFOS      |
| •                   |     |      | •         | LODDEN     |      |      | •   | RAIT     | •                |     | THANE         |
| •                   |     |      | •         | MAHER      |      |      | •   | REDLIN   | •                |     | VOSPER        |
| •                   |     |      | •         | MAU        |      |      | •   | REITEN   | •                |     | WALSH         |
| •                   |     |      | •         | MELLAND    |      |      | •   | SANDNESS | •                |     | WENSTROM      |
| •                   |     |      | •         | MILLER     |      |      | •   | SANDS    | •                |     | WRIGHT        |
| •                   |     |      | •         | MORGAN     |      |      | •   | SCHIRADO | •                |     | MR. PRESIDENT |
| •                   |     |      |           |            |      |      | •   | SHABLOW  |                  |     |               |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • ALBERS      | JACOBSON     | • NAADEN   | • SMYKOWSKI   |
| • BARTH       | • JONES      | • NELSON   | • SOLBERG     |
| • BERUBE      | • KRAUTER    | • NOTHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MALU       | • SANDNESS | • WENSTROM    |
| • HOFNER      | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2214.** A Bill for an Act to relieve the officers, employees, and agents of ambulance service from liability for treatment rendered at the scene of an emergency; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 175, 176) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |     |          | 1977 LEGISLATURE |               |      |
|-----------------|-----|------|---------------------|------------|------|------|-----|----------|------------------|---------------|------|
|                 |     |      | ROLL-CALL           |            |      |      |     |          |                  |               |      |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V           | NAYS |
| •               |     |      | •                   | JACOBSON   |      |      | •   | NAADEN   | •                | SMYKOWSKI     |      |
| •               |     |      | •                   | JONES      |      |      | •   | NELSON   | •                | SOLBERG       |      |
| •               |     |      | •                   | KRAUTER    |      |      | •   | NOTHING  | •                | STRAND        |      |
| •               |     |      | •                   | LARSON     |      |      | •   | ORANGE   | •                | STRINDEN      |      |
| •               |     |      | •                   | LASHKOWITZ |      |      | •   | PETERSON | •                | TALLACKSON    |      |
| •               |     |      | •                   | LEE        |      |      | •   | PIETRON  | •                | TENNEFOS      |      |
| •               |     |      | •                   | LIPS       |      |      | •   | RAIT     | •                | THANE         |      |
| •               |     |      | •                   | LODOEN     |      |      | •   | REDLIN   | •                | VOSPER        |      |
| •               |     |      | •                   | MAHER      |      |      | •   | REITEN   | •                | WALSH         |      |
| •               |     |      | •                   | MALU       |      |      | •   | SANDNESS | •                | WENSTROM      |      |
| •               |     |      | •                   | MELLAND    |      |      | •   | SANDS    | •                | WRIGHT        |      |
| •               |     |      | •                   | MILLER     |      |      | •   | SCHIRADO | •                | MR. PRESIDENT |      |
| •               |     |      | •                   | MORGAN     |      |      | •   | SHABLOW  |                  |               |      |

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

**Senate Bill No. 2230.** A Bill for an Act to create and enact subsection 27 to section 57-38-01 and subsections 5 and 6 to section 57-38-58 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 57-01-10, 57-38-09.1, 57-38-62 and subsection 1 of section 57-38-66 of the North Dakota Century Code, relating to income tax and business and corporation privilege tax; to repeal subsections 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, and 26 of section 57-38-01 of the North Dakota Century Code, relating to income tax definitions; and to provide for an effective date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 176) the roll was called and there were ayes, 43; nays, 3; absent and not voting, 4.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |     |          | 1977 LEGISLATURE |            |      |
|-----------------|-----|------|---------------------|------------|------|------|-----|----------|------------------|------------|------|
|                 |     |      | ROLL-CALL           |            |      |      |     |          |                  |            |      |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V | NAYS     | YEAS             | N-V        | NAYS |
| •               |     |      | •                   | JACOBSON   |      |      | •   | NAADEN   | •                | SMYKOWSKI  |      |
| •               |     |      | •                   | JONES      |      |      | •   | NELSON   | •                | SOLBERG    |      |
| •               |     |      | •                   | KRAUTER    |      |      | •   | NOTHING  | •                | STRAND     |      |
| •               |     |      | •                   | LARSON     |      |      | •   | ORANGE   | •                | STRINDEN   |      |
| •               |     |      | •                   | LASHKOWITZ |      |      | •   | PETERSON | •                | TALLACKSON |      |
| •               |     |      | •                   | LEE        |      |      | •   | PIETRON  | •                | TENNEFOS   |      |
| •               |     |      | •                   | LIPS       |      |      | •   | RAIT     | •                | THANE      |      |
| •               |     |      | •                   | LODOEN     |      |      | •   | REDLIN   | •                | VOSPER     |      |
| •               |     |      | •                   | MAHER      |      |      | •   | REITEN   | •                | WALSH      |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2231. A Bill for an Act to create and enact a new section to chapter 57-05 of the North Dakota Century Code, to provide for a tentative assessment of railroad operating property and notice of hearing thereon.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 176) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      |              | ROLL-CALL |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS         | N-V       | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |           | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES      |           | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER    |           | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |           | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |           | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE        |           | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS       |           | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODOEN     |           | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER      |           | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU        |           | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND    |           | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER     |           | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN     |           | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2243. A Bill for an Act to create and enact a new section to chapter 15-63 of the North Dakota Century Code, relating to Indian scholarships; and declaring an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 176) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      |              | ROLL-CALL |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS         | N-V       | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |           | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES      |           | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER    |           | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |           | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |           | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE        |           | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS       |           | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODOEN     |           | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER      |           | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU        |           | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND    |           | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER     |           | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN     |           | • SHABLOW  |     |      |                  |     |      |

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

#### FIRST READING OF A SENATE RESOLUTION

Senator Nething introduced:

Senate Resolution No. 6. A resolution creating a select Senate committee to study and review the operations of the Federal Comprehensive Employment Training Act as it effects political subdivisions and non-profit corporations in North Dakota.

Was read the first time.

Senator Nething moved that the rules be suspended, that Senate Resolution No. 6 not be printed as a bill, not referred to a committee, but printed in the Journal and laid over one legislative day, which motion prevailed.

SENATE RESOLUTION No. 6

Introduced by Senator Nething.

1 A resolution creating a select Senate committee to study and  
2 review the operations of the Federal Comprehensive Employment  
3 Training Act as it effects political subdivisions and nonprofit  
4 corporations in North Dakota.

5  
6 WHEREAS, federally supported job creation programs seem  
7 prevalent in North Dakota; and

8 WHEREAS, the new national administration places emphasis  
9 upon the continuation and expansion of such programs; and

10 WHEREAS, manpower training programs, such as the  
11 Comprehensive Employment Training Act (CETA) programs, can,  
11a and

12 often do, have substantial effect upon the budget and  
13 operations of political subdivisions; and

14 WHEREAS, private, nonprofit corporations can be, and  
15 sometimes are, the recipients of funds under such programs; and

16 WHEREAS, comprehensive knowledge of programs such as the  
17 CETA program is necessary to ensure sound legislative decisions  
18 concerning the fiscal needs of political subdivisions, and the  
19 operations of nonprofit private entities subject to legislative  
20 control;

21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE  
21a OF THE STATE

22 OF NORTH DAKOTA:

23 That the creation of a select Senate committee is hereby  
24 authorized. The committee shall be composed of eight members,

Page 2

1 five from the majority party, and three from the minority  
2 party, to be appointed by the floor leaders of the two parties.

3 The appointments are to be made within three days after passage  
4 of this resolution, and the Majority Floor Leader shall appoint

5 the chairman of the committee. The committee is hereby  
6 empowered to review and study the administration, operation,

7 grant policies, and effect of CETA programs as they effect  
8 political subdivisions and nonprofit corporations or

9 organizations. The committee shall have the power of subpoena  
10 which shall be utilized in accordance with chapter 54-03.2 of

11 the North Dakota Century Code. The committee is to report its  
12 findings and recommendations to the Senate within forty

13 legislative days after passage of this resolution; and

14 BE IT FURTHER RESOLVED, that the select committee may  
15 call upon such persons in the employ of the Employment Security

16 Bureau, the executive branch of state government, any political  
17 subdivision, and the Legislative Council staff, for any

18 reasonable assistance the committee deems necessary; and

19 BE IT FURTHER RESOLVED, that copies of this

- 19a resolution be  
 20 forwarded immediately to the Governor and the Executive  
 21 Director of the Employment Security Bureau.

PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege: I would like to convey my congratulations to the distinguished senator from the 49th district, the very able Chairman of the Transportation Committee, for having brought to the calendar today successfully three repealers of archaic language and obsolete features of the code. By this type of leadership the Chairman of the Transportation Committee and his colleagues are rendering a public service in helping to clean up and cleanse the code of the archaic, obsolete and confusing language. I would also comment to my colleagues that as a somewhat restricted Notary Public I am happy to note that some of the hypocrisy of some of the existing laws are now coming under scrutiny so that we will not be in the position of perpetuating some of the hypocrisy that is buried in the code, thus I would like the record to reflect my congratulations of the distinguished Senator from the 49th district who is leading the Transportation Committee.

PERSONAL PRIVILEGE

Senator Solberg: Mr. President, members of the Senate, I am a little bit embarrassed, but I also must be honest. Ego is the essence of living, so I would like to recite to you from Pascal who once wrote, but I didn't know that my distinguished member of a committee was going to do what he did, so I'm prepared now without knowing it, which is what he referred to.

Pascal once wrote: What a chimera is man! What a confused chaos he is! What a subject of contradictions a professed judge of all things. And yet just a feeble worm of the earth—the great depository and guardian of truth, and yet a mere bundle of uncertainties — the glory and the shame of the universe.

Rousseau wrote: Every age has its different inclinations, but man is always the same —

At ten he is led by sweetmeat,  
 At twenty by a mistress,  
 At thirty by pleasure,  
 At forty by ambition, and after that by avarice

MESSAGES 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. 3025

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2020  
 Senate Bill No. 2035  
 Senate Bill No. 2191  
 Senate Bill No. 2211  
 Senate Concurrent Resolution No. 4029

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
House Chamber

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

House Bill No. 1029  
House Bill No. 1041  
House Bill No. 1042  
House Bill No. 1063  
House Bill No. 1152  
House Bill No. 1158  
House Bill No. 1165  
House Bill No. 1166  
House Bill No. 1167  
House Bill No. 1187  
House Bill No. 1189  
House Bill No. 1251

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2115

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that after the reading of Senate Bills Nos. 2026, 2037, 2059, 2080, 2112, 2139, 2146, 2169, 2172, 2174, 2189, 2203, 2205, 2251 and House Bill 1119, the Senate stand adjourned until Monday, January 24, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## FIFTEENTH DAY

Bismarck, January 24, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Dennis Tippett, St. George's Episcopal Church, Bismarck.

"O God, The fountain of wisdom, whose statutes are good, and gracious, and whose law is truth; we beseech You so to guide the heart and mind of each Senator in this chamber. On this day of service to the people of North Dakota; bless each of their endeavors that they may ordain for our governance only such things as please Thee, to the glory of Thy name and the welfare of the people of this fair land; through Jesus Christ Thy Son our Lord. Amen."

Amen.

## REPORTS OF PROCEDURAL COMMITTEES

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Resolution No. 1  
Senate Resolution No. 2  
Senate Resolution No. 3  
Senate Resolution No. 4  
Senate Resolution No. 5  
Senate Concurrent Resolution No. 4025  
Senate Concurrent Resolution No. 4026  
And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2059  
Senate Bill No. 2112  
Senate Bill No. 2139  
Senate Bill No. 2146  
And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

The Secretary announced that the President was about to sign:

Senate Resolution No. 1  
Senate Resolution No. 2  
Senate Resolution No. 3  
Senate Resolution No. 4  
Senate Resolution No. 5



Senate Concurrent Resolution No. 4025

Senate Concurrent Resolution No. 4026

And the President signed the same in the presence of the Senate.

The roll was called and all Senators were present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirteenth day after recess and Fourteenth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2045 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 3, after the word "to" delete the word "one" and insert in lieu thereof the word "fifteen"

On page 2, line 31, after the second word "or" delete the word "to"

On page 7, after line 25, insert the following new subsection: "6. Nothing contained in this Act shall be construed to repeal or modify any federal, state, territorial, or local law creating special rights or preference for veterans."

On page 8, line 32, after the word "hours," insert the following: "after due notice,"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2045 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2046 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 23, after the word "member" insert the following words: "or officer"

On page 2, line 1, after the word "meeting," insert the following new language: "from contributing to or otherwise supporting candidates of his choice,"

On page 2, line 2, after the word "vote" insert the following words: "or favoring candidates"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2046 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2117 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the words "A BILL" delete all the language in the bill and insert in lieu thereof the following: "for an Act to amend and reenact section 58-02-25 of the North Dakota Century Code, relating to the dissolution of an organized township.

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

SECTION 1. AMENDMENT.) Section 58-02-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

58-02-25. DISSOLUTION OF TOWNSHIP — PETITION — WHEN CONSIDERED BY SUPERVISOR OR BOARD OF COUNTY COMMISSIONERS — HEARING.) If a petition asking for the dissolution of an organized civil township and setting forth the reasons therefor, and signed by one-half of the legal voters of such township, is presented to the board of township supervisors at least ten days prior to the second Tuesday in March in any year, the petition shall be considered by such board at its regular meeting on the second Tuesday in March in such year. If the legal voters of an organized township, as determined by the board of county commissioners, do not exceed five in number, said board of county commissioners, upon the petition of any legal voter of such township, or upon its own motion, without any such petition, may dissolve such township, by filing in the office of the county auditor its resolution to dissolve such township. Following the filing of the resolution by said board of county commissioners, the county auditor shall designate a time and place for a public hearing of all electors who are owners of any interest in real property assessed for taxation in the township, and who reside within the boundaries of the township as fixed by the order of the board of county commissioners. Notice of the hearing shall be given by publication once each week for two consecutive weeks in a newspaper of general circulation in the township, the last publication appearing at least seven days prior to the hearing. The notice shall be addressed to all electors who are owners of any interest in real property assessed for taxation in the township or who are residing within the boundaries of the township. The county auditor shall also notify all owners of property within the township by mail at least two weeks in advance of the proposed dissolution hearing.

And renumber lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2117 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2140 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 3, after the word "officers" delete the following: ", having due regard for the size of the

On page 2, line 4, delete the following: "department and the duties of the officers"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2140 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2158 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 2, after the first word "the" insert the word "medical"

On page 2, line 3, after the word "close" delete the word "a" and insert

in lieu thereof the following: "the medical portion of the"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2158 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2201 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2201 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2207 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12, following the word "prescription" delete the word "drug"

On page 1, line 14, following the word "must" delete the word "orally"

On page 1, line 15, following the word "and" insert the following: "a warning of the potential harmful effect of combining any form of alcoholic beverage with the medication and"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2207 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2215 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2215 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2216 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2216 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2217 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2217 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2237 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2237 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred

Senate Bill No. 2238 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2238 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2247 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12, after the word "taxpayer" delete the following punctuation: ",", and insert in lieu thereof the words "who was"

On page 1, line 13, after the word "period" delete the following punctuation: ",", and insert in lieu thereof the word "and"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2247 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2260 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2260 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2281 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2281 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2289 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2289 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Nething moved that the reading of the amendments to Senate Bills 2171 2188 and 2225 be dispensed with, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2171 as recommended by the Committee on Social Welfare & Veterans Affairs as printed on pages 211 and 212 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2188 as recommended by the Committee on Social Welfare & Veterans Affairs as printed on page 212 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2225 as recommended by the Committee on Transportation as printed on page 213 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Senator Solberg introduced:

Senate Bill No. 2357. A Bill for an Act to amend and reenact sections 6-03-13.1, 6-03-13.2 and 6-03-13.3 of the North Dakota Century Code, relating to separate drive-in facilities.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Freed, Sands introduced:

**Senate Bill No. 2358.** A Bill for an Act to provide for state reimbursement to counties for one-half of the costs of providing legal counsel to indigent defendants, to provide for reimbursement to the state of any sums recovered by the counties; and providing an appropriation.

Was read the first time and referred to the committee on Judiciary.

Senators Tallackson, Miller, Holmberg, Reiten introduced:

**Senate Bill No. 2359.** A Bill for an Act to establish the right of teachers to review materials placed in the teacher's personnel file and to seek removal of materials inappropriately placed in such file.

Was read the first time and referred to the committee on Education.

Senator Lee introduced:

**Senate Bill No. 2360.** A Bill for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the fees retained by county auditors for the issuance of various hunting licenses.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lee introduced:

**Senate Bill No. 2361.** A Bill for an Act to amend and reenact section 57-60-14 of the North Dakota Century Code, relating to the allocation of revenue formula for the privilege tax on coal conversion facilities.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Schirado introduced:

**Senate Bill No. 2362.** A Bill for an Act making an appropriation for a building for the occupancy and use of the North Dakota state highway patrol and as an addition to the law enforcement training center.

Was read the first time and referred to the committee on State and Federal Government.

Senator Schirado introduced:

**Senate Bill No. 2363.** A Bill for an Act to amend and reenact section 29-27-02.1 of the North Dakota Century Code, relating to the dispositions of fees, fines, forfeitures, pecuniary penalties, and bond forfeitures.

Was read the first time and referred to the committee on State and Federal Government.

Senators Christensen, Miller introduced:

**Senate Bill No. 2364.** A Bill for an Act to amend and reenact section 27-08-08 of the 1975 Supplement to the North Dakota Century Code, relating to salaries of judges of county courts of increased jurisdiction.

Was read the first time and referred to the committee on Judiciary.

Senators Freed, Lips, Barth introduced:

**Senate Bill No. 2365.** A Bill for an Act to create and enact a new section to chapter 26-13 and a new section to chapter 26-27 of the North Dakota Century Code, relating to discrimination against doctors of podiatry and to participation by doctors of podiatry in nonprofit medical service corporations.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senators Schirado, Freed introduced:

**Senate Bill No. 2366.** A Bill for an Act to prohibit the unauthorized transfer of recorded sound and the unauthorized recording of live performances, to require disclosure of the name and address of the

manufacturer of recordings for sale, providing for destruction of recordings unlawfully produced, and providing a penalty.

Was read the first time and referred to the committee on Judiciary.

Senators Reiten, Barth introduced:

**Senate Bill No. 2367.** A Bill for an Act to amend and reenact sections 43-19.1-05, 43-19.1-18, 43-19.1-19 and subsection 4 of section 43-19.1-27 of the North Dakota Century Code, relating to the compensation and expenses of members of the board of registration for professional engineers and land surveyors, registration fees, examinations, and the right of partnerships and corporations to practice engineering and land surveying.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Lashkowitz, Sands introduced:

**Senate Bill No. 2368.** A Bill for an Act to repeal section 40-45-17 of the North Dakota Century Code, relating to a reduction of police retirement benefits by the amount of benefits received from workmen's compensation.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Jones, Melland, Rait introduced:

**Senate Bill No. 2369.** A Bill for an Act to amend and reenact subsection 1 of section 23-17.2-01, sections 23-17.2-02, 23-17.2-03, 23-17.2-05, 23-17.2-09, 23-17.2-11, 23-17.2-13, 23-17.2-14, of the North Dakota Century Code relating to certification of need for expansion of hospital facilities; and to repeal sections 23-17.2-06, 23-17.2-07, 23-17.2-08, and 23-17.2-10 of the North Dakota Century Code, relating to certification of need for expansion of hospital facilities; and declaring an emergency.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Walsh introduced:

**Senate Bill No. 2370.** A Bill for an Act to amend and reenact subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to establishing residency for hunting licenses based on the filing of a resident state income tax return.

Was read the first time and referred to the committee on Natural Resources.

Senators Larson, Shablow introduced:

**Senate Bill No. 2371.** A Bill for an Act to create and enact a new section to chapter 12.1-05 of the North Dakota Century Code, relating to the indemnification and reimbursement of defendants by the state; to amend and reenact section 12.1-05-06 of the North Dakota Century Code, relating to the use of force in defense of premises and property; and providing an appropriation.

Was read the first time and referred to the committee on Judiciary.

Senator Nelson introduced:

**Senate Bill No. 2372.** A Bill for an Act to create and enact a new section to chapter 40-46 of the North Dakota Century Code, relating to the tax levy for city employees' pension fund.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Krauter, Fritzell introduced:

**Senate Bill No. 2373.** A Bill for an Act to amend and reenact section 50-10-01 of the North Dakota Century Code, relating to definitions for aid to crippled children.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Fritzell introduced:

**Senate Bill No. 2374.** A Bill for an Act to appropriate funds to the board of higher education for construction, additions to, remodeling, and equipping of buildings at the university of North Dakota at Grand Forks.

Was read the first time and referred to the committee on Appropriations.

Senator Strinden introduced:

**Senate Bill No. 2375.** A Bill for an Act to amend and reenact sections 21-03-47, 40-22-43, 40-35-04, 40-35-05, and 40-57-07, relating to the limitation of actions regarding the validity of certain bonds, certain taxes, and special assessments and to procedures pertaining to such bonds and special assessments.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Strinden introduced:

**Senate Bill No. 2376.** A Bill for an Act to amend and reenact section 40-27-13, subsection 4 of section 40-36-05, and subsection 3 of section 40-36-13 of the North Dakota Century Code, relating to refunding callable bonds issued to purchase outstanding special assessment warrants of a municipality, what the resolution of the municipality's governing body may provide in issuing revenue bond refunding bonds, and what the governing body must determine to sell or exchange revenue bond refunding bonds.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Naaden introduced:

**Senate Bill No. 2377.** A Bill for an Act to provide authorization for the use of laetrile, limit disciplinary actions, and to provide for public hearings on the use of laetrile.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Fritzell introduced:

**Senate Bill No. 2378.** A Bill for an Act to create and enact a new section to chapter 30.1-14 of the North Dakota Century Code, relating to information to be provided by a county court to an applicant for informal probate or informal appointment proceedings under the Uniform Probate Code.

Was read the first time and referred to the committee on Judiciary.

Senator Fritzell introduced:

**Senate Bill No. 2379.** A Bill for an Act to create and enact a new section to chapter 58-08 of the North Dakota Century Code, relating to township zoning authority not exercised by July 1, 1979.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Jones introduced:

**Senate Bill No. 2380.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of certain regulatory agencies and boards and the regulatory activities of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, officers, officials, offices, panels, task forces, directorates, and similar state governmental entities or

functional groups; providing a schedule for the termination and review process; providing for performance reviews of these regulatory agencies and activities by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all agencies and activities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

Was read the first time and referred to the committee on State and Federal Government.

Senators Tallackson, Strand, Rait introduced:

**Senate Bill No. 2381.** A Bill for an Act to create and enact chapter 40-33.2 of the North Dakota Century Code, relating to municipal power agencies, authorizing, creating, and defining their powers and responsibilities, authorizing the issuance of bonds and notes; and declaring an emergency.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Jones introduced:

**Senate Bill No. 2382.** A Bill for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to when section lines are considered public roads.

Was read the first time and referred to the committee on State and Federal Government.

Senator Jones introduced:

**Senate Bill No. 2383.** A Bill for an Act to amend and reenact section 40-55-09 of the North Dakota Century Code, relating to the mill levy authorized for public recreation systems.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Freed, Maher, Krauter, Barth, Jacobson introduced:

**Senate Bill No. 2384.** A Bill for an Act to authorize the state board of higher education to sell certain land presently used by the Dickinson experiment station; to provide for the use of the proceeds of the sale of such land; to provide for the purchase of replacement land for the use of the Dickinson experiment station; to provide an appropriation; and to declare an emergency.

Was read the first time and referred to the committee on State and Federal Government.

Senator Miller introduced:

**Senate Bill No. 2385.** A Bill for an Act to establish fees chargeable by licensed pawnbrokers operating in this state.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Krauter introduced:

**Senate Bill No. 2386.** A Bill for an Act to create and enact a new section to chapter 49-13 of the North Dakota Century Code, relating to heaters for railroad motor track cars; and providing a penalty.



Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Albers introduced:

**Senate Bill No. 2387.** A Bill for an Act to restrict the location of haul roads.

Was read the first time and referred to the committee on Transportation.

Senators Rait, Tallackson introduced:

**Senate Bill No. 2388.** A Bill for an Act to provide for the governing of activity in proximity to electric transmission lines; and providing a penalty.

Was read the first time and referred to the committee on State and Federal Government.

Senators Tallackson, Vosper introduced:

**Senate Bill No. 2389.** A Bill for an Act to amend and reenact sections 4-11-04 and 4-11-06 of the North Dakota Century Code, relating to the bond and fee for a wholesale potato dealer's license.

Was read the first time and referred to the committee on Agriculture.

Senators Freed, Jones introduced:

**Senate Bill No. 2390.** A Bill for an Act to repeal section 15-47-18 of the North Dakota Century Code, relating to the payment of tuition for children whose parents live on county poor funds.

Was read the first time and referred to the committee on Education.

Senators Freed, Sands introduced:

**Senate Bill No. 2391.** A Bill for an Act to amend and reenact section 54-44.1-10 of the North Dakota Century Code, relating to payments made pursuant to law.

Was read the first time and referred to the committee on Judiciary.

Senators Freed, Sands introduced:

**Senate Bill No. 2392.** A Bill for an Act to amend and reenact subdivision b of subsection 3 of section 21-03-07, and sections 21-03-26, 40-04-02, 40-05.1-03, 40-11-04.1, 40-21-02, 40-40-06, 40-48-32, 40-51.2-05, and 48-02-03 of the North Dakota Century Code, all relating to the publication of legal notices in a municipality's official newspaper.

Was read the first time and referred to the committee on Judiciary.

Senator Nething introduced:

**Senate Bill No. 2393.** A Bill for an Act to amend and reenact subsection 2 of section 11-15-07 of the North Dakota Century Code; relating to fees for service of process.

Was read the first time and referred to the committee on Judiciary.

Senator Naaden introduced:

**Senate Bill No. 2394.** A Bill for an Act to amend and reenact sections 10-18.1-09, 23-14-14, 27-07-40, subdivisions a and e of subsection 1 of section 30.1-20-16, sections 40-35-12, 40-36-07, 40-57-13, subsection 2 of section 40-61-14, section 40-61-15, subsections 8, 9, and 10 of section 47-19-02, sections 47-19-06, and 47-19-07 of the North Dakota Century Code, relating to references to estate taxes and exemptions from taxation; to repeal chapter 57-37.1 of the North Dakota Century Code, relating to the estate tax; and to provide an effective date.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Freed, Jacobson introduced:

**Senate Bill No. 2395.** A Bill for an Act to amend and reenact section 38-

08-09.9 of the North Dakota Century Code, relating to the enlargement of a unit area or the amendment of a plan of unitization.

Was read the first time and referred to the committee on Natural Resources.

Senator Nething introduced:

**Senate Bill No. 2396.** A Bill for an Act to amend and reenact section 57-13-02 of the North Dakota Century Code, relating to the annual meeting of the state board of equalization to assess property and providing for a uniform level of assessments on business and commercial property and property assessed by the board.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Holmberg introduced:

**Senate Bill No. 2397.** A Bill for an Act to provide for the conduct of presidential preference primary elections in presidential election years when the primary election is held before state party conventions to select national convention delegates.

Was read the first time and referred to the committee on Judiciary.

Senators Strand, Krauter, Christensen, Pietron introduced:

**Senate Bill No. 2398.** A Bill for an Act to amend and reenact section 13-03.1-03 and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Nething introduced:

**Senate Bill No. 2399.** A Bill for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the number of big game animals that may be taken in any one year.

Was read the first time and referred to the committee on Natural Resources.

Senators Redlin, Iszler introduced:

**Senate Bill No. 2400.** A Bill for an Act to amend and reenact section 27-06-02 of the North Dakota Century Code, relating to the salary and expenses of the court reporter.

Was read the first time and referred to the committee on Judiciary.

Senator Freed introduced:

**Senate Bill No. 2401.** A Bill for an Act to provide for indemnification of any employee, director, or officer or former employee, director, or officer of any bank.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lips introduced:

**Senate Bill No. 2402.** A Bill for an Act to impose a one percent county sales, use, and motor vehicle excise tax, to provide for the administration of such tax by the state tax commissioner, and to provide for the allocation and appropriation of moneys collected to counties, cities, city park districts, and county equalization funds.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Redlin introduced:

**Senate Bill No. 2403.** A Bill for an Act to amend and reenact Section 1-03-04 of the North Dakota Century Code, to provide for a ten day notice on the

part of a bank to remain closed on a business day and to provide for closing in event of an emergency.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Melland introduced:

**Senate Bill No. 2404.** A Bill for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the establishment and operation of a state employee health insurance trust fund; and to amend and reenact subsection 7 of section 54-52-04 of the North Dakota Century Code, relating to the duties of the public employees retirement board as trustee for a state employee health insurance trust fund.

Was read the first time and referred to the committee on State and Federal Government.

Senators Strinden, Redlin introduced:

**Senate Bill No. 2405.** A Bill for an Act to amend and reenact section 57-22-02.1 of the North Dakota Century Code, relating to the county auditor publishing a list and maintaining a record of delinquent personal property taxes; and eliminating the requirement of publication in the official county newspaper.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Nething introduced:

**Senate Bill No. 2406.** A Bill for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to limitations on licenses to hunt big game.

Was read the first time and referred to the committee on Natural Resources.

Senators Iszler, Redlin introduced:

**Senate Bill No. 2407.** A Bill for an Act to amend and reenact subsections 2 and 4 of section 27-20-05 of the North Dakota Century Code, relating to juvenile court personnel.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2408.** A Bill for an Act to amend and reenact section 23-21.1-03 of the North Dakota Century Code, relating to the deposit and the perpetual care fund for maintenance of mausoleums.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Melland introduced:

**Senate Bill No. 2409.** A Bill for an Act making appropriations to the director of institutions to purchase and remodel the Patterson hotel building in Bismarck.

Was read the first time and referred to the committee on State and Federal Government.

Senators Barth, Wenstrom introduced:

**Senate Bill No. 2410.** A Bill for an Act to amend and reenact sections 54-52.1-06 and 54-52.1-07 of the North Dakota Century Code, relating to the state contribution to the uniform group insurance program and optional coverage for employee's family.

Was read the first time and referred to the committee on State and Federal Government.

Senator Freed introduced:

**Senate Bill No. 2411.** A Bill for an Act to create and enact a new subsection to section 51-13-02 of the North Dakota Century Code, relating to retail installment contracts and providing that a holder of such a contract is not protected from buyer's claims and defenses by being a holder in due course; and to amend and reenact subsection 2 of 51-13-02 of the North Dakota Century Code, relating to the printed requirements of retail installment contracts.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lee introduced:

**Senate Bill No. 2412.** A Bill for an Act to amend and reenact Section 6-03-05 of the North Dakota Century Code, relating to limitation on bank loans secured by real estate.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Nething introduced:

**Senate Bill No. 2413.** A Bill for an Act to amend and reenact section 20.1-08-03 of the North Dakota Century Code, relating to limitations on the governor's proclamation powers for the taking of fur-bearers with traps by nonresidents.

Was read the first time and referred to the committee on Natural Resources.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1029.** A Bill for an Act to provide for the preferential assessment of agricultural lands, to provide for the dual assessment of agricultural lands, to provide for the reclassification of agricultural lands if there is a change in use; to amend and reenact section 40-51.2-06, subsection 3 of section 40-51.2-07, and sections 40-51.2-16 and 57-02-27 of the North Dakota Century Code, relating to the continued classification as agricultural lands for tax purposes of agricultural areas annexed to cities.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1041.** A Bill for an Act to create and enact sections 23-10-02.1 and 23-10-07.1 of the North Dakota Century Code, relating to local enforcement and inspection and to service fees of mobile home parks, trailer parks, and campgrounds, and to amend and reenact sections 23-10-01, 23-10-02, 23-10-03, 23-10-04, 23-10-05, 23-10-06, 23-10-07, 23-10-09, 23-10-10, 23-10-11, and 23-10-12 of the North Dakota Century Code, relating to definitions, state laboratories department authority to promulgate regulations, issue licenses, and conduct inspections concerning mobile home parks, trailer parks, and campgrounds, license fees, sanitation and safety requirements, guest records, distribution and posting of regulations, ejection from premises, revocation of licenses, and providing a penalty.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1042.** A Bill for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to actions brought to abate taxes assessed on mobile homes.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1063.** A Bill for an Act to create and enact section 28-32-02.1 of the North Dakota Century Code, relating to adopting a rule describing an agency's organization and functions; and to amend and reenact sections 28-32-01, 28-32-05, 28-32-09, 28-32-12, 28-32-21 of the North Dakota Century Code, relating to definitions, rules of procedure and notice of hearing, depositions and interrogatories, methods of recording testimony, and supreme court review.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1152.** A Bill for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to the minimum fixed assets reporting value for financial statements for state agencies.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1158.** A Bill for an Act to amend and reenact subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to the disposition of school building funds and providing for the use of such funds for vocational education facilities financed under the Municipal Industrial Development Act.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1165.** A Bill for an Act to amend and reenact section 43-23-08 of the North Dakota Century Code, relating to license standards under the real estate commission.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1166.** A Bill for an Act to provide for destruction of records maintained by the filing officer under the uniform commercial code.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1167.** A Bill for an Act to amend and reenact section 46-04-19 of the North Dakota Century Code, relating to disposal of certain volumes of the law.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1187.** A Bill for an Act to amend and reenact subsection 3 of section 54-11-01 and sections 54-11-04 and 54-11-05 of the North Dakota Century Code, relating to the numbering, retention, and storage of certain documents by the state treasurer.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1189.** A Bill for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limits of the small claims court and the answer and counterclaim.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1251.** A Bill for an Act to amend and reenact section 27-06-02 of the North Dakota Century Code, relating to salary and expenses of court reporter.



ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 189, 190) the roll was called and there were ayes, 28 nays, 22; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |          |     | •    |                  |     | •    |
| •                   |     |      | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| •                   |     |      | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| •                   |     |      | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| •                   |     |      | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| •                   |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| •                   |     |      | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| •                   |     |      | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| •                   |     |      | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| •                   |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| •                   |     |      | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| •                   |     |      | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| •                   |     |      | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| •                   |     |      | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2080. A Bill for an Act to amend and reenact section 39.2-26 of the North Dakota Century Code to provide for the allocation of a portion of sales tax receipts to cities and counties.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
|                     |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2080 was declared lost.

Senate Bill No. 2112. A Bill for an Act to create and enact a new subdivision to subsection 2 of section 12.1-21-05 of the North Dakota Century Code, providing for a minimum mandatory six-month term of imprisonment for criminal mischief to tangible property of a peace or parole officer if the actor knows that to be a fact; and to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, to provide a minimum mandatory one-year term of imprisonment for simple assault upon a peace or parole officer whether on or off duty if the actor knows that to be a fact.

Which has been read (Amended SJ page 190)

Senator Sands moved that Senate Bill 2112 be amended as follows:

On page 1, line 4 of the engrossed bill after the word "a" insert the following: "person who is a"

On page 1, line 9 of the engrossed bill after the word "a" insert the following: "person who is a"

On page 2, line 4 delete the following: "upon a peace or parole officer"

On page 2, line 12 of the engrossed bill after the word "a" insert the following: "person who is a"

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

Senator Sands moved that the rules be suspended, that Senate Bill 2112 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

Senate Bill No. 2112. A Bill for an Act to create and enact a new subdivision to subsection 2 of section 12.1-21-05 of the North Dakota Century Code, providing for a minimum mandatory six-month term of imprisonment for criminal mischief to tangible property of a peace or parole officer if the actor knows that to be a fact; and to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, to provide a minimum mandatory one-year term of imprisonment for simple assault upon a peace or parole officer whether on or off duty if the actor knows that to be a fact.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 190) the roll was called and there were ayes, 49; nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEF        |     |      | • PIETRON  |     |      | • TENEFOS        |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**EXPLANATION OF VOTE**

Senator Freed: Mr. President, I rise on a point of personal privilege to explain why I voted "nay" on this bill. It was just my personal belief that the clause including "any correctional personnel" is going too far and we are opening the door too far, and that was the reason for my vote, referring to if somebody burglarizes the cook at the penitentiary, his house at night, or had a fight with him down at the bar, he knew he was a cook out at the state penitentiary, but the fight had to do over some girlfriend that had nothing to do with the state penitentiary, this man is convicted of a felony and I felt this was wrong.

**MOTION**

Senator Nething moved that Senate Resolution No. 6 be placed at the head of the calendar, which motion prevailed.

**SECOND READING OF A SENATE RESOLUTION**

Senate Resolution No. 6. A resolution creating a select Senate committee to study and review the operations of the Federal Comprehensive Employment Training Act as it effects political subdivisions and non-profit corporations in North Dakota.

Which has been read.

The question being on the adoption of the resolution (as printed on page 227 of the Senate Journal).



Senator Nething moved that the resolution be adopted, which motion prevailed, and Senate Resolution No. 6 was adopted.

#### APPOINTMENT OF SELECT COMMITTEE

##### FEDERAL COMPREHENSIVE EMPLOYMENT TRAINING ACT

Senator Nething moved that a select committee be appointed to study and review the operations of the Federal Comprehensive Employment Training Act, which motion prevailed.

President Sanstead appointed as such committee:

Senator Smykowski, Chairman  
 Senator Farrington, Vice-Chairman  
 Senator Melland  
 Senator Naaden  
 Senator Sands  
 Senator Orange  
 Senator Rait  
 Senator Schirado

#### MOTIONS

Senator Freed moved that Senate Bill No. 2317 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Freed moved that Senate Bill No. 2317 be re-referred to the Committee on Judiciary, which motion prevailed.

Senator Goodman moved that Senate Bill No. 2078 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Goodman requested the unanimous consent of the Senate to withdraw Senate Bill No. 2078 There being no objection the request was granted, and Senate Bill No. 2078 was withdrawn.

Senator Solberg moved that Senate Bill No. 2114 be returned to the Senate floor from the Committee on Education, which motion prevailed.

Senator Solberg requested the unanimous consent of the Senate to withdraw Senate Bill No. 2114 There being no objection the request was granted, and Senate Bill No. 2114 was withdrawn.

Senator Morgan moved that Senate Bill No. 2249 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Morgan requested the unanimous consent of the Senate to withdraw Senate Bill No. 2249 There being no objection the request was granted, and Senate Bill No. 2249 was withdrawn.

#### FIRST READING OF SENATE BILLS

Senator Freed introduced:

**Senate Bill No. 2414.** A Bill for an Act to amend and reenact section 7-02-14 of the North Dakota Century Code, relating to extending powers granted federally chartered savings and loan associations to state-chartered associations.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Wenstrom introduced:

**Senate Bill No. 2415.** A Bill for an Act to amend and reenact sections 38-08-05 and 38-12-03 of the North Dakota Century Code relating to the fees to be charged for the permit to drill an oil and gas well and the permit to explore for subsurface minerals.

Was read the first time and referred to the committee on State and Federal Government.

Senator Freed introduced:

**Senate Bill No. 2416.** A Bill for an Act to create and enact a new subsection to Section 47-19-02 of the North Dakota Century Code, relating to what instruments may be recorded without acknowledgment.

Was read the first time and referred to the committee on Judiciary.

Senator Christensen introduced:

**Senate Bill No. 2417.** A Bill for an Act to create and enact a new subsection to section 40-05-02 of the North Dakota Century Code, relating to powers of cities; to amend and reenact subdivision a of subsection 4 of section 12.1-27.1-01 of the North Dakota Century Code, relating to contemporary standards of obscenity; and to repeal section 12.1-27.1-12 of the North Dakota Century Code, relating to state preemption of local laws regulating obscenity.

Was read the first time and referred to the committee on Judiciary.

Senator Lodoen introduced:

**Senate Bill No. 2418.** A Bill for an Act establishing minimum educational requirements for certain insurance agents and providing certain exceptions for these requirements.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Fritzell introduced:

**Senate Bill No. 2419.** A Bill for an Act to amend and reenact sections 34-06-04, 34-06-08, 34-06-11, and 34-06-14 of the North Dakota Century Code, relating to minimum wages and hours; the power of the labor commissioner to make rules; investigations and hearings by the commissioner; a hearing upon a conference report; and the right of appeal from the commissioner's decision; and providing for all such areas to be in accordance with the Administrative Agencies Practice Act.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Schirado introduced:

**Senate Bill No. 2420.** A Bill for an Act to create and enact a new subsection to section 52-04-06 of the North Dakota Century Code, relating to the unemployment compensation trust fund reserve ratio.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Lashkowitz, Walsh, Holmberg, Schirado introduced:

**Senate Bill No. 2421.** A Bill for an Act to require disclosure of conflict of interest by municipal officials in contracts in which the municipality is a party; and providing a penalty.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Walsh, Maher introduced:

**Senate Bill No. 2422.** A Bill for an Act to create and enact three new sections to chapter 65-05 of the North Dakota Century Code, relating to determining, measuring, and calculating compensable hearing loss for workmen's compensation purposes.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lee introduced:

**Senate Bill No. 2423.** A Bill for an Act to provide for allocation to coal-producing counties of a portion of the funds received from the Federal Mineral Lands Leasing Act; and to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to state school aid funds from the Federal Mineral Lands Leasing Act.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Wenstrom, Orange, Fritzell, Hoffner, Schirado introduced:

**Senate Bill No. 2424.** A Bill for an Act to provide a Human Rights Act, and to prohibit discrimination against persons; and to repeal section 23-21.1-08, subsection 11 of section 26-30-04, and chapter 50-26 of the North Dakota Century Code, relating to denying privilege of interment because of race or color, refusing to insure risks solely because of race, color, creed, sex, or national origin, and the governor's council on human resources; and providing an appropriation.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Albers introduced:

**Senate Bill No. 2425.** A Bill for an Act to amend and reenact sections 11-33-09 and 11-33-10 of the North Dakota Century Code, relating to the publication and effective date of county zoning resolutions and amendments, and to separate hearings on such resolutions and amendments.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Lee introduced:

**Senate Bill No. 2426.** A Bill for an Act to amend and reenact subdivision j of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax adjustment for public employee retirement benefits.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Lips, Freed, Hoffner, Lashkowitz introduced:

**Senate Bill No. 2427.** A Bill for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, relating to property exempt from taxation.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Lee introduced:

**Senate Bill No. 2428.** A Bill for an Act to amend and reenact subsection 8 of section 38-16-01 and section 38-16-02 of the North Dakota Century Code, relating to the definition of "surface mining operation" and to reports of surface mining operations.

Was read the first time and referred to the committee on Natural Resources.

Senator Wenstrom introduced:

**Senate Bill No. 2429.** A Bill for an Act to amend and reenact subsection 4 of section 38-08-07 of the North Dakota Century Code relating to the establishment of spacing units for oil and gas wells and the number of wells drilled therein.

Was read the first time and referred to the committee on Natural Resources.

Senator Lips introduced:

**Senate Bill No. 2430.** A Bill for an Act to create and enact a new section

to chapter 32-15 of the North Dakota Century Code, authorizing electric cooperatives, public utilities, and municipal utilities to enter land subject to eminent domain proceedings and begin construction prior to a final determination of damages through eminent domain proceedings; and to amend and reenact section 32-15-29 of the North Dakota Century Code, relating to possession of land taken by eminent domain proceedings.

Was read the first time and referred to the committee on Judiciary.

Senators Strinden, Nelson introduced:

**Senate Bill No. 2431.** A Bill for an Act to amend and reenact section 15-48-02 of the North Dakota Century Code, relating to notice for school district elections.

Was read the first time and referred to the committee on Education.

Senator Christensen introduced:

**Senate Bill No. 2432.** A Bill for an Act to amend and reenact section 6-09-01 of the North Dakota Century Code, relating to the Bank of North Dakota.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Berube, Solberg, Barth, Miller, Redlin introduced:

**Senate Bill No. 2433.** A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to the rights of annexed territory.

Was read the first time and referred to the committee on Education.

Senators Lashkowitz, Schirado introduced:

**Senate Bill No. 2434.** A Bill for an Act to create and enact section 15-65-02.1 and two new subsections to section 15-65-03 of the North Dakota Century Code, relating to senate confirmation of appointments to the North Dakota educational broadcasting council, the authority of the North Dakota educational broadcasting council to contract with non-commercial educational television stations, and meetings of the North Dakota educational broadcasting council; and to amend and reenact section 15-65-02 of the North Dakota Century Code, relating to membership of the North Dakota educational broadcasting council.

Was read the first time and referred to the committee on Education.

Senator Christensen introduced:

**Senate Bill No. 2435.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for park and recreation program charges.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Freed, Lashkowitz introduced:

**Senate Bill No. 2436.** A Bill for an Act to amend and reenact section 29-28-07 of the North Dakota Century Code, relating to criminal appeals which may be taken by the state, and changing an order quashing an information to an order dismissing an information.

Was read the first time and referred to the committee on Judiciary.

Senators Tennesos, Melland, Erdman, Reiten introduced:

**Senate Bill No. 2437.** A Bill for an Act to provide for the preferential assessment of private recreational, open space, and park lands, to provide for the dual assessment of such lands, and to provide for the payment of higher taxes on such lands if there is a change in ownership or use after preferential taxes have been paid.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Christensen introduced:

**Senate Bill No. 2438.** A Bill for an Act to amend and reenact section 5-02-09 of the North Dakota Century Code, relating to the necessity of providing adequate police protection prior to the issuance of alcoholic beverage licenses.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Lashkowitz, Schirado introduced:

**Senate Bill No. 2439.** A Bill for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking privileges for the physically handicapped; and to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to designating with blue paint the parking spaces reserved for the physically handicapped.

Was read the first time and referred to the committee on State and Federal Government.

Senators Christensen, Freed introduced:

**Senate Bill No. 2440.** A Bill for an Act to create and enact sections 43-35-11.1 and 43-35-18.1 of the North Dakota Century Code, relating to certification of pump and pitless unit installers; to amend and reenact subsections 4 and 5 of section 43-35-02, and sections 43-35-07, 43-35-11, 43-35-12, 43-35-13, 43-35-14, 43-35-17, 43-35-19, 43-35-20, and 43-35-22 of the North Dakota Century Code, relating to pumps and pitless units, test drilling for ground water, and certification of water well drillers; and to repeal section 43-35-15 of the North Dakota Century Code, relating to certification of persons at effective date of the Act.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senators Freed, Schirado introduced:

**Senate Bill No. 2441.** A Bill for an Act to amend and reenact subsection 28 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sunday.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Christensen introduced:

**Senate Bill No. 2442.** A Bill for an Act to provide for the free use of gymnasiums and swimming pools of public schools.

Was read the first time and referred to the committee on Education.

Senators Farrington, Jones introduced:

**Senate Bill No. 2443.** A Bill for an Act to amend and reenact subsection 2 of section 11-15-07 of the North Dakota Century Code, relating to the fees chargeable by a sheriff for serving certain documents.

Was read the first time and referred to the committee on Judiciary.

Senators Morgan, Albers, Barth introduced:

**Senate Bill No. 2444.** A Bill for an Act to designate an official state grass.

Was read the first time and referred to the committee on Agriculture.

Senator Lips introduced:

**Senate Bill No. 2445.** A Bill for an Act to create and enact section 57-39.2-14.1 of the North Dakota Century Code, relating to direct payment of sales and use tax to the commissioner; to amend and reenact subsection 1 of

section 57-40.2-07 of the North Dakota Century Code relating to the collection of use tax.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Thane introduced:

**Senate Bill No. 2446.** A Bill for an Act to authorize the state board of higher education to issue revenue bonds for the construction of a swimming pool to complete the physical education/activities building at the state school of science at Wahpeton, to provide for a student facility fee, and to provide an appropriation.

Was read the first time and referred to the committee on Education.

Senator Sandness introduced:

**Senate Bill No. 2447.** A Bill for an Act to amend and reenact section 43-27-01, subsection 2 of section 43-27-04, and subsection 4 of section 43-27-07 of the North Dakota Century Code, relating to inclusion of electronic mechanisms in the definition of watchmaking, to raise the per diem and mileage expenses of the board of examiners in watchmaking, and to raise the fee for certificates of watchmaking registration.

Was read the first time and referred to the committee on Industry, Business and Labor.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2139.** A Bill for an Act to create and enact subsections 23, 24 and 25 of section 26-41-03, section 26-41-04.1 and subdivision c of subsection 2 of section 26-41-10 of the North Dakota Century Code, relating to no-fault insurance; to amend and reenact subsection 1 of section 26-02-32, subsection 1 of section 26-02-33, subsections 12 and 13 of section 26-41-03, subsection 1 of section 26-41-04 and subsection 1 of section 26-41-08 of the North Dakota Century Code, relating to cancellation and nonrenewal of automobile insurance policies and no-fault insurance.

Which has been read (Amended, SJ page 191)

Senator Lodoen moved that Senate Bill 2139 be amended as follows:

On page 1, line 1 of the engrossed bill following the number "23" delete the following: ",24 and" and insert in lieu thereof the following: "and 24"

On page 1, line 2 of the engrossed bill delete the following: "25"

On page 4, line 11 of the engrossed bill following the number "23" delete the following: ",24 and 25" and insert in lieu thereof the following: "and 24"

On page 4, line 17 of the engrossed bill delete the number "25." and insert in lieu thereof the number "24."

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

Senator Lodoen moved that the rules be suspended; that Senate Bill 2139 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

**Senate Bill No. 2139.** A Bill for an Act to create and enact subsections 23, 24 and 25 of section 26-41-03, section 26-41-04.1 and subdivision c of subsection 2 of section 26-41-10 of the North Dakota Century Code, relating to no-fault insurance; to amend and reenact subsection 1 of section 26-02-32, subsection 1 of section 26-02-33, subsections 12 and 13 of section 26-41-03, subsection 1 of section 26-41-04 and subsection 1 of section 26-41-08 of the North Dakota Century Code, relating to cancellation and nonrenewal of automobile insurance policies and no-fault insurance.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 191) the roll was called and there were ayes, 39; nays, 11; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| •               |     |      | JACOBSON            |     |      | NAADEN    |     |      | SMYKOWSKI        |     |      |
| •               |     |      | JONES               |     | •    | NELSON    |     |      | SOLBERG          |     |      |
| •               |     |      | KRAUTER             |     | •    | NETHING   |     |      | STRAND           |     | •    |
| •               |     |      | LARSON              |     | •    | ORANGE    |     |      | STRINDEN         |     |      |
| •               |     |      | LASHKOWITZ          |     | •    | PETERSON  |     |      | TALLACKSON       |     |      |
| •               |     | •    | LEE                 |     | •    | PIETRON   |     |      | TENNEFOS         |     |      |
| •               |     |      | LIPS                |     | •    | RAIT      |     |      | THANE            |     |      |
| •               |     |      | LQDOEN              |     | •    | REDLIN    |     |      | VOSPER           |     |      |
| •               |     |      | MAHER               |     | •    | REITEN    |     |      | WALSH            |     |      |
| •               |     |      | MAU                 |     | •    | SANDNESS  |     |      | WENSTROM         |     |      |
| •               |     |      | MELLAND             |     | •    | SANDS     |     |      | WRIGHT           |     |      |
| •               |     | •    | MILLER              |     | •    | SCHIRADO  |     |      | MR. PRESIDENT    |     |      |
| •               |     |      | MORGAN              |     | •    | SHABLOW   |     |      |                  |     |      |

So the bill passed and the title was agreed to.

### MESSAGES TO THE HOUSE

#### Senate Chamber

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

Senate Bill No. 2107  
 Senate Bill No. 2110  
 Senate Bill No. 2118  
 Senate Bill No. 2120  
 Senate Bill No. 2136  
 Senate Bill No. 2152  
 Senate Bill No. 2160  
 Senate Bill No. 2161  
 Senate Bill No. 2187  
 Senate Bill No. 2197  
 Senate Bill No. 2200  
 Senate Bill No. 2209  
 Senate Bill No. 2212  
 Senate Bill No. 2226  
 Senate Bill No. 2244  
 Senate Concurrent Resolution No. 4020

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1030  
 House Bill No. 1090  
 House Concurrent Resolution No. 3026

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to transmit:

Senate Concurrent Resolution No. 4025  
 Senate Concurrent Resolution No. 4026

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 transmit herewith the following, which the House has passed and your favorable consideration is requested on:

House Bill No. 1022  
House Bill No. 1084  
House Bill No. 1191  
House Bill No. 1204  
House Bill No. 1209  
House Bill No. 1210  
House Bill No. 1228  
House Bill No. 1231  
House Bill No. 1232

ROY GILBREATH, Chief Clerk  
House Chamber

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

House Concurrent Resolution No. 3017  
House Concurrent Resolution No. 3018  
House Concurrent Resolution No. 3019

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

ROY GILBREATH, Chief Clerk  
House Chamber

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

Senate Concurrent Resolution No. 4025  
Senate Concurrent Resolution No. 4026

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 was about to sign:

House Concurrent Resolution No. 3017  
House Concurrent Resolution No. 3018  
House Concurrent Resolution No. 3019

And the President signed the same in the presence of the Senate.

Senator Nething moved that after the reading of Senate Bills Nos. 2171, 2188, 2215, 2216, 2217, 2225, 2237, 2238, 2260, 2281 and 2289, the Senate recess until Tuesday, January 25, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary





FIFTEENTH DAY AFTER RECESS AND SIXTEENTH DAY

Bismarck, January 25, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

REPORTS OF PROCEDURAL COMMITTEES

The committee on Enrollment and Engrossment respectfully reports that:

- Senate Concurrent Resolution No. 4025
- Senate Concurrent Resolution No. 4026
- Senate Resolution No. 1
- Senate Resolution No. 2
- Senate Resolution No. 3
- Senate Resolution No. 4
- Senate Resolution No. 5

Were delivered to the Secretary of State for his approval on January 25, 1977.

SENATOR STRAND, Chairman

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

- Senate Bill No. 2171
- Senate Bill No. 2188
- Senate Bill No. 2225

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2024 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2024 was placed on the 11th order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2061 has had the same under consideration and recommends that the same be amended as follows:

- On page 1, line 4, delete the words "to provide an"
- On page 1, line 5, delete the word "appropriation"
- On page 3, delete lines 1 through 5

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to delete the appropriation and take care of the necessary expenses from the Legislative Council budget.

SENATOR LIPS, Chairman

Senate Bill No. 2061 was placed on the 6th order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2077 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2077 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business, & Labor to whom was referred Senate Bill No. 2089 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2089 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2101 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 7, delete the words "and to provide an"

On page 1, line 8, delete the word "appropriation"

On page 4, line 6, delete the word "and"

On page 4, line 7, delete the word "counseling"

On page 4, delete lines 10 through 16

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same be re-referred to the Committee on Social Welfare.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to delete the appropriation and the appropriation to be handled in the Health Department budget.

SENATOR LIPS, Chairman

Senate Bill No. 2101 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2204 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2204 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2213 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, after the numerals "52-01-01," delete the words "paragraph (5) of"

On page 1, line 14, delete the following: "subdivision i of subsection 15 of section 52-01-01,"

On page 4, line 14, after the comma delete the following: "or a policy making"

On page 4, line 15, delete the word "position"

On page 8, delete all of lines 23 through 35

On page 9, delete all of lines 1 through 9

And renumber the lines, pages and sections accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2213 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2220 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2220 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2224 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2224 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2235 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2235 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2241 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2241 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2258 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2258 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2267 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, after the word "provide" delete the word "and" and insert in lieu thereof the word "an"

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2267 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2276 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2276 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Judiciary to whom was referred

House Bill No. 1051 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1051 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Education to whom was referred House Bill No. 1076 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1076 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Education to whom was referred House Bill No. 1078 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1078 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

Senator Jones introduced:

**Senate Bill No. 2448.** A Bill for an Act to amend and reenact subdivision k of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to adjustments to taxable income for members of the national guard.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Melland introduced:

**Senate Bill No. 2449.** A Bill for an Act to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code as amended by chapter 417 of the 1973 Session Laws of North Dakota, relating to salaries of elected state officials; to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner; and providing an effective date.

Was read the first time and referred to the committee on State and Federal Government.

Senator Melland introduced:

**Senate Bill No. 2450.** A Bill for an Act to provide for the salary of the public service commissioner elected to the term of office commencing on January 1, 1979; to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner and to amend and reenact section 49-01-05 of the North Dakota Century Code as amended by section 4 of chapter 417 of the 1973 Session Laws of North Dakota, relating to the salaries of the public service commissioners; and to provide effective dates.

Was read the first time and referred to the committee on State and Federal Government.

Senators Orange, Fritzell introduced:

**Senate Bill No. 2451.** A Bill for an Act to require the giving of notice of special school board meetings to interested persons.

Was read the first time and referred to the committee on Education.

Senator Strinden introduced:

**Senate Bill No. 2452.** A Bill for an Act to amend and reenact section 21-03-26 of the North Dakota Century Code, relating to certain municipal bonds and the advertisement of the public sale thereof.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Nelson introduced:

**Senate Bill No. 2453.** A Bill for an Act to amend and reenact subsection 6 of section 60-02-16, and sections 60-02-17, 60-02-30, 60-02-31, and 60-02-32 of the North Dakota Century Code, relating to warehouse receipts, warehouse and storage contracts, termination of public grain warehouse storage contracts, notice of termination to the owner of the storage contract, and reissued storage receipts; and providing a storage contract termination date for dry edible beans, a storage charge for dry edible beans, no obligation on a warehouseman to renew a dry edible bean storage contract, and notice to the owner of the intent not to renew a dry edible bean storage contract.

Was read the first time and referred to the committee on Agriculture.

Senators Tennesos, Farrington, Jones introduced:

**Senate Bill No. 2454.** A Bill for an Act to create a new section to chapter 40-51.2 of the North Dakota Century Code, relating to taxation of annexed land.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Lips introduced:

**Senate Bill No. 2455.** A Bill for an Act to amend and reenact section 48-02-07 of the North Dakota Century Code, relating to investment of retainage on public building construction contract payments.

Was read the first time and referred to the committee on State and Federal Government.

Senators Rait, Maher, Krauter introduced:

**Senate Bill No. 2456.** A Bill for an Act to amend and reenact section 38-08.1-06 of the North Dakota Century Code, relating to the duty to plug drill holes.

Was read the first time and referred to the committee on State and Federal Government.

Senator Peterson introduced:

**Senate Bill No. 2457.** A Bill for an Act to provide power in trustee to convey and transfer real estate.

Was read the first time and referred to the committee on Judiciary.

Senator Maher introduced:

**Senate Bill No. 2458.** A Bill for an Act to establish a state water facility with the authority to construct and own water facilities as may be required to serve citizens of the state and to issue tax-exempt revenue bonds for the cost of water facilities or projects; and to provide an appropriation.

Was read the first time and referred to the committee on Natural Resources.

Senators Rait, Maher, Krauter introduced:

**Senate Bill No. 2459.** A Bill for an Act to provide for registered agents of mineral exploration organizations and to provide for service of process on the secretary of state.

Was read the first time and referred to the committee on State and Federal Government.

Senator Maher introduced:

**Senate Bill No. 2460.** A Bill for an Act making an appropriation to defray the expenses of the rural forest and fire protection program.

Was read the first time and referred to the committee on Appropriations.

Senators Rait, Maher, Krauter introduced:

**Senate Bill No. 2461.** A Bill for an Act to create and enact a new section to chapter 38-08.1 of the North Dakota Century Code, relating to the inspection of drill holes and costs for same.

Was read the first time and referred to the committee on Natural Resources.

Senator Wenstrom introduced:

**Senate Bill No. 2462.** A Bill for an Act amend and reenact section 15-39.2-05 of the North Dakota Century Code, relating to the method for calculating retirement annuity of teachers retired under the teachers' insurance and annuity association of America—college retirement equities fund.

Was read the first time and referred to the committee on Education.

Senator Reiten introduced:

**Senate Bill No. 2463.** A Bill for an Act to create and enact a new subsection to section 40-57-03 of the North Dakota Century Code, to provide for issuance of revenue bonds under the Municipal Industrial Development Act; to allow a nonprofit health or nursing care facility to disburse the proceeds for a project; to provide the municipality a security interest in the project; and to allow title to the project to remain in the health or nursing care facility.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Maher introduced:

**Senate Bill No. 2464.** A Bill for an Act to amend and reenact sections 57-55-01.1, 57-55-02, 57-55-08, and 57-55-12 of the North Dakota Century Code, relating to the payment of mobile home taxes by the owner or the occupant if the owner is not the one occupying the mobile home.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Orange introduced:

**Senate Bill No. 2465.** A Bill for an Act to provide for first and second class regional airport authorities, to provide that every county shall be a member of a regional airport authority, to provide options for cities and airport authorities operating first class airports, to provide a mill levy, to provide administrative provisions, and to provide for a legislative council study.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Reiten introduced:

**Senate Bill No. 2466.** A Bill for an Act making an appropriation to the board of higher education for construction of a physical education activities center at Minot state college.

Was read the first time and referred to the committee on Appropriations.

Senator Barth introduced:

**Senate Bill No. 2467.** A Bill for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, providing a

definition for "farm trailer"; and to amend and reenact subsections 55 and 68 of section 39-01-01, subsection 1 of section 39-04-18, subsection 4 of section 39-04-19, section 39-04-26, and subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the definitions of "semitrailer" and "trailer", motor vehicles exempt from registration fees, trailer identification plate fees for privately owned trailers, registration of vehicles transporting property, and to driver's license classifications.

Was read the first time and referred to the committee on Agriculture.

Senator Strand introduced:

**Senate Bill No. 2468.** A Bill for an Act to create and enact a new section to chapter 24-17 of the North Dakota Century Code, to provide for an administrative hearing upon request for a sign owner aggrieved by a decision of the highway commissioner; and to amend and reenact section 24-17-11 of the North Dakota Century Code, relating to unlawful sign advertising.

Was read the first time and referred to the committee on Transportation.

Senator Orange introduced:

**Senate Bill No. 2469.** A Bill for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to the taxation of gambling activities; to provide penalties; and to provide an appropriation.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Lashkowitz, Holmberg introduced:

**Senate Bill No. 2470.** A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code, relating to restrictions on the use and possession of radio scanners capable of receiving peace officer and ambulance service messages.

Was read the first time and referred to the committee on State and Federal Government.

Senator Jones introduced:

**Senate Bill No. 2471.** A Bill for an Act to amend and reenact Section 13-04-01 of the North Dakota Century Code, relating to installment loan bank charges.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Shablow introduced:

**Senate Bill No. 2472.** A Bill for an Act to provide for the liability of political subdivisions, to allow the insurance commissioner to establish a political subdivisions liability fund and issue policies if political subdivisions are unable to obtain adequate coverage at reasonable costs, and to authorize the state to purchase insurance coverage.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Lashkowitz, Schirado introduced:

**Senate Bill No. 2473.** A Bill for an Act to create and enact a new subsection to section 57-27-02 of the North Dakota Century Code, relating to notice of expiration of period of redemption; and to amend and reenact section 57-28-01 of the North Dakota Century Code, relating to notice of expiration of period of redemption.

Was read the first time and referred to the committee on Political Subdivisions.



Senator Jones introduced:

**Senate Bill No. 2474.** A Bill for an Act to amend and reenact section 25-09-09 of the North Dakota Century Code, relating to the statute of limitations on the right of recovery for the expense incurred by the state for care and treatment at the state hospital or state school.

Was read the first time and referred to the committee on Judiciary.

Senator Melland introduced:

**Senate Bill No. 2475.** A Bill for an Act to provide for legislative review of administrative rules and regulations when assigned by the legislative council chairman to interim committees, and providing for recommendations by the committees.

Was read the first time and referred to the committee on Judiciary.

Senator Melland introduced:

**Senate Bill No. 2476.** A Bill for an Act to create and enact sections 28-32-03.1 and 28-32-03.2 of the North Dakota Century Code, providing for an administrative code and code supplement, printing, distribution and sales; to amend and reenact section 28-32-03 of the North Dakota Century Code, relating to the filing and effect of rules and regulations; and providing an appropriation.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2477.** A Bill for an Act to create and enact a new section to chapter 26-21 of the North Dakota Century Code, relating to the handling of claims against and the assets of insolvent insurance companies; and to create and enact subsection 6 to section 26-21-09 of the North Dakota Century Code, relating to powers and duties of commissioner of insurance and his deputies in receivership proceedings.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Redlin introduced:

**Senate Bill No. 2478.** A Bill for an Act to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to the hours of operation of a motorcycle by persons holding only an instruction permit.

Was read the first time and referred to the committee on Transportation.

Senator Melland introduced:

**Senate Bill No. 2479.** A Bill for an Act to amend and reenact subsection 2 of section 32-15-22 of the North Dakota Century Code, relating to the assessment of damages in eminent domain.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2480.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for sales of certain consumable items sold to a manufacturing concern.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Redlin introduced:

**Senate Bill No. 2481.** A Bill for an Act to repeal sections 15-12-11 and 15-12-12 of the North Dakota Century Code, relating to the list of agricultural college publications furnished to county auditors and the publication of the list.

Was read the first time and referred to the committee on Agriculture.

Senator Melland introduced:

**Senate Bill No. 2482.** A Bill for an Act to amend and reenact section 57-37.1-12 of the North Dakota Century Code, relating to denial of access to safe deposit box without order of county court.

Was read the first time and referred to the committee on Judiciary.

Senator Lips introduced:

**Senate Bill No. 2483.** A Bill for an Act to provide a property tax credit for senior citizens based upon increases in taxes on their homesteads; and to provide an appropriation.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Morgan, Barth introduced:

**Senate Bill No. 2484.** A Bill for an Act to create and enact a new chapter of the North Dakota Century Code, relating to the sale of honey and providing a penalty.

Was read the first time and referred to the committee on Agriculture.

Senators Morgan, Smykowski introduced:

**Senate Bill No. 2485.** A Bill for an Act to amend and reenact subsection 6 of Section 20.1-01-02 of the North Dakota Century Code, relating to definitions of game birds to include mourning doves.

Was read the first time and referred to the committee on Natural Resources.

Senators Morgan, Smykowski introduced:

**Senate Bill No. 2486.** A Bill for an Act to amend and reenact subsection 8 of section 20.1-01-02 and section 20.1-08-03 of the North Dakota Century Code, relating to restricting deer hunting to male deer only.

Was read the first time and referred to the committee on Natural Resources.

Senator Tennesos introduced:

**Senate Bill No. 2487.** A Bill for an Act to amend and reenact subsection 54 of section 39-01-01 and subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to the definition of school bus and to the motor vehicle registration fee for buses used for religious or charitable purposes.

Was read the first time and referred to the committee on State and Federal Government.

Senators Vosper, Tallackson, Jones introduced:

**Senate Bill No. 2488.** A Bill for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to the composition of the state banking board.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lodoen introduced:

**Senate Bill No. 2489.** A Bill for an Act to amend and reenact Subsection 1 of Section 6-06-06 of the North Dakota Century Code, to clarify powers of credit unions.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lodoen introduced:

**Senate Bill No. 2490.** A Bill for an Act to provide for interest that may be payable by credit unions on funds deposited.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Jones introduced:

**Senate Bill No. 2491.** A Bill for an Act to create and enact one new chapter of the North Dakota Century Code, relating to controls over debt collection practices and penalties for violation.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senators Vosper, Farrington, Holmberg, Jones introduced:

**Senate Bill No. 2492.** A Bill for an Act to limit the number of full-time salaried state employees to not more than two percent of the state's population and to limit the number of part-time state employees to not more than ten percent of the number of full-time state employees.

Was read the first time and referred to the committee on State and Federal Government.

Senators Tennefos, Hanson introduced:

**Senate Bill No. 2493.** A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to the description and area of school districts; and to amend and reenact section 15-51-11 of the North Dakota Century Code, relating to petitions and elections on mill levy increases in the Fargo school district.

Was read the first time and referred to the committee on Education.

Senators Vosper, Thane introduced:

**Senate Bill No. 2494.** A Bill for an Act to amend and reenact subsection 1 of section 10-15-25 of the North Dakota Century Code, relating to qualifications of the board of directors of cooperatives.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Naaden introduced:

**Senate Bill No. 2495.** A Bill for an Act to amend and reenact section 16-01-11 of the North Dakota Century Code, relating to removing the requirement that all initiative, referendum, or recall petitions submitted to the secretary of state be accompanied by a typed or printed list of the names of the signers of the petition; or in the alternative, to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code as created by section 1 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the removal of the requirement that all initiative, referendum, or recall petitions submitted to the secretary of state be accompanied by a typed or printed list of the names of the signers of the petitions.

Was read the first time and referred to the committee on Judiciary.

Senator Reiten introduced:

**Senate Bill No. 2496.** A Bill for an Act to create and enact a new subsection to section 21-03-06 of the North Dakota Century Code, relating to the purposes and specific limitations of bond issues by recreation service districts; and to amend and reenact section 11-28.2-02 and subsection 1 of section 21-03-01 of the North Dakota Century Code, relating to meetings of recreation service districts and the definition of municipalities in relation to issuance of bonds.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Vosper, Jones introduced:

**Senate Bill No. 2497.** A Bill for an Act to amend and reenact section 16-20-19 of the North Dakota Century Code, relating to electioneering on

election day, or, in the alternative, to amend and reenact section 16.1-10-09 of the North Dakota Century Code as created by section 9 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to electioneering on election day.

Was read the first time and referred to the committee on Judiciary.

Senator Naaden introduced:

**Senate Bill No. 2498.** A Bill for an Act to create and enact a new section to chapter 4-02 of the North Dakota Century Code, to provide that a county fair association which fails to hold a fair for twenty years will lose its official authorization.

Was read the first time and referred to the committee on Political Subdivisions.

Senators Vosper, Orange, Jones introduced:

**Senate Bill No. 2499.** A Bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to withholding sums for income tax withholding purposes from wages of an employee who voluntarily elects withholding.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Lee introduced:

**Senate Bill No. 2500.** A Bill for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code to provide for impact loans to be administered by the board of university and school lands; to amend and reenact subsection 2 of section 57-62-02 of the North Dakota Century Code to provide for impact loans from the coal development trust fund and for their repayment; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Was read the first time and referred to the committee on State and Federal Government.

Senator Reiten introduced:

**Senate Bill No. 2501.** A Bill for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to the duty of burial.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Schirado introduced:

**Senate Bill No. 2502.** A Bill for an Act to authorize a State's Attorney to issue subpoenas for the purpose of compelling attendance of witnesses at an inquiry investigating the alleged commission of a felony.

Was read the first time and referred to the committee on Judiciary.

Senators Lee, Schirado introduced:

**Senate Bill No. 2503.** A Bill for an Act to amend and reenact section 50-06-05.1 of the North Dakota Century Code, relating to powers and duties of the social service board of North Dakota.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Christensen introduced:

**Senate Bill No. 2504.** A Bill for an Act to provide medical expense payments through the state social service board on behalf of certain qualified children for catastrophic illness, and to provide an appropriation.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Mau introduced:

**Senate Bill No. 2505.** A Bill for an Act to amend and reenact section 11-27-09.1 of the North Dakota Century Code, relating to the allocation of payments for game and fish lands.

Was read the first time and referred to the committee on Natural Resources.

Senators Hoffner, Nething introduced:

**Senate Bill No. 2506.** A Bill for an Act to amend and reenact subsection 1 of section 26-39-01 and section 26-39-03 of the North Dakota Century Code, relating to the definition of a licensed treatment facility in regard to mental illness and addiction insurance coverage.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

Senator Thane introduced:

**Senate Bill No. 2507.** A Bill for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the allocation of the highway tax distribution fund to the state highway department, counties, and cities; and providing for allocations to townships.

Was read the first time and referred to the committee on Finance and Taxation.

Senators Thane, Melland introduced:

**Senate Bill No. 2508.** A Bill for an Act to provide for a midwestern regional education compact to plan and establish regional educational services.

Was read the first time and referred to the committee on Education.

Senator Nelson introduced:

**Senate Bill No. 2509.** A Bill for an Act to amend and reenact sections 54-10-24 and 54-10-25 of the North Dakota Century Code, relating to audit and examination by the state auditor of confidential records of the tax commissioner.

Was read the first time and referred to the committee on State and Federal Government.

Senator Jacobson introduced:

**Senate Bill No. 2510.** A Bill for an Act to prohibit trespassing on the land of another person; and to provide a penalty.

Was read the first time and referred to the committee on Judiciary.

Senator Hoffner introduced:

**Senate Bill No. 2511.** A Bill for an Act to provide for qualified actuaries to prepare and sign certain statements and reports relating to public employee retirement systems within the state of North Dakota.

Was read the first time and referred to the committee on State and Federal Government.

Senators Maher, Mau introduced:

**Senate Bill No. 2512.** A Bill for an Act to amend and reenact section 39-12-03 of the North Dakota Century Code, relating to weight limitations for vehicles on highways and charges for extraordinary use of highways.

Was read the first time and referred to the committee on Transportation.

Senator Hoffner introduced:

**Senate Bill No. 2513.** A Bill for an Act to amend and reenact sections 11-33-08, 11-33-09, 40-47-04 and 40-47-05 of the North Dakota Century Code,

relating to public hearing, notice, and publication requirements for county and city zoning.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Wright introduced:

**Senate Bill No. 2514.** A Bill for an Act to state the purpose and intent of the legislative assembly with respect to special fuels taxes payable by users of special fuels for industrial purposes in the performance of contracts with governmental units; and to amend and reenact subsections 5 and 7 of section 57-52-03 and sections 57-52-04, 57-53-02 and 57-53-03 of the North Dakota Century Code, relating to special fuels taxes.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Nelson introduced:

**Senate Bill No. 2515.** A Bill for an Act to create and enact a new section to chapter 61-16 and to chapter 61-21 of the North Dakota Century Code, to allow a water management board and a drainage board to accept bids to supply culverts and pipe arches for a period of one year; and to amend and reenact section 61-21-45 and 61-21-46 of the North Dakota Century Code, relating to contracts for constructing or maintaining water management projects and to the contracts and maximum levy for cleaning and repairing drains.

Was read the first time and referred to the committee on Agriculture.

Senators Freed, Schirado introduced:

**Senate Bill No. 2516.** A Bill for an Act to amend and reenact sections 28-22-03, 28-22-04, and 28-22-05 of the North Dakota Century Code, relating to additional exemptions, specific alternative exemptions, and exemptions of a single person.

Was read the first time and referred to the committee on Finance and Taxation.

Senator Freed introduced:

**Senate Bill No. 2517.** A Bill for an Act to establish procedures for the prejudgment remedy of attachment; and to repeal chapter 32-08 of the North Dakota Century Code, relating to the present procedures of attachment.

Was read the first time and referred to the committee on Judiciary.

Senators Farrington, Jones, Solberg introduced:

**Senate Bill No. 2518.** A Bill for an Act to amend and reenact subsection 1 of section 39-12-05 of the North Dakota Century Code, relating to motor vehicle weight limitations.

Was read the first time and referred to the committee on Transportation.

Senators Lashkowitz, Schirado, Sands introduced:

**Senate Bill No. 2519.** A Bill for an Act to amend and reenact section 44-04-18 of the North Dakota Century Code, relating to a penalty for violating the open records law.

Was read the first time and referred to the committee on Judiciary.

Senators Lashkowitz, Schirado introduced:

**Senate Bill No. 2520.** A Bill for an Act to create and enact a new subsection to section 40-05-02 of the North Dakota Century Code, authorizing cities to enact ordinances regarding police pensions.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Freed introduced:

**Senate Bill No. 2521.** A Bill for an Act to repeal sections 27-11-03, 27-11-25, and 27-11-26 of the North Dakota Century Code, relating to the admission to the bar, state of North Dakota.

Was read the first time and referred to the committee on Judiciary.  
Senators Redlin, Freed introduced:

**Senate Bill No. 2522.** A Bill for an Act to create and enact section 27-08-08.1 of the North Dakota Century Code, relating to the qualifications of a county judge of increased jurisdiction; and declaring an emergency.

Was read the first time and referred to the committee on Judiciary.  
Senators Lashkowitz, Holmberg, Peterson, Schirado introduced:

**Senate Bill No. 2523.** A Bill for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 15-41-06 of the North Dakota Century Code, relating to foundation payments for public school pupils in kindergarten programs, special education programs for pupils below compulsory age, and regular elementary and secondary education programs approved by the department of public instruction.

Was read the first time and referred to the committee on Education.  
Senators Lashkowitz, Holmberg, Peterson, Schirado introduced:

**Senate Bill No. 2524.** A Bill for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to providing aid for the transportation of public elementary and secondary school students.

Was read the first time and referred to the committee on Education.  
Senators Lashkowitz, Schirado, Miller, Iszler, Lodoen introduced:

**Senate Bill No. 2525.** A Bill for an Act to create and enact a new section to chapter 14-02 of the North Dakota Century Code, relating to the measure and determination of damages for defamation; and to amend and reenact sections 14-02-03, 14-02-04, 14-02-05, and 14-02-08 of the North Dakota Century Code, relating to definitions of libel, slander, and privileged communications, and to libel suits against newspapers.

Was read the first time and referred to the committee on Judiciary.  
Senator Sandness introduced:

**Senate Bill No. 2526.** A Bill for an Act to create and enact four new subsections to section 61-02-14 of the North Dakota Century Code relating to the power of the state water commission to acquire, develop, lease, and finance irrigation projects by the issuance of bonds and relating to the guarantee thereof; to create and enact a new section to chapter 61-02 of the North Dakota Century Code relating to the law governing the commissions actions; to amend and reenact subsection 2 of section 61-02-24 of the North Dakota Century Code relating to cooperation and coordination with existing agencies; to amend and reenact section 61-02-24.1 relating to cooperation and participation of political subdivisions; to amend and reenact section 61-02-47 of the North Dakota Century Code relating to the maturity of bonds; to amend and reenact section 61-02-48 of the North Dakota Century Code relating to the interest rate, form and denomination of bonds; to amend and reenact section 61-02-53 of the North Dakota Century Code relating to issuance, sale, and proceeds of sale of bonds; to amend and reenact section 61-02-58 of the North Dakota Century Code relating to bond holders lien on a bond proceeds; and to amend and reenact section 61-02-66 of the North Dakota Century Code relating to the deposit of bond proceeds in the construction fund and the disbursement thereof.

Was read the first time and referred to the committee on Agriculture.

Senator Fritzell introduced:

**Senate Bill No. 2527.** A Bill for an Act to create and enact section 10-18.1-12 of the North Dakota Century Code, relating to deposit of securities with the federal reserve bank under certain conditions.

Was read the first time and referred to the committee on State and Federal Government.

Senator Schirado introduced:

**Senate Bill No. 2528.** A Bill for an Act to amend and reenact section 12.1-32-01 of the North Dakota Century Code, relating to increasing the penalties for classification of offenses.

Was read the first time and referred to the committee on Judiciary.

Senator Freed introduced:

**Senate Bill No. 2529.** A Bill for an Act to amend and reenact sections 27-11-01, 27-11-22 and 27-12-02 of the North Dakota Century Code, relating to prohibition of practicing law or serving on certain courts without certificate of admission and payment of annual license fee and providing a penalty, relating to the requirement for an annual license to practice law or serve on certain courts, issuance thereof, fees therefore and membership in the state bar association of North Dakota of all attorneys and persons serving on certain courts.

Was read the first time and referred to the committee on Judiciary.

Senator Schirado introduced:

**Senate Bill No. 2530.** A Bill for an Act to amend and reenact section 27-08-34 of the North Dakota Century Code, relating to change of judge in preliminary examinations held in county court with increased jurisdiction.

Was read the first time and referred to the committee on Judiciary.

Senator Schirado introduced:

**Senate Bill No. 2531.** A Bill for an Act to repeal subsection 2 of section 12.1-32-12 of the North Dakota Century Code, relating to the aggregate total term of imprisonment for sentences for multiple offenses.

Was read the first time and referred to the committee on Judiciary.

Senators Morgan, Pietron introduced:

**Senate Bill No. 2532.** A Bill for an Act to create and enact a new section to chapter 40-57 of the North Dakota Century Code, relating to the authority of municipalities to issue refunding bonds with respect to municipal industrial development projects; and declaring an emergency.

Was read the first time and referred to the committee on Political Subdivisions.

Senator Schirado introduced:

**Senate Bill No. 2533.** A Bill for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, relating to the punishment classification for simple assault.

Was read the first time and referred to the committee on Judiciary.

Senator Schirado introduced:

**Senate Bill No. 2534.** A Bill for an Act to amend and reenact subsection 2 of section 12.1-21-05 of the North Dakota Century Code, relating to the penalties for criminal mischief.

Was read the first time and referred to the committee on Judiciary.

Senator Barth introduced:

**Senate Bill No. 2535.** A Bill for an Act to amend and reenact section 57-56-01 and section 57-56-01.2 of the North Dakota Century Code, relating to taxes on aviation gasoline and providing a refund.



Was read the first time and referred to the committee on Finance and Taxation.

Senator Solberg introduced:

**Senate Bill No. 2536.** A Bill for an Act to amend and reenact section 39-18-01 of the North Dakota Century Code, relating to mobile home dealers' licenses, fees, and dealers' plates.

Was read the first time and referred to the committee on Transportation.

Senators Hanson, Fritzell, Tallackson introduced:

**Senate Bill No. 2537.** A Bill for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to the effectiveness of suspended public utility rates under bond.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Nelson introduced:

**Senate Bill No. 2538.** A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to school district residency determination in child placement cases.

Was read the first time and referred to the committee on Education.

Senator Freed introduced:

**Senate Bill No. 2539.** A Bill for an Act to amend and reenact subsection 2 of section 39-10-43 of the North Dakota Century Code, relating to certain vehicles being required to stop at railroad grade crossings at which traffic is controlled by a police officer.

Was read the first time and referred to the committee on Transportation.

Senator Lips introduced:

**Senate Bill No. 2540.** A Bill for an Act to require certain provisions to be included in every life insurance policy delivered or issued for delivery in this state relating to minimum benefits to be made available to the lapsing policyholder, to provide for certain exemptions from the Act, and to provide for an operative date with respect to the policies of a particular company issued on and after such date; and to repeal the subsection entitled "Options on Surrender or Lapse" in each of sections 26-03-26, 26-03-27, 26-03-28 and 26-03-29, to repeal the subsection entitled "Continuance of Insurance on Lapse" in each of sections 26-03-30 and 26-03-31, and to repeal subsections 8 and 9 of section 26-03-35 of the North Dakota Century Code, relating to required options on lapse of a life insurance policy.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Lips introduced:

**Senate Bill No. 2541.** A Bill for an Act to require certain provisions to be included in every individual deferred annuity contract delivered or issued for delivery in this state relating to minimum benefits to be made available to the contractholder on cessation of payment of consideration, to provide for certain exemptions from the Act, and to provide for an operative date with respect to the contracts of a particular company issued on and after such date.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Barth introduced:

**Senate Bill No. 2542.** A Bill for an Act to amend and reenact subsections 2 and 4 of section 12.1-28-02 of the North Dakota Century Code, relating to gambling and related offenses and the classification of offenses.

Was read the first time and referred to the committee on Judiciary.  
Senator Lips introduced:

**Senate Bill No. 2543.** A Bill for an Act to empower the commissioner of insurance to annually value or cause to be valued the reserve liabilities of every life insurance company doing business in this state and to establish minimum standards for the valuation of such liabilities; and to repeal sections 26-03-33, 26-03-34 and 26-10-01 of the North Dakota Century Code, relating to the valuation of life and accident insurance policies.

Was read the first time and referred to the committee on Industry, Business and Labor.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1022.** A Bill for an Act to provide for an economical and efficient method of preserving public records for research, reference, or other uses to document governmental actions; to create and enact a new subsection to section 11-17-08 of the North Dakota Century Code, relating to destruction of records by the clerk of court; and to amend and reenact sections 11-13-17, 11-17-09, 40-16-10, 54-46-03, subsection 3 of section 54-46-04, subsection 3 of section 54-46-05, sections 54-46-08, 54-46-08.1, 54-46-09, 54-46-12, 54-46-13, and 58-07-05 of the North Dakota Century Code, relating to destruction of county records, destruction of city records, duties of the state records administrator, duties of state agency heads, disposal of records, preservation of records, destruction of nonrecord materials, uniform system of county records management, rules for destruction of certain welfare records, and destruction of township records.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1084.** A Bill for an Act to amend and reenact section 57-15-14 of the North Dakota Century Code relating to petitions for school district tax levy limitation elections.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1191.** A Bill for an Act to create and enact a new section to chapter 25-03 of the North Dakota Century Code, relating to referral of patients of the state hospital upon discharge.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1204.** A Bill for an Act to amend and reenact section 64-02-07 of the North Dakota Century Code, relating to duties of the director.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1209.** A Bill for an Act to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to department names being painted on the side of state-owned vehicles.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1210.** A Bill for an Act to repeal sections 57-22-26, 57-22-27, and 57-22-28 of the North Dakota Century Code, relating to the deduction of personal property taxes from salaries, wages, and claims against public funds.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1228.** A Bill for an Act to create and enact new sections to



**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2169.** A Bill for an Act to amend and reenact section 23-29-12 of the North Dakota Century Code, relating to penalties for violation of chapter 23-29.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 16; nays, 33; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      |      |          | 1977 LEGISLATURE |      |     |               |
|-----------------|-----|------|---------------------|-----|------|------|----------|------------------|------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V | NAYS          |
| •               |     |      | JACOBSON            | •   |      | •    | NAADEN   | •                | •    |     | SMYKOWSKI     |
| •               |     |      | JONES               | •   |      | •    | NELSON   | •                | •    |     | SOLBERG       |
| •               |     |      | KRAUTER             | •   |      | •    | NETHING  | •                | •    |     | STRAND        |
| •               |     |      | LARSON              | •   |      | •    | ORANGE   | •                | •    |     | STRINDEN      |
| •               |     |      | LASHKOWITZ          | •   |      | •    | PETERSON | •                | •    |     | TALLACKSON    |
| •               |     |      | LEE                 | •   |      | •    | PIETRON  | •                | •    |     | TENNEFOS      |
| •               |     |      | LIPS                | •   |      | •    | RAIT     | •                | •    |     | THANE         |
| •               |     |      | LODOEN              | •   |      | •    | REDLIN   | •                | •    |     | VOSPER        |
| •               |     |      | MAHER               | •   |      | •    | REITEN   | •                | •    |     | WALSH         |
| •               |     |      | MAU                 | •   |      | •    | SANDNESS | •                | •    |     | WENSTROM      |
| •               |     |      | MELLAND             | •   |      | •    | SANDS    | •                | •    |     | WRIGHT        |
| •               |     |      | MILLER              | •   |      | •    | SCHIRADO | •                | •    |     | MR. PRESIDENT |
| •               |     |      | MORGAN              | •   |      | •    | SHABLOW  | •                | •    |     |               |

Senate Bill No. 2169 was declared lost.

**Senate Bill No. 2172.** A Bill for an Act to amend and reenact subsection 14 of section 11-11-14 of the North Dakota Century Code, relating to the powers of the board of county commissioners to establish garbage collection systems.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      |      |          | 1977 LEGISLATURE |      |     |               |
|-----------------|-----|------|---------------------|-----|------|------|----------|------------------|------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V | NAYS          |
| •               |     |      | JACOBSON            | •   |      | •    | NAADEN   | •                | •    |     | SMYKOWSKI     |
| •               |     |      | JONES               | •   |      | •    | NELSON   | •                | •    |     | SOLBERG       |
| •               |     |      | KRAUTER             | •   |      | •    | NETHING  | •                | •    |     | STRAND        |
| •               |     |      | LARSON              | •   |      | •    | ORANGE   | •                | •    |     | STRINDEN      |
| •               |     |      | LASHKOWITZ          | •   |      | •    | PETERSON | •                | •    |     | TALLACKSON    |
| •               |     |      | LEE                 | •   |      | •    | PIETRON  | •                | •    |     | TENNEFOS      |
| •               |     |      | LIPS                | •   |      | •    | RAIT     | •                | •    |     | THANE         |
| •               |     |      | LODOEN              | •   |      | •    | REDLIN   | •                | •    |     | VOSPER        |
| •               |     |      | MAHER               | •   |      | •    | REITEN   | •                | •    |     | WALSH         |
| •               |     |      | MAU                 | •   |      | •    | SANDNESS | •                | •    |     | WENSTROM      |
| •               |     |      | MELLAND             | •   |      | •    | SANDS    | •                | •    |     | WRIGHT        |
| •               |     |      | MILLER              | •   |      | •    | SCHIRADO | •                | •    |     | MR. PRESIDENT |
| •               |     |      | MORGAN              | •   |      | •    | SHABLOW  | •                | •    |     |               |

So the bill passed and the title was agreed to.

**SECOND READING OF BILLS**

**Senate Bill No. 2174.** A Bill for an Act to create a new section in Chapter 20.1-08 of the North Dakota Century Code, relating to designation of a big horn sheep hunting season and providing that recipients of a big horn sheep hunting license shall not be eligible to apply for another such license.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 6; absent and not voting, 1.

| REGULAR SESSION |  |  |              |  |  |            |  |  | NORTH DAKOTA SENATE |  |  |              |  |  |      |  |  | 1977 LEGISLATURE |  |  |     |  |  |      |  |  |
|-----------------|--|--|--------------|--|--|------------|--|--|---------------------|--|--|--------------|--|--|------|--|--|------------------|--|--|-----|--|--|------|--|--|
| YEAS            |  |  | N-V          |  |  | NAYS       |  |  | YEAS                |  |  | N-V          |  |  | NAYS |  |  | YEAS             |  |  | N-V |  |  | NAYS |  |  |
| • ALBERS        |  |  |              |  |  | • JACOBSON |  |  | • NAADEN            |  |  | • SMYKOWSKI  |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • BARTH         |  |  | • JONES      |  |  | • NELSON   |  |  | • SOLBERG           |  |  | • STRAND     |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • BERUBE        |  |  | • KRAUTER    |  |  | • NETHING  |  |  | • STRANDEN          |  |  | • TALLACKSON |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • CHRISTENSEN   |  |  | • LARSON     |  |  | • ORANGE   |  |  | • TENNEFOS          |  |  | • THANE      |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • ERDMAN        |  |  | • LASHKOWITZ |  |  | • PETERSON |  |  | • VOSPER            |  |  | • WALSH      |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • FARRINGTON    |  |  | • LEE        |  |  | • PIETRON  |  |  | • WENSTROM          |  |  | • WRIGHT     |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • FRED          |  |  | • LIPS       |  |  | • RAIT     |  |  | • MR. PRESIDENT     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • FRITZELL      |  |  | • LODGEN     |  |  | • REDLIN   |  |  |                     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • GOODMAN       |  |  | • MAHER      |  |  | • REITEN   |  |  |                     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • HANSON        |  |  | • MAU        |  |  | • SANDNESS |  |  |                     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • HOFFNER       |  |  | • MLLAND     |  |  | • SANDS    |  |  |                     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • HOLMBERG      |  |  | • MILLER     |  |  | • SCHIRADO |  |  |                     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |
| • ISZLER        |  |  | • MORGAN     |  |  | • SHABLOW  |  |  |                     |  |  |              |  |  |      |  |  |                  |  |  |     |  |  |      |  |  |

So the bill passed and the title was agreed to.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills Nos. 2045, 2046, 2117, 2140, 2158, 2207 and 2247 be dispensed with, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2045 as recommended by the Committee on State and Federal Government as printed on page 232 of the Senate Journal be adopted.

#### MOTION

Senator Melland moved that the amendments to Senate Bill No. 2045 be re-referred to the Committee on State and Federal Government, which motion prevailed.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

#### SIXTEENTH DAY

Bismarck, January 25, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Rev. Ron Norman, Bismarck Baptist Church, Bismarck.

"Dear God, our Heavenly Father, we are pausing at this time in the busyness of our activities and agendas to acknowledge our dependence upon and need of Your strength and guidance. We want to praise You for all the attributes which You manifest to us on a daily basis. We confess our sins to You, the greatest of which are unbelief and unthankfulness. Help us to apply faith and belief to those areas of our lives and responsibility where we many times are over-come by frustration and depression. May the 'light at the end of our personal tunnels' be seen as coming from You and Your strength. Help us to keep our eyes upon You in the midst of our darkness that we too, someday, will enjoy the radiance of Your glory. Thank you for the sacrifice of Your Son, Jesus Christ, who has forgiven us and made us free. It is in His name that we pray. Amen".

The roll was called and revealed all Senators present except Goodman. A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifteenth Day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**CONSIDERATION OF AMENDMENTS**

Senator Jones moved that the amendments to Senate Bill No. 2046 as recommended by the Committee on State and Federal Government as printed on page 232 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2117 as recommended by the Committee on Political Subdivisions as printed on pages 232 and 233 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2140 as recommended by the Committee on State and Federal Government as printed on page 233 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2158 as recommended by the Committee on Industry, Business and Labor as printed on pages 233 and 234 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2207 as recommended by the Committee on Social Welfare & Veterans Affairs as printed on page 234 of the Senate Journal be adopted, which motion prevailed.

Senator Wright moved that the amendments to Senate Bill No. 2247 as recommended by the Committee on Finance and Taxation as printed on page 235 of the Senate Journal be adopted, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2189.** A Bill for an Act to provide for state acceptance of jurisdiction over the veterans administration hospital grounds at Fargo. Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 37; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| •                   |     |      | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| •                   |     |      | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| •                   |     |      | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2189 was declared lost.

**Senate Bill No. 2203.** A Bill for an Act to amend and reenact sections 38-03-02 and 38-03-07 of the North Dakota Century Code, relating to the qualifications and the powers and duties of mine inspectors.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |     |               |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | •    |            |      | •         |          |      | •                |     |               |
| •                   |     |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                |     | SMYKOWSKI     |
| •                   |     |      | •    | JONES      |      | •         | NELSON   |      | •                |     | SOLBERG       |
| •                   |     |      | •    | KRAUTER    |      | •         | NETHING  |      | •                |     | STRAND        |
| •                   |     |      | •    | LARSON     |      | •         | ORANGE   |      | •                |     | STRINDEN      |
| •                   |     |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                |     | TALLACKSON    |
| •                   |     |      | •    | LEE        |      | •         | PIETRON  |      | •                |     | TENNEFOS      |
| •                   |     |      | •    | LIPS       |      | •         | RAIT     |      | •                |     | THANE         |
| •                   |     |      | •    | LODOEN     |      | •         | REDLIN   |      | •                |     | VOSPER        |
| •                   |     |      | •    | MAHER      |      | •         | REITEN   |      | •                |     | WALSH         |
| •                   |     |      | •    | MAU        |      | •         | SANDNESS |      | •                |     | WENSTROM      |
| •                   |     |      | •    | MELLAND    |      | •         | SANDS    |      | •                |     | WRIGHT        |
| •                   |     |      | •    | MILLER     |      | •         | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •                   |     |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2205. A Bill for an Act to authorize the state water commission to release easements granted to the state for dams.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |     |               |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                |     | SMYKOWSKI     |
| •                   |     |      | •    | JONES      |      | •         | NELSON   |      | •                |     | SOLBERG       |
| •                   |     |      | •    | KRAUTER    |      | •         | NETHING  |      | •                |     | STRAND        |
| •                   |     |      | •    | LARSON     |      | •         | ORANGE   |      | •                |     | STRINDEN      |
| •                   |     |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                |     | TALLACKSON    |
| •                   |     |      | •    | LEE        |      | •         | PIETRON  |      | •                |     | TENNEFOS      |
| •                   |     |      | •    | LIPS       |      | •         | RAIT     |      | •                |     | THANE         |
| •                   |     |      | •    | LODOEN     |      | •         | REDLIN   |      | •                |     | VOSPER        |
| •                   |     |      | •    | MAHER      |      | •         | REITEN   |      | •                |     | WALSH         |
| •                   |     |      | •    | MAU        |      | •         | SANDNESS |      | •                |     | WENSTROM      |
| •                   |     |      | •    | MELLAND    |      | •         | SANDS    |      | •                |     | WRIGHT        |
| •                   |     |      | •    | MILLER     |      | •         | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •                   |     |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2251. A Bill for an Act to amend and reenact subsection 4 of section 50-02-04 of the North Dakota Century Code, relating to gaining county residence for poor relief purposes while residing in a licensed home for the aged and infirm or licensed nursing home.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |     |               |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                |     | SMYKOWSKI     |
| •                   |     |      | •    | JONES      |      | •         | NELSON   |      | •                |     | SOLBERG       |
| •                   |     |      | •    | KRAUTER    |      | •         | NETHING  |      | •                |     | STRAND        |
| •                   |     |      | •    | LARSON     |      | •         | ORANGE   |      | •                |     | STRINDEN      |
| •                   |     |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                |     | TALLACKSON    |
| •                   |     |      | •    | LEE        |      | •         | PIETRON  |      | •                |     | TENNEFOS      |
| •                   |     |      | •    | LIPS       |      | •         | RAIT     |      | •                |     | THANE         |
| •                   |     |      | •    | LODOEN     |      | •         | REDLIN   |      | •                |     | VOSPER        |
| •                   |     |      | •    | MAHER      |      | •         | REITEN   |      | •                |     | WALSH         |
| •                   |     |      | •    | MAU        |      | •         | SANDNESS |      | •                |     | WENSTROM      |
| •                   |     |      | •    | MELLAND    |      | •         | SANDS    |      | •                |     | WRIGHT        |
| •                   |     |      | •    | MILLER     |      | •         | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •                   |     |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

MOTION

Senator Nething moved that House Bill No. 1119 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

**Senate Bill No. 2171.** A Bill for an Act to amend and reenact subsection 4 of section 37-25-02 and section 37-25-10 of the North Dakota Century Code, relating to the definition of honorable discharge and relating to the time limit for receiving an application for Vietnam Conflict Veterans' Adjusted Compensation Act benefits; and declaring an emergency.

Which has been read (amended SJ pages 211, 212)

Senator Wright moved that Senate Bill 2171 be amended as follows:

On page 1, line 5 of the engrossed bill before the period insert the following: "; and declaring an emergency"

On page 2 following line 14 of the engrossed bill insert the following new section: "SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

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

Senator Wright moved that the rules be suspended, that Senate Bill 2171 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

MOTION

Senator Naaden moved that Senate Bill 2171 be laid over one legislative day, which motion failed.

**Senate Bill No. 2171.** A Bill for an Act to amend and reenact subsection 4 of section 37-25-02 and section 37-25-10 of the North Dakota Century Code, relating to the definition of honorable discharge and relating to the time limit for receiving an application for Vietnam Conflict Veterans' Adjusted Compensation Act benefits; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 211, 212) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |      |      |              |      |      |                  |      |      |               |      |      |
|---------------------|------|------|--------------|------|------|------------------|------|------|---------------|------|------|
| REGULAR SESSION     |      |      |              |      |      | 1977 LEGISLATURE |      |      |               |      |      |
| ROLL CALL           |      |      | ROLL CALL    |      |      | ROLL CALL        |      |      | ROLL CALL     |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS             | N.V. | NAYS | YEAS          | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN         |      |      | • SMYKOWSKI   |      |      |
| • BARTH             |      |      | • JONES      |      |      | • NELSON         |      |      | • SOLBERG     |      |      |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING        |      |      | • STRAND      |      |      |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE         |      |      | • STRINDEN    |      |      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON       |      |      | • TALLACKSON  |      |      |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON        |      |      | • TENNEFOS    |      |      |
| • FREED             |      |      | • LIPS       |      |      | • RAIT           |      |      | • THANE       |      |      |
| • FRITZELL          |      |      | • LODOEN     |      |      | • REDLIN         |      |      | • VOSPER      |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN         |      |      | • WALSH       |      |      |
| • HANSON            |      |      | • MAU        |      |      | • SANDNESS       |      |      | • WENSTROM    |      |      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS          |      |      | • WRIGHT      |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRAZO       |      |      | MR. PRESIDENT |      |      |
| • ISZLER            |      |      | • MORGAN     |      |      | • SHABLOW        |      |      |               |      |      |

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

PERSONAL PRIVILEGE

Senator Christensen: Mr. President, I rise on a point of personal privilege. I guess a testimonial to the fact that it is impossible to predict what is going to happen to a measure in the legislature, because the bill



we so decisively defeated today concerning the Veterans Hospital at Fargo was passed two years ago in essentially the same form by both houses and was vetoed by the Governor.

## MOTIONS

Senator Solberg moved that Senate Bill No. 2487 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Solberg moved that Senate Bill No. 2487 be re-referred to the Committee on Transportation, which motion prevailed.

Senator Lee moved that Senate Bill No. 2129 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Lee requested the unanimous consent of the Senate to withdraw Senate Bill No. 2129 There being no objection the request was granted, and Senate Bill No. 2129 was withdrawn.

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return:  
House Concurrent Resolution No. 3017  
House Concurrent Resolution No. 3018  
House Concurrent Resolution No. 3019  
Which the President has signed.

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 Concurrent Resolution No. 4029

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1096  
House Bill No. 1182  
House Bill No. 1197  
House Bill No. 1234  
House Bill No. 1248

ROY GILBREATH, Chief Clerk

## MESSAGE TO THE HOUSE

Senate Chamber

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

|                      |                      |
|----------------------|----------------------|
| Senate Bill No. 2132 | Senate Bill No. 2208 |
| Senate Bill No. 2159 | Senate Bill No. 2210 |
| Senate Bill No. 2180 | Senate Bill No. 2214 |
| Senate Bill No. 2181 | Senate Bill No. 2230 |
| Senate Bill No. 2182 | Senate Bill No. 2231 |
| Senate Bill No. 2192 | Senate Bill No. 2243 |

LEO LEIDHOLM, Secretary

Senator Nothing moved that after the reading of Senate Bills Nos. 2024, 2046, 2077, 2089, 2117, 2140, 2158, 2204, 2207, 2220, 2224, 2235, 2247, 2258, 2276, and House Bills 1051, 1076 and 1078, the Senate recess until Wednesday, January 26, 1977 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## SIXTEENTH DAY AFTER RECESS AND SEVENTEENTH DAY

Bismarck, January 26, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2046

Senate Bill No. 2117

Senate Bill No. 2140

Senate Bill No. 2158

Senate Bill No. 2207

Senate Bill No. 2247

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2045 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 3, after the word "to" delete the word "one" and insert in lieu thereof the word "fifteen"

On page 2, line 31, after the second word "or" delete the word "to"

On page 7, after line 25, insert the following new subsection: "6. Nothing contained in this Act shall be construed to repeal or modify any federal, state, territorial, or local law creating special rights or preference for veterans."

On page 8, delete all of lines 28 through 31

On page 8, line 32, after the word "hours," insert the following: "after due notice,"

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

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2045 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2099 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2099 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to

whom was referred Senate Bill No. 2165 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2165 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2175 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2175 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2193 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2193 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2206 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2206 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2242 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2242 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2266 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2266 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2271 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2271 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2277 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 5, after the word "money" insert the following: "and accrued interest"

On page 2, line 9, after the word "lessee" insert the following: "or his guest"

On page 2, line 12, after the word "delivered" insert the following: "or mailed" and after the word "lessee" insert the following: "at the last address furnished lessor,"

On page 2, line 20, delete the word "change" and insert in lieu thereof the word "transfer"

On page 2, line 21, after the word "deposit" insert the following: "and accrued interest"

On page 2, line 22, delete the word "purchaser" and insert in lieu thereof the word "grantee"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2277 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2278 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 10, delete the words "appointed by the governor" and insert in lieu thereof the following: "who shall be the presidents of the following organizations or their designees: the North Dakota school boards association, the North Dakota county commissioners association, the North Dakota league of cities, the North Dakota township officers association, and the North Dakota county auditors association. Provided, however, that if any of the above officers shall be on the ballot for reelection or for election to any other office at the same election at which any initiative or referred measure will also be on the ballot, such officials shall be disqualified from serving on the public issues review panel and shall appoint another member of their respective organizations to serve as their designees"

On page 1, delete all of lines 11 and 12

On page 1, line 13, delete the words "political party," and on the same line after the word "be" delete the words "two years" and insert in lieu thereof the words "one year"

On page 1, line 14, after the word "each" delete the words "odd-numbered"

On page 1, line 16, after the word "meeting" delete the words "during each biennium"

On page 2, line 16, after the word "statements" delete the comma and insert in lieu thereof the word "and" and on the same line after the word "reports" delete the following: ", and"

On page 2, line 17, delete the following: "place such informational advertisements"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass and be referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2278 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2286 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2286 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2290 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 9, after the word "governor" delete the word "shall" and insert in lieu thereof the word "may"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2290 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2298 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2298 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2304 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 32, delete the word "four" and insert in lieu thereof the word "two"

On page 3, line 5, after the period insert the following: "An agreement shall be signed by the scholarship loan recipient and the state board indicating an intent on the part of the recipient to practice in the state upon completion of the program."

On page 4, line 19, after the word "moneys" delete the words "appropriated for the purpose"

On page 4, delete all of the words on line 20 and insert in lieu thereof the word "from"

On page 4, line 26, delete the following: "subject to biennial"

On page 4, line 27, delete the following: "legislative appropriations,"

On page 4, line 33, delete the words "the purposes"

On page 4, line 34, delete the words "of carrying out the provisions of this Act" and insert in lieu thereof the words "making the scholarship loans"

And renumber the lines and pages accordingly.

And when so amended recommends, the same do pass and be referred to the Committee on Appropriations.

SENATOR SANDNESS, Chairman

Senate Bill No. 2304 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2310 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after "A BILL" and delete everything thereafter through the end of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 57-39.2-04, to create and enact a new subdivision to subsection 9 of section 57-40.2-01, and to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code, to amend and reenact subsection 3 of section 57-39.2-01 of the North Dakota Century Code, relating to sales or use tax on rented or leased tangible personal property; and to provide an effective date; and declaring an emergency.

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

SECTION 1. AMENDMENT.) Subsection 3 of section 57-39.2-01 of the

1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. "Retail sale" or "sale at retail" means the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, electricity, water, and communication service to retail consumers or users; the ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or tourist court accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property including containers which it is intended, by means of fabrication, compounding, manufacturing, producing, or germination shall become an integral or an ingredient, or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to real property shall be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated outside of North Dakota shall not be considered a taxable sale. As used in this subsection the word "consumer" shall include any hospital, infirmary, sanatorium, nursing home, home for the aged, or similar institution that furnishes services to any patient or occupant. The sale of an item of tangible personal property to a purchaser who rents or leases it to a person under a finance leasing agreement over the term of which the property will be substantially consumed shall be considered a retail sale if the purchaser elects to treat it as such by paying or causing the transferor to pay the sales tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-39.2-12.

SECTION 2.) A new subsection to section 57-39.2-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Gross receipts from the leasing or renting of any tangible personal property upon which a North Dakota sales tax or use tax has been paid or is payable.

SECTION 3.) A new subdivision to subsection 9 of section 57-40.2-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

The purchase of an item of tangible personal property by a purchaser who rents or leases it to a person under a finance leasing agreement over the term of which the property will be substantially consumed, if the purchaser elects to treat it as being purchased at retail by paying or causing the transferor to pay the use tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-40.2-07.

SECTION 4.) A new subsection to section 57-40.2-04 of the North Dakota

Century Code is hereby created and enacted to read as follows:

The leasing or renting of any tangible personal property upon which a North Dakota sales tax or use tax has been paid pursuant to the election of the purchaser pursuant to subsection 3 of section 57-39.2-01 or subsection 9 of section 57-40.2-01.

SECTION 5. EFFECTIVE DATE.) The provisions of this Act shall be effective for finance leasing agreements made after November 30, 1976."

SECTION 6. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2310 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2314 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2314 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2315 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2315 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4028 has had the same under consideration and recommends that the same do pass and be re-referred to the Legislative Council Resolutions Committee.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4028 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1033 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 16, after the word "person" insert the following: "qualified in the law or possessing knowledge or expertise in the subject matter of the hearing"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1033 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1036 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the word "exceed" delete the word "ten" and insert in lieu thereof the word "five"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1036 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1039 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1039 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1052 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, delete the word "twelve" and insert in lieu thereof the word "six"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1052 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill no. 1054 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 18, delete the word "limits" and insert in lieu thereof the following: "limit, or any extension thereof,"

On page 2, line 19, after the word "dismissed" delete the remainder of the line

On page 2, delete all of lines 20 through 22

On page 2, line 23, delete the following: "the child is assisted by counsel"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1054 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1064 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 2, after the word "requested" delete the remainder of the line

On page 2, delete all of lines 3 through 5

On page 2, line 6, delete the following: "less than twenty-five members"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1064 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1101 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1101 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to



whom was referred House Bill No. 1118 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1118 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1122 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1122 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### REPORT OF SELECT COMMITTEES

Mr. President: Your Committee for Senate Committee Rooms have the following report to the Senate:

Upon the approval of the Secretary of the Senate and the Chief Clerk of the House, the Chairmen of the Senate Finance and Taxation, Senate Transportation, Senate Natural Resources, and Senate Industry, Business and Labor Committees, the following room accommodations have been made. The Senate Select Committee on the Bank of North Dakota can use the Attorney General's Licensing Room for hearings. The joint Constitutional Revision Committee and the Senate Select Committee on Federal Comprehensive Employment Training Act can use the Senate Conference Room for hearings.

SENATOR ISZLER, Chairman

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

#### COMMUNICATION State of North Dakota Executive Office Bismarck

January 25, 1977

The Honorable Wayne Sanstead  
President of the Senate  
North Dakota State Senate  
Bismarck, North Dakota 58505

Dear Mr. President:

Since the last meeting of the state legislature, the following appointments or reappointments have been made which are subject to Senate confirmation:

#### Council on the Arts and Humanities (Section 54-54-02)

|                                       |                             |
|---------------------------------------|-----------------------------|
| Mr. Richard H. Smith, Jamestown       | July 1, 1977 - July 1, 1982 |
| Ms. Nancy P. Swenson, Bismarck        | July 1, 1977 - July 1, 1982 |
| Mrs. Winifred Stump, Dickinson        | July 1, 1977 - July 1, 1982 |
| Ms. Kay Cann, Fargo                   | July 1, 1977 - July 1, 1982 |
| Mr. John H. Rogers, UND               | July 1, 1977 - July 1, 1982 |
| Mrs. Leo (Alma) Studness, Devils Lake | July 2, 1975 - July 1, 1978 |

The President referred the above appointments to the Committee on Education.

#### Higher Education Facilities Commission (Section 15-10-29)

|                                      |                             |
|--------------------------------------|-----------------------------|
| Dr. J. Kenneth Galloway, Devils Lake | July 1, 1975 - July 1, 1978 |
| Mr. Kenneth Urdahl, Sr., Jamestown   | July 1, 1976 - July 1, 1979 |
| Mr. Richard P. Rausch, Bismarck      | July 1, 1977 - July 1, 1980 |

The President referred the above appointments to the Committee on Education.

State Historical Board (Section 55-01-01)

|                                     |                             |
|-------------------------------------|-----------------------------|
| Mr. Robert Cory, Minot              | July 1, 1975 - July 1, 1978 |
| Mr. Lowell F. Johnson, Wahpeton     | July 1, 1975 - July 1, 1978 |
| Dr. D. Jerome Tweton, Grand Forks   | July 1, 1975 - July 1, 1978 |
| Mr. LaVern Neff, Williston          | July 1, 1976 - July 1, 1979 |
| Mr. Albert R. Hausauer, Bismarck    | July 1, 1976 - July 1, 1979 |
| Mrs. Mary (Ernest) Young, Jamestown | July 1, 1976 - July 1, 1979 |

The President referred the above appointments to the Committee on State and Federal Government.

State Board of Public School Education (Section 15-21-17)

|                             |                             |
|-----------------------------|-----------------------------|
| Mr. Richard Hilborn, Durbin | July 1, 1976 - July 1, 1982 |
| Mr. Donald Lange, Webster   | July 1, 1976 - July 1, 1982 |

The President referred the above appointments to the Committee on Education.

State Board of Higher Education (Section 15-10-02)

|                        |                             |
|------------------------|-----------------------------|
| Mr. Milton Hertz, Mott | July 1, 1976 - July 1, 1983 |
|------------------------|-----------------------------|

The President referred the above appointment to the Committee on Education.

Social Service Board of North Dakota (Section 50-06-02)

|  |                               |
|--|-------------------------------|
| Reverend Marvin O. Mutzenberger, Minot | April 6, 1977 - April 6, 1983 |
|--|-------------------------------|

The President referred the above appointment to the Committee on State and Federal Government.

Attached are biographical sketches of those appointed or reappointed. With best regards,

Sincerely yours,  
ARTHUR A. LINK  
Governor

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1096.** A Bill for an Act to create and enact sections 23-13-02.1 through 23-13-02.7 of the North Dakota Century Code, relating to regulation of the operation of self-service motor fuel dispensing devices; and to amend and reenact sections 23-13-02 and 23-13-03 of the North Dakota Century Code, relating to the operation of self-service motor fuel dispensing devices and providing a penalty.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1182.** A Bill for an Act to amend and reenact section 11-32-01 of the North Dakota Century Code, relating to county commissioners' authorization to erect war memorials.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1197.** A Bill for an Act to amend and reenact subsections 1 and 4 of section 51-10-01, sections 51-10-03, 51-10-05, and 51-10-07 of the North Dakota Century Code, relating to the definition of cost; unfair advertising, offer to sell, or sale; advertising, offering, or selling articles at less than cost; and the application of provisions of this chapter.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1234.** A Bill for an Act to create and enact section 36-04-11.1 of the North Dakota Century Code, relating to rules and regulations;

and to amend and reenact subsection 4 of section 36-04-02; subsection 1 of section 36-04-04, and sections 36-04-07 and 36-04-21 of the North Dakota Century Code, relating to licensing of livestock dealers.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1248.** A Bill for an Act to amend and reenact section 57-15-19.2 of the North Dakota Century Code, relating to township special road funds.

Which was read the first time and referred to the Committee on Political Subdivisions.

#### MOTIONS

Senator Fritzell moved that Senate Bill No. 2527 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Fritzell moved that Senate Bill No. 2527 be re-referred to the Committee on Industry, Business & Labor, which motion prevailed.

Senator Goodman moved that Senate Bill No. 2236 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Goodman requested the unanimous consent of the Senate to withdraw Senate Bill No. 2236 There being no objection the request was granted, and Senate Bill No. 2236 was withdrawn.

Senator Morgan moved that Senate Bill No. 2535 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Morgan moved that Senate Bill No. 2535 re-referred to the Committee on Agriculture, which motion prevailed.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary  
SEVENTEENTH DAY

Bismarck, January 26, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Tom Sullivan, Church of St. Anne, Bismarck.

"Heavenly Father, You have given mankind the grace to govern himself, personally, and in his dealings with his neighbor. Included in this grace is Your call to stewardship of the powers and resources of nature — the wise use and planned development of these bounties. And Your greatest gift which gives meaning to all other graces is freedom.

At this time, in these chambers are gathered leaders of the citizens of North Dakota, elected and now meeting in this session to ponder and weigh matters of vital concern to their constituents and to all who are served by their decisions. Send down your spirit upon them: Your spirit of justice and wisdom that they might deliberate the delicate balance between immediate needs and eternal values in the matters presented here: Your spirit of mercy and peace, to help them to decide how best to legislate for the good of all men and the best concern for the needs of the individual. We ask that Your spirit be felt by each one as they speak to and listen to the needs for legislation presented for consideration in this session, and in all their efforts to serve You by serving their fellow man.

This we ask in the name of Your Son, Jesus, and in the spirit of Your presence, now and forever more. AMEN.”

The roll was called and revealed all Senators present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixteenth day after recess and Seventeenth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**CONSIDERATION OF AMENDMENTS**

Senator Thane moved that the reading of the amendments to Senate Bills 2061, 2101, 2213 and 2267 not be read, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2061 as recommended by the Committee on Appropriations as printed on page 257 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2101 as recommended by the Committee on Appropriations as printed on page 258 of the Senate Journal be adopted, and be re-referred to the Committee on Social Welfare and Veterans Affairs, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2213 as recommended by the Committee on Industry, Business and Labor as printed on pages 258 and 259 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2267 as recommended by the Committee on Education as printed on page 259 of the Senate Journal be adopted, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2188. A Bill for an Act to amend and reenact subsection 6 of section 37-17.1-05, and sections 37-17.1-15, 54-47-11, and 54-47-12 of the North Dakota Century Code, relating to the governor and disaster emergencies, weather modification, and relocation of state and local governments.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 212) the roll was called and there were ayes, 20; nays, 30; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON   |     | •    | NAADEN   |     |      |                  |     | SMYKOWSKI     |
| •                   |     |      | JONES      |     | •    | NELSON   |     | •    |                  |     | SOLBERG       |
| •                   |     |      | KRAUTER    |     | •    | NETHING  |     | •    |                  |     | STRAND        |
| •                   |     | •    | LARSON     |     | •    | ORANGE   |     | •    |                  |     | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     | •    | PETERSON |     | •    |                  |     | TALLACKSON    |
| •                   |     |      | LEE        |     | •    | PIETRON  |     | •    |                  |     | TENNEFOS      |
| •                   |     |      | LIPS       |     | •    | RAIT     |     | •    |                  |     | THANE         |
| •                   |     |      | LODDEN     |     | •    | REDLIN   |     | •    |                  |     | VOSPER        |
| •                   |     |      | MAHER      |     | •    | REITEN   |     | •    |                  |     | WALSH         |
| •                   |     |      | MAU        |     | •    | SANDNESS |     | •    |                  |     | WENSTROM      |
| •                   |     |      | MELAND     |     | •    | SANDS    |     | •    |                  |     | WRIGHT        |
| •                   |     |      | MILLER     |     | •    | SCHIRADO |     | •    |                  |     | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |               |

Senate Bill No. 2188 was declared lost.

Senate Bill No. 2215. A Bill for an Act to amend and reenact section 52-11-01 of the North Dakota Century Code, relating to the retirement

program for the unemployment compensation division, state employment service, and North Dakota national guard.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2216.** A Bill for an Act authorizing the state of North Dakota acting by the North Dakota employment security bureau to sell and convey lots seventeen, eighteen, nineteen, and twenty in block twenty-two of Brooklyn Addition to the City of Minot, Ward County, North Dakota.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2217:** A Bill for an Act to amend and reenact subsection 5 of section 52-01-01 of the North Dakota Century Code relating to the definition of "benefit year" for purposes of unemployment compensation.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |            |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V        | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI  |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG    |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND     |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN   |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS   |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • FREED    | • LIPS    | • RAIT     | • THANE         |
| • FRITZELL | • LODDOEN | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2225. A Bill for an Act to amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the contents of number plates, size of letters and numerals on plates; and to provide an exception to annual validation evidence for certain number plates.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 213) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODDOEN           |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2237. A Bill for an Act to amend and reenact section 12.1-04-02 of the North Dakota Century Code, relating to intoxication as a defense to a criminal charge.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 5; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODDOEN           |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2238. A Bill for an Act to create and enact a new section to chapter 33-12 of the North Dakota Century Code, relating to the prohibition of a jury trial in county justice court; amending subsection II of section 33-01-12 and section 33-12-28 of the North Dakota Century Code, relating to reports by the county justice in cases of jury trials; and repealing subsections 8 and 9 of section 33-01-13 and sections 33-12-19, 33-

12-30, 33-12-22, 33-12-23.1 and 33-12-24 of the North Dakota Century Code relating to procedures in county justice court for jury trials.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
| •                   |     |      | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
| •                   |     |      | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
| •                   |     |      | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
| •                   |     |      | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| •                   |     |      | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| •                   |     |      | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| •                   |     |      | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| •                   |     |      | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| •                   |     |      | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| •                   |     |      | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| •                   |     |      | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     |      |
| •                   |     |      | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Bill No. 2238 was declared lost.

Senate Bill No. 2260. A Bill for an Act to repeal section 29-01-28 of the North Dakota Century Code, relating to excluding spectators from trials of minors.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 20; nays, 29; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
| •                   |     |      | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
| •                   |     |      | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
| •                   |     |      | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
| •                   |     |      | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| •                   |     |      | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| •                   |     |      | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| •                   |     |      | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| •                   |     |      | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| •                   |     |      | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| •                   |     |      | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| •                   |     |      | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     |      |
| •                   |     |      | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Bill No. 2260 was declared lost.

Senate Bill No. 2281. A Bill for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, granting authority to the state auditor to examine information relating to operations of governmental units subject to audit.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |            |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |            |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS       | N-V | NAYS |
| •                   |     |      | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI  |     | •    |
| •                   |     |      | JONES      |     | •    | NELSON           |     | •    | SOLBERG    |     | •    |
| •                   |     |      | KRAUTER    |     | •    | NETHING          |     | •    | STRAND     |     | •    |
| •                   |     |      | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN   |     | •    |
| •                   |     |      | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON |     | •    |
| •                   |     |      | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS   |     | •    |
| •                   |     |      | LIPS       |     | •    | RAIT             |     | •    | THANE      |     | •    |

|            |           |            |               |
|------------|-----------|------------|---------------|
| ● FRITZELL | ● LODOEN  | ● REDLIN   | ● VOSPER      |
| ● GOODMAN  | ● MAHER   | ● REITEN   | ● WALSH       |
| ● HANSON   | ● MAU     | ● SANDNESS | ● WENSTROM    |
| ● HOFFNER  | ● MELLAND | ● SANDS    | ● WRIGHT      |
| ● HOLMBERG | ● MILLER  | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER   | ● MORGAN  | ● SHABLOW  |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2289, A Bill for an Act to amend and reenact section 46-03-10 of the North Dakota Century Code, relating to arranging laws for publication and providing for adding equivalent metric measurements to laws containing customary measurements.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 14; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SHYKOWSKI   |     |      |
| ● BARTH             | ●   |      | ● JONES      | ●   |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       | ●   |      | ● LARSON     | ●   |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        | ●   |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         | ●   |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            | ●   |      | ● MORGAN     | ●   |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Nething moved that House Bill No. 1119 be placed at the foot of the calendar, which motion prevailed.

Senator Nething moved that until further notice, all of the House Bills reported out of committee be placed at the foot of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill 2024. A Bill for an Act to provide for implementation of Indian education curriculum in elementary and secondary schools within existing minimum curriculum requirements.

Which has been read.

Senator Hoffner moved that Senate Bill No. 2024 be amended as follows:

On page 1 of the engrossed bill, line 1, delete the words "provide for implementation of" and insert the words "implement an"

On page 1 of the engrossed bill, line 3, after the word "requirements" insert the words "; and to provide an appropriation"

On page 1 of the engrossed bill, line 9, after the word "may" insert the words "contract for services to"

On page 1 of the engrossed bill, line 12, delete the word "may" and insert the word "shall"

On page 1 of the engrossed bill, after line 14, insert the following new section: "SECTION 2. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000.00, or so much thereof as may be necessary, to the department of public instruction for the purpose of contracting services for the development, continuing research and evaluation, implementation, and in-service training of an Indian





Senate Bill No. 2077. A Bill for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.2 of the North Dakota Century Code to remove the limitation on the adjustment to taxable income for individuals for dividends from domestic corporations, and providing an effective date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 41; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                     |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                     |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
|                     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                     |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                     |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                     |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                     |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                     |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                     |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2077 was declared lost.

Senate Bill No. 2089. A Bill for an Act to provide for the licensing of private security guards and private security companies by the attorney general; to amend and reenact section 43-30-01 of the North Dakota Century Code, relating to definitions applicable to licensing of private detectives; and providing a penalty.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                     |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                     |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
|                     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                     |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                     |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                     |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                     |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                     |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                     |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2089 was declared lost.

Senate Bill No. 2117. A Bill for an Act to amend and reenact section 58-02-25 of the North Dakota Century Code, relating to the dissolution of an organized township.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 232, 233) the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SHYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENEFOS        |     |      |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEM   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

#### MOTIONS

Senator Nething moved that Senate Bill No. 2117 be re-printed, which motion prevailed.

Senator Reiten moved that House Bill No. 1118 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

#### MESSAGE TO THE HOUSE

##### Senate Chamber

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

Senate Bill No. 2059

Senate Bill No. 2112

Senate Bill No. 2139

LEO LEIDHOLM, Secretary

#### MESSAGE FROM THE HOUSE

##### House Chamber

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

House Bill No. 1038

House Bill No. 1053

House Bill No. 1055

House Bill No. 1056

House Bill No. 1068

House Bill No. 1087

House Bill No. 1106

House Bill No. 1109

House Bill No. 1112

House Bill No. 1180

House Bill No. 1199

House Bill No. 1207

House Bill No. 1220

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2061, 2099, 2165, 2175, 2193, 2206, 2213, 2242, 2266, 2267, 2271, 2286, 2298, 2314, 2315, and House Bills 1039, 1101 and 1122, the Senate recess until Thursday, January 27, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

SEVENTEENTH DAY AFTER RECESS AND EIGHTEENTH DAY

Bismarck, January 27, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2061

Senate Bill No. 2213

Senate Bill No. 2267

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2101

And find the same correctly Re-engrossed.

SENATOR STRAND, Chairman

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

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2070 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2070 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2125 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2125 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2167 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate bill No. 2167 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2246 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2246 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2259 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2259 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2270 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2270 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred House Bill No. 1020 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1020 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1107 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1107 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1117 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1117 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### MOTIONS

Senator Goodman moved that Senate Bill No. 2500 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Goodman moved that Senate Bill No. 2500 be re-referred to the Committee on Finance and Taxation, which motion prevailed.

Senator Fritzell moved that Senate Bill No. 2275 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

Senator Fritzell requested the unanimous consent of the Senate to withdraw Senate Bill No. 2275. There being no objection the request was granted, and Senate Bill No. 2275 was withdrawn.

Senator Morgan moved that Senate Bill No. 2248 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

Senator Morgan requested the unanimous consent of the Senate to withdraw Senate Bill No. 2248. There being no objection the request was granted, and Senate Bill No. 2248 was withdrawn.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2045, 2277, 2278, 2290, 2304, 2310 and House Bills 1033, 1036, 1052, 1054, and 1064 be dispensed with, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2045 as recommended by the Committee on State and Federal Government as printed on page 281 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2277 as recommended by the Committee on Judiciary as printed on pages 282 and 283 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2278 as recommended by the Committee on State and Federal Government as printed on page 283 of the Senate Journal be adopted, and be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2290 as recommended by the Committee on State and Federal Government as printed on pages 283 and 284 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2304 as recommended by the Committee on Education as printed on page 284 of the Senate Journal be adopted, and be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2310 as recommended by the Committee on Finance and Taxation as printed on pages 284 to 286 of the Senate Journal be adopted, which motion prevailed.

#### MOTIONS

Senator Redlin moved that Senate Bills Nos. 2311, 2312 and 2313 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Redlin requested the unanimous consent of the Senate to withdraw Senate Bills Nos. 2311, 2312 and 2313. There being no objection the request was granted and Senate Bills 2311, 2312 and 2313 were withdrawn.

Senator Lee moved that Senate Bill No. 2255 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

Senator Lee requested the unanimous consent of the Senate to withdraw Senate Bill No. 2255. There being no objection the request was granted, and Senate Bill No. 2255 was withdrawn.

#### CONSIDERATION OF AMENDMENTS

Senator Reiten moved that the amendments to House Bill No. 1033 as recommended by the Committee on Industry, Business and Labor, as printed on page 286 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1036 as recommended by the Committee on Industry, Business and Labor as printed on page 286 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1052 as recommended by the Committee on Judiciary as printed on page 287 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1054 as recommended by the Committee on Judiciary as printed on page 287 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1064 as recommended by the Committee on Judiciary as printed on page 287 of the Senate Journal be adopted, which motion prevailed.

## FIRST READING OF HOUSE BILLS

**House Bill No. 1038.** A Bill for an Act to create and enact chapter 49-03.1 of the North Dakota Century Code, relating to certificates of public convenience and necessity for public utilities other than electric public utilities or carriers of persons or property for hire; and to amend and reenact section 49-03-01 of the North Dakota Century Code, relating to certificates of public convenience and necessity secured by electric public utilities.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1053.** A Bill for an Act to create and enact section 14-10-17.1 of the North Dakota Century Code, relating to emergency treatment of minors without their parents' permission, and to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to the treatment of minors for alcoholism without their parents' permission.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1055.** A Bill for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to the emancipation of minors.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1056.** A Bill for an Act to create and enact a new section of the North Dakota Century Code, relating to the establishment of an office of state juvenile services coordinator and providing an appropriation therefor.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1068.** A Bill for an Act to create the office of energy coordinator, to provide for the duties and responsibilities of the energy coordinator.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1087.** A Bill for an Act to regulate real property easements, servitudes, or any nonappurtenant restriction on the use of real property.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1106.** A Bill for an Act to amend and reenact section 47-18-01 and subsection 4 of section 47-18-04 of the North Dakota Century Code, relating to the definition of a homestead for exemption from judgments and execution and to homesteads subject to execution.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1109.** A Bill for an Act to create and enact section 15-05-12.1 of the North Dakota Century Code, relating to improvements placed on state lands; to amend and reenact section 15-08-26 of the North Dakota Century Code, relating to improvements placed on state lands; and to repeal section 15-05-12 of the North Dakota Century Code, relating to improvements placed on state lands.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1112.** A Bill for an Act to amend and reenact subsection 2 of section 20.1-03-07 and sections 20.1-03-09 and 20.1-03-10 of the North Dakota Century Code, relating to the issuance and contents of nonresident fur-bearer licenses; and to repeal subsection 6 of section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fur-bearer licenses.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1180.** A Bill for an Act to amend and reenact subsection 1 of section 50-25.1-02 and section 50-25.1-08 of the North Dakota Century Code, relating to the definition of "abused child", and the appointment of a guardian ad litem.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1199.** A Bill for an Act to create and enact a new subsection to section 39-24-09 of the North Dakota Century Code, relating to the towing of sleds behind snowmobiles.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1207.** A Bill for an Act to amend and reenact subdivision c of subsection 1 of section 39-01-01 of the North Dakota Century Code, relating to the definition of class C emergency vehicles.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1220.** A Bill for an Act to amend and reenact subsection D of section 52-09-20 of the North Dakota Century Code, relating to the determination of the primary insurance benefit under the North Dakota old age and survivor insurance system.

Which was read the first time and referred to the Committee on Political Subdivisions.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Sandness introduced:

**Senate Concurrent Resolution No. 4032.** A concurrent resolution directing the Capitol Grounds Planning Commission to study the feasibility of constructing tunnels connecting the Capitol, the Highway Building, and the Heritage Center.

Was read the first time and referred to the committee on State and Federal Government.

Senator Melland introduced:

**Senate Concurrent Resolution No. 4033.** A concurrent resolution urging the North Dakota Congressional Delegation to introduce legislation in the Congress to make federal aid matching formulas for the states more responsive to current economic conditions of the states.

Was read the first time and referred to the committee on State and Federal Government.

Senators Nething, Hoffner introduced:

**Senate Concurrent Resolution No. 4034.** A concurrent resolution urging the United States Congress to designate Theodore Roosevelt National Memorial Park as Theodore Roosevelt National Park.

Was read the first time and referred to the committee on State and Federal Government.

#### MOTIONS

Senator Melland moved that Senate Bill No. 2409 be returned to the





Journal has carefully examined the Journal of the Sixteenth day after recess and Seventeenth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2158. A Bill for an Act to create a new section in title 65 relating to privacy of claimants' records; and to amend and reenact subsections 8, 17, 18, 19, 20, 21, and 22 of section 65-01-02, sections 65-01-03, 65-01-10, 65-02-05, 65-02-08, 65-04-17, 65-05-01, 65-05-02, 65-05-09, 65-05-12, 65-05-13, 65-05-14, 65-05-15, 65-05-16, 65-05-17, 65-05-19, 65-05-21, 65-05-25, 65-05-26, 65-05-28, 65-05-30 and 65-07-01 of the North Dakota Century Code, relating to definitions, presumption of employee status, waiver of rights to compensation, office space for the bureau, rule-making power of the bureau, experience rating, filing of claims, form of claims, disability benefits, permanent impairment, scheduled injuries, partial loss of use, aggravation of pre-existing conditions, death benefits, death benefits to spouses and orphans, nondependency benefits, marriage settlement, lump sum settlement, burial expenses, medical examination of injured employees, release of medical information, and coverage of employers, volunteers, and the self-employed.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 233, 234) the roll was called and there were ayes, 25; nays, 22; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |               |     |      |                  |     |      |
|---------------------|-----|------|---------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL     |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS          | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON      |     |      | •                |     | •    |
|                     |     |      | JONES         |     |      | •                |     | •    |
| •                   |     |      | KRAUTER       |     |      | •                |     | •    |
|                     |     |      | LARSON        |     |      | •                |     | •    |
| •                   |     |      | LASHKOWITZ    |     |      | •                |     | •    |
| •                   |     |      | LEE           |     |      | •                |     | •    |
| •                   |     |      | LIPS          |     |      | •                |     | •    |
| •                   |     |      | LODOEN        |     |      | •                |     | •    |
| •                   |     |      | MAHER         |     |      | •                |     | •    |
| •                   |     |      | MAU           |     |      | •                |     | •    |
| •                   |     |      | MELLAND       |     |      | •                |     | •    |
| •                   |     |      | MILLER        |     |      | •                |     | •    |
| •                   |     |      | MORGAN        |     |      | •                |     | •    |
|                     |     |      | NAADEN        |     |      | •                |     | •    |
|                     |     |      | NELSON        |     |      | •                |     | •    |
|                     |     |      | NETHING       |     |      | •                |     | •    |
|                     |     |      | ORANGE        |     |      | •                |     | •    |
|                     |     |      | PETERSON      |     |      | •                |     | •    |
|                     |     |      | PIETRON       |     |      | •                |     | •    |
|                     |     |      | RAIT          |     |      | •                |     | •    |
|                     |     |      | REDLIN        |     |      | •                |     | •    |
|                     |     |      | REITEN        |     |      | •                |     | •    |
|                     |     |      | SANDNESS      |     |      | •                |     | •    |
|                     |     |      | SANDS         |     |      | •                |     | •    |
|                     |     |      | SCHIRADO      |     |      | •                |     | •    |
|                     |     |      | SHABLOW       |     |      | •                |     | •    |
|                     |     |      | SMYKOWSKI     |     |      | •                |     | •    |
|                     |     |      | SOLBERG       |     |      | •                |     | •    |
|                     |     |      | STRAND        |     |      | •                |     | •    |
|                     |     |      | STRINDEN      |     |      | •                |     | •    |
|                     |     |      | TALLACKSON    |     |      | •                |     | •    |
|                     |     |      | TENNEFOS      |     |      | •                |     | •    |
|                     |     |      | THANE         |     |      | •                |     | •    |
|                     |     |      | VOSPER        |     |      | •                |     | •    |
|                     |     |      | WALSH         |     |      | •                |     | •    |
|                     |     |      | WENSTROM      |     |      | •                |     | •    |
|                     |     |      | WRIGHT        |     |      | •                |     | •    |
|                     |     |      | MR. PRESIDENT |     |      | •                |     | •    |

Senate Bill No. 2158 lost due to a lack of a constitutional majority.

Senate Bill No. 2204. A Bill for an Act to amend and reenact subsection 3 of section 40-22-31 of the North Dakota Century Code, relating to conditions of contractor's bond.

Which has been read.

Senator Lashkowitz moved that Senate Bill No. 2204 be re-referred to the Committee on Industry, Business and Labor, which motion lost.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 28; nays, 20; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | JACOBSON  |     |      | •                |     | •    |
|                     |     |      | JONES     |     |      | •                |     | •    |
| •                   |     |      | KRAUTER   |     |      | •                |     | •    |
| •                   |     |      | LARSON    |     |      | •                |     | •    |
|                     |     |      | NAADEN    |     |      | •                |     | •    |
|                     |     |      | NELSON    |     |      | •                |     | •    |
|                     |     |      | NETHING   |     |      | •                |     | •    |
|                     |     |      | ORANGE    |     |      | •                |     | •    |
|                     |     |      | SMYKOWSKI |     |      | •                |     | •    |
|                     |     |      | SOLBERG   |     |      | •                |     | •    |
|                     |     |      | STRAND    |     |      | •                |     | •    |
|                     |     |      | STRINDEN  |     |      | •                |     | •    |

|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL   | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH         |
| • HANSON     | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2207.** A Bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to dispensing prescription drugs.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 234) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUB             |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2220.** A Bill for an Act to amend and reenact section 52-06-33 of the North Dakota Century Code relating to recovery and recoupment of unemployment compensation benefits.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 3; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUB             |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2224.** A Bill for an Act to amend and reenact subsection 1 of section 51-18-01, section 51-18-02, 51-18-03, 51-18-04, 51-18-05, 51-18-06, and 51-18-07 of the North Dakota Century Code, relating to the definition of a door-to-door sale, method of cancellation, referral sales, agreement requirements, evidence of indebtedness, disposition of goods, and responsibilities of a buyer.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2235. A Bill for an Act to create and enact two new sections to chapter 57-01 and a new section to chapter 57-37.1 of the North Dakota Century Code, relating to confidentiality of tax information obtained from the United States secretary of the treasury and to North Dakota estate and income tax returns; and to amend and reenact subsection 1 of section 57-38-34 and subsection 1 of section 57-38-57 of the North Dakota Century Code, relating to income tax returns and the confidentiality thereof.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2247. A Bill for an Act to amend and reenact section 57-38.2-02 of the North Dakota Century Code, relating to eligibility for income averaging; and to provide for an effective date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 235) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |          |      |      |        |      |                  |           |      |
|---------------------|-----|------|-----------|----------|------|------|--------|------|------------------|-----------|------|
| REGULAR SESSION     |     |      | ROLL CALL |          |      |      |        |      | 1977 LEGISLATURE |           |      |
| YEAS                | N-V | NAYS | YEAS      | N-V      | NAYS | YEAS | N-V    | NAYS | YEAS             | N-V       | NAYS |
| •                   |     |      | •         | JACOBSON |      | •    | NAADEN |      | •                | SMYKOWSKI |      |

|               |              |            |                |
|---------------|--------------|------------|----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG      |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND       |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN     |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON   |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS     |
| • FREED       | • LIPS       | • RAIT     | • THANE        |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER       |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH        |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM     |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT       |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                |

So the bill passed and the title was agreed to.

Senate Bill No. 2258. A Bill for an Act to amend and reenact section 15-34.2-17 of the North Dakota Century Code, relating to release of students for religious instruction.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |              |     | •    |            |     | •    |                  |     | •    |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2258 was declared lost.

Senate Bill No. 2276. A Bill for an Act to amend and reenact section 47-16-36 of the North Dakota Century Code, relating to the duty of a lessee to have a terminated or forfeited oil, gas, or other mineral lease recorded and allowing a lessor to record an affidavit of forfeiture upon failure of lessee to do so; and providing for a change from an affidavit of forfeiture to a satisfaction of lease.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MOTIONS

Senator Lodoen moved that Senate Bill 2175 be placed below Senate Bill 2213 on the calendar, which motion prevailed.

Senator Reiten moved that Senate Bills 2175 and 2213 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2061.** A Bill for an Act to create a continuing interim committee of the legislative council to study and report on measures and proposals affecting retirement systems and funds which exist for the benefit of public employees; and to declare an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 257) the roll was called and there were ayes, 41; nays, 5; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        | •    | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    | •    | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2099.** A Bill for an Act to amend and reenact section 16-07-07 of the North Dakota Century Code, relating to the filling of a vacancy in the office of United States senator and providing that such vacancy may be filled only by election, and to amend and reenact section 16.1-13-08 of the North Dakota Century Code as created by section 12 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the filling of a vacancy in the office of United States senator.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 15; nays, 32; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

Senate Bill 2099 was declared lost.

**Senate Bill No. 2165.** A Bill for an Act to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to accessibility of public buildings and facilities to the physically handicapped.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |     | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI     | •    |
|                     |     | •    |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG       | •    |
|                     |     | •    |           | KRAUTER    | •    |      | NEIHING  | •    |                  | STRAND        | •    |
|                     |     | •    |           | LARSON     | •    |      | ORANGE   | •    |                  | STRINDEN      | •    |
|                     |     | •    |           | LASHKOWITZ | •    |      | PETERSON | •    |                  | TALLACKSON    | •    |
|                     |     | •    |           | LEE        | •    |      | PIETRON  | •    |                  | TENNEFOS      | •    |
|                     |     | •    |           | LIPS       | •    |      | RAIT     | •    |                  | THANE         | •    |
|                     |     | •    |           | LODDEN     | •    |      | REDLIN   | •    |                  | VOSPER        | •    |
|                     |     | •    |           | MAHER      | •    |      | REITEN   | •    |                  | WALSH         | •    |
|                     |     | •    |           | MAU        | •    |      | SANDNESS | •    |                  | WENSTROM      | •    |
|                     |     | •    |           | MELLAND    | •    |      | SANDS    | •    |                  | WRIGHT        | •    |
|                     |     | •    |           | MILLER     | •    |      | SCHIRADO | •    |                  | MR. PRESIDENT | •    |
|                     |     | •    |           | MORGAN     | •    |      | SHABLOW  | •    |                  |               |      |

Senate Bill No. 2165 was declared lost.

Senate Bill No. 2193. A Bill for an Act to create and enact a new subsection to section 54-06-04, and a new section of the North Dakota Century Code, relating to the preparation of annual reports by agencies of state government; to amend and reenact sections 2-05-04, 4-06-04, 4-27-11, 6-01-10, 7-05-03, 15-02-08, subsection 3 of sections 20.1-02-04, 26-23-21, 27-15-08, 37-14-09, subsection 5 of sections 43-02.1-02, 43-09-05, subsection 8 of sections 43-12-07, 43-15-12, 43-23-02, subsection 3 of sections 46-02-04, 47-23-07, 52-02-03, 54-06-03, 54-06-04, 54-06-05, subsection 9 of section 54-09-02, subsection 7 of sections 54-24-03, 55-09-06, and 65-02-09 of the North Dakota Century Code, relating to making the biennial reports annual reports with a minimum uniform content; to repeal sections 4-02.1-26, 4-05-10, 15-10-14.1, 15-11-14, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 23-01-06, 24-02-10, subsection 7 of sections 26-01-02, 34-05-01, 34-06-20, 36-01-11, subsection 5 of sections 37-03-05, 37-15-19, subsection 8 of sections 38-03-07, 43-01-06, 43-04-19, 43-10-08, 43-13-09, 43-17-12, subsection 2 of sections 43-19.1-10, 43-28-09, 43-32-11, subsection 2 of sections 43-36-09, 49-01-13, 50-06-13, 52-10-09, 53-01-08, subsection 7 of section 54-06-04, subsection 3 of section 54-10-01, subsection 12 of sections 54-11-01, 54-12-05, 54-17-06, 54-21-09, 54-36-06, 54-42-05, subsection 15 of section 54-44-04, subsection 16 of sections 54-44-04, 54-44.2-05, subsection 4 of sections 54-44.3-07, 54-46-11, subsection 4 of sections 54-49.1-04, 54-54-09, subsection 9 of sections 57-01-02, 61-03-04, and 65-13-18 of the North Dakota Century Code, relating to abolishing biennial reports and providing for annual reports from all officers, departments, boards, commissions, and state institutions with minimum uniform content.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |            |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V        | NAYS |
|                     |     | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI  | •    |
|                     |     | •    |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG    | •    |
|                     |     | •    |           | KRAUTER    | •    |      | NEIHING  | •    |                  | STRAND     | •    |
|                     |     | •    |           | LARSON     | •    |      | ORANGE   | •    |                  | STRINDEN   | •    |
|                     |     | •    |           | LASHKOWITZ | •    |      | PETERSON | •    |                  | TALLACKSON | •    |
|                     |     | •    |           | LEE        | •    |      | PIETRON  | •    |                  | TENNEFOS   | •    |
|                     |     | •    |           | LIPS       | •    |      | RAIT     | •    |                  | THANE      | •    |
|                     |     | •    |           | LODDEN     | •    |      | REDLIN   | •    |                  | VOSPER     | •    |
|                     |     | •    |           | MAHER      | •    |      | REITEN   | •    |                  | WALSH      | •    |
|                     |     | •    |           | MAU        | •    |      | SANDNESS | •    |                  | WENSTROM   | •    |





ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 35; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |     |                  |      |     |               |
|---------------------|-----|------|------|------------|------|------|-----|------------------|------|-----|---------------|
| REGULAR SESSION     |     |      |      | ROLL-CALL  |      |      |     | 1977 LEGISLATURE |      |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V | NAYS             | YEAS | N-V | NAYS          |
|                     |     |      |      | JACOBSON   |      |      |     | NAADEN           |      |     | SMYKOWSKI     |
|                     |     |      |      | JONES      |      |      |     | NELSON           |      |     | SOLBERG       |
|                     |     |      |      | KRAUTER    |      |      |     | NETHING          |      |     | STRAND        |
|                     |     |      |      | LARSON     |      |      |     | ORANGE           |      |     | STRINDEN      |
|                     |     |      |      | LASHKOWITZ |      |      |     | PETERSON         |      |     | TALLACKSON    |
|                     |     |      |      | LEE        |      |      |     | PIETRON          |      |     | TENNEFOS      |
|                     |     |      |      | LIPS       |      |      |     | RAIT             |      |     | THANE         |
|                     |     |      |      | LOODEN     |      |      |     | REDLIN           |      |     | VOSPER        |
|                     |     |      |      | MAHER      |      |      |     | REITEN           |      |     | WALSH         |
|                     |     |      |      | MAU        |      |      |     | SANDNESS         |      |     | WENSTROM      |
|                     |     |      |      | MELLAND    |      |      |     | SANDS            |      |     | WRIGHT        |
|                     |     |      |      | MILLER     |      |      |     | SCHIRADO         |      |     | MR. PRESIDENT |
|                     |     |      |      | MORGAN     |      |      |     | SHABLOW          |      |     |               |

Senate Bill No. 2266 was declared lost.

Senate Bill No. 2267. A Bill for an Act to authorize the state board of higher education to issue revenue bonds for the construction and improvement of parking lot facilities at the state school of science at Wahpeton, to provide for a student facility fee, and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 259) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |     |                  |      |     |               |
|---------------------|-----|------|------|------------|------|------|-----|------------------|------|-----|---------------|
| REGULAR SESSION     |     |      |      | ROLL-CALL  |      |      |     | 1977 LEGISLATURE |      |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V | NAYS             | YEAS | N-V | NAYS          |
|                     |     |      |      | JACOBSON   |      |      |     | NAADEN           |      |     | SMYKOWSKI     |
|                     |     |      |      | JONES      |      |      |     | NELSON           |      |     | SOLBERG       |
|                     |     |      |      | KRAUTER    |      |      |     | NETHING          |      |     | STRAND        |
|                     |     |      |      | LARSON     |      |      |     | ORANGE           |      |     | STRINDEN      |
|                     |     |      |      | LASHKOWITZ |      |      |     | PETERSON         |      |     | TALLACKSON    |
|                     |     |      |      | LEE        |      |      |     | PIETRON          |      |     | TENNEFOS      |
|                     |     |      |      | LIPS       |      |      |     | RAIT             |      |     | THANE         |
|                     |     |      |      | LOODEN     |      |      |     | REDLIN           |      |     | VOSPER        |
|                     |     |      |      | MAHER      |      |      |     | REITEN           |      |     | WALSH         |
|                     |     |      |      | MAU        |      |      |     | SANDNESS         |      |     | WENSTROM      |
|                     |     |      |      | MELLAND    |      |      |     | SANDS            |      |     | WRIGHT        |
|                     |     |      |      | MILLER     |      |      |     | SCHIRADO         |      |     | MR. PRESIDENT |
|                     |     |      |      | MORGAN     |      |      |     | SHABLOW          |      |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2271. A Bill for an Act requiring all public bodies to keep minutes that shall be, unless otherwise specifically provided by law, public records, and providing for the contents and deposit of these minutes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 36; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |     |                  |      |     |            |
|---------------------|-----|------|------|------------|------|------|-----|------------------|------|-----|------------|
| REGULAR SESSION     |     |      |      | ROLL-CALL  |      |      |     | 1977 LEGISLATURE |      |     |            |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V | NAYS             | YEAS | N-V | NAYS       |
|                     |     |      |      | JACOBSON   |      |      |     | NAADEN           |      |     | SMYKOWSKI  |
|                     |     |      |      | JONES      |      |      |     | NELSON           |      |     | SOLBERG    |
|                     |     |      |      | KRAUTER    |      |      |     | NETHING          |      |     | STRAND     |
|                     |     |      |      | LARSON     |      |      |     | ORANGE           |      |     | STRINDEN   |
|                     |     |      |      | LASHKOWITZ |      |      |     | PETERSON         |      |     | TALLACKSON |
|                     |     |      |      | LEE        |      |      |     | PIETRON          |      |     | TENNEFOS   |

|          |   |         |   |          |   |               |   |
|----------|---|---------|---|----------|---|---------------|---|
| FREED    | • | LIPS    | • | RAIT     | • | THANE         | • |
| FRITZELL | • | LODOEN  | • | REDLIN   | • | VOSPER        | • |
| GOODMAN  | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON   | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOPFNER  | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER   | • | MORGAN  | • | SHABLOW  | • |               |   |

Senate Bill No. 2271 was declared lost.

Senate Bill No. 2286. A Bill for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota Century Code, relating to the specific powers and duties of the board of higher education, and providing that no tenure shall be granted to faculty hired after January 1, 1977.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 24; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |     |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|-----|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL-CALL  |      |      |     | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •    |            |      | •    |     |                  | •    |               |      |
| •                   |     |      | •    | JACOBSON   | •    |      |     |                  | •    | SMYKOWSKI     | •    |
| •                   |     |      | •    | JONES      | •    |      |     |                  | •    | SOLBERG       | •    |
| •                   |     |      | •    | KRAUTER    | •    |      |     |                  | •    | STRAND        | •    |
| •                   |     |      | •    | LARSON     | •    |      |     |                  | •    | STRINDEN      | •    |
| •                   |     |      | •    | LASHKOWITZ | •    |      |     |                  | •    | TALLACKSON    | •    |
| •                   |     |      | •    | LEE        | •    |      |     |                  | •    | TENNEFOS      | •    |
| •                   |     |      | •    | LIPS       | •    |      |     |                  | •    | THANE         | •    |
| •                   |     |      | •    | LODOEN     | •    |      |     |                  | •    | VOSPER        | •    |
| •                   |     |      | •    | MAHER      | •    |      |     |                  | •    | WALSH         | •    |
| •                   |     |      | •    | MAU        | •    |      |     |                  | •    | WENSTROM      | •    |
| •                   |     |      | •    | MELLAND    | •    |      |     |                  | •    | WRIGHT        | •    |
| •                   |     |      | •    | MILLER     | •    |      |     |                  | •    | MR. PRESIDENT | •    |
| •                   |     |      | •    | MORGAN     | •    |      |     |                  | •    |               |      |
|                     |     |      |      |            |      |      |     |                  | •    | SCHIRADO      | •    |
|                     |     |      |      |            |      |      |     |                  | •    | SHABLOW       | •    |

Senate Bill No. 2286 was declared lost.

Senate Bill No. 2298. A Bill for an Act to create and enact a new subsection to section 12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 20; nays, 28; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |     |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|-----|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL-CALL  |      |      |     | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •    | JACOBSON   | •    |      |     |                  | •    | SMYKOWSKI     | •    |
| •                   |     |      | •    | JONES      | •    |      |     |                  | •    | SOLBERG       | •    |
| •                   |     |      | •    | KRAUTER    | •    |      |     |                  | •    | STRAND        | •    |
| •                   |     |      | •    | LARSON     | •    |      |     |                  | •    | STRINDEN      | •    |
| •                   |     |      | •    | LASHKOWITZ | •    |      |     |                  | •    | TALLACKSON    | •    |
| •                   |     |      | •    | LEE        | •    |      |     |                  | •    | TENNEFOS      | •    |
| •                   |     |      | •    | LIPS       | •    |      |     |                  | •    | THANE         | •    |
| •                   |     |      | •    | LODOEN     | •    |      |     |                  | •    | VOSPER        | •    |
| •                   |     |      | •    | MAHER      | •    |      |     |                  | •    | WALSH         | •    |
| •                   |     |      | •    | MAU        | •    |      |     |                  | •    | WENSTROM      | •    |
| •                   |     |      | •    | MELLAND    | •    |      |     |                  | •    | WRIGHT        | •    |
| •                   |     |      | •    | MILLER     | •    |      |     |                  | •    | MR. PRESIDENT | •    |
| •                   |     |      | •    | MORGAN     | •    |      |     |                  | •    |               |      |
|                     |     |      |      |            |      |      |     |                  | •    | SCHIRADO      | •    |
|                     |     |      |      |            |      |      |     |                  | •    | SHABLOW       | •    |

Senate Bill No. 2298 was declared lost.

Senate Bill No. 2314. A Bill for an Act to amend and reenact subsection 1 of section 15-53.1-11 of the North Dakota Century Code, relating to compensation for county committee members.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | •         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      | •         |     |      |                  |  |  |
| • BERUB         |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      | •         |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | •         |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      | •         |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | •         |     |      |                  |  |  |
| • FREED         |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      | •         |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      | •         |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      | •         |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      | •         |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      | •         |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      | •         |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |           |     |      |                  |  |  |

So the bill passed and the title was agreed to.  
 Senate Bill No. 2315. A Bill for an Act to amend and reenact section 15-38-03 of the North Dakota Century Code, relating to teacher's register in school districts.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | •         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      | •         |     |      |                  |  |  |
| • BERUB         |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      | •         |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | •         |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      | •         |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | •         |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      | •         |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      | •         |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      | •         |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      | •         |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      | •         |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      | •         |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |           |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**MESSAGE TO THE HOUSE**  
 Senate Chamber

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

- Senate Bill No. 2146
- Senate Bill No. 2171
- Senate Bill No. 2172
- Senate Bill No. 2174
- Senate Bill No. 2203
- Senate Bill No. 2205
- Senate Bill No. 2251

LEO LEIDHOLM, Secretary

**MESSAGES FROM THE HOUSE**  
 House Chamber

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

- House Bill No. 1031
- House Bill No. 1034

House Bill No. 1094  
House Bill No. 1171  
House Bill No. 1203  
House Bill No. 1135  
House Bill No. 1141  
House Bill No. 1184  
House Bill No. 1186  
House Bill No. 1211  
House Bill No. 1215  
House Bill No. 1238  
House Bill No. 1242  
House Bill No. 1243  
House Bill No. 1245  
House Bill No. 1256  
House Bill No. 1274

ROY GILBREATH, Chief Clerk  
House Chamber

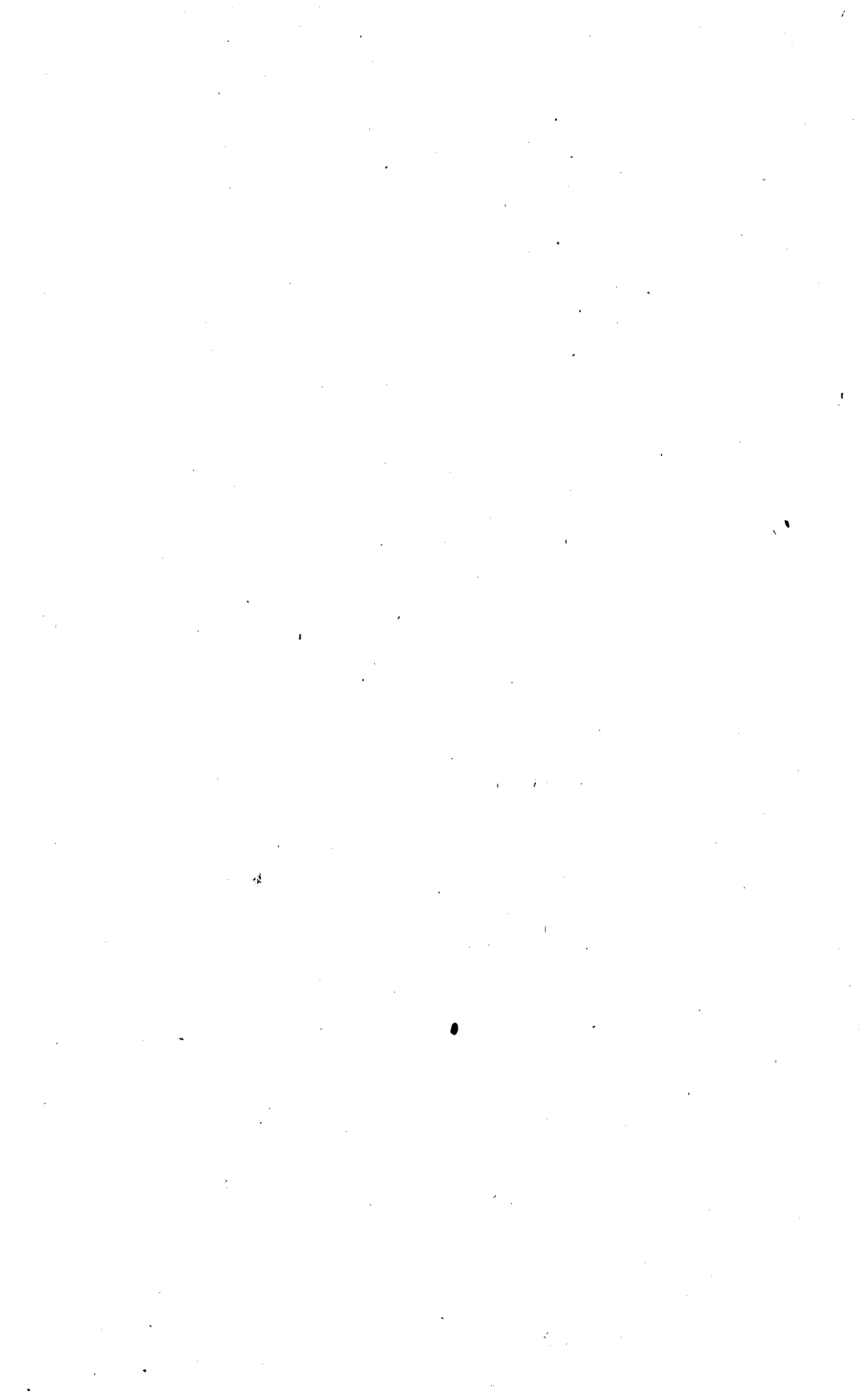
Mr. President: I have the honor to transmit herewith the following, which the House has passed and your favorable consideration is requested on:

House Concurrent Resolution No. 3032

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2045, 2070, 2125, 2167, 2246, 2259, 2270, 2277, 2290, 2310 and House Bills Nos. 1020, 1033, 1036, 1052, 1054, 1064, 1107 and 1117, the Senate recess until Friday, January 28, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## EIGHTEENTH DAY AFTER RECESS AND NINETEENTH DAY

Bismarck, January 28, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2045

Senate Bill No. 2206

Senate Bill No. 2277

Senate Bill No. 2278

Senate Bill No. 2290

Senate Bill No. 2304

Senate Bill No. 2310

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2017 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

Senate Bill No. 2017 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2101 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2101 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2104 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2104 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2179 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, after the word "such" insert the word "card"

On page 1, line 19, delete the word "Five" and insert in lieu thereof the word "One"

On page 1, line 20, after the word "card" delete the word "file"  
And renumber the lines and pages accordingly.  
And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2179 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2195 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

Senate Bill No. 2195 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2196 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, of the engrossed bill after "58-02-08" insert the following "and subsection 1 of section 53-02-01"

On page 1, line 3, after the word "dances" insert the following "and to the definition of a music festival"

On page 1, line 18, delete the word "may" and insert in lieu thereof the word "shall"

On page 2, after line 11, insert the following:

SECTION 2. AMENDMENT.) Subsection 1 of section 53-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A "music festival" shall mean a musical performance by one or more groups held out of doors, whether or not an admission fee is charged (((, except that it shall not include a musical performance sponsored by any educational, charitable, fraternal or religious nonprofit organizations))).

And renumber the subsections, pages, and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2196 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2221 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12, insert beginning triple parentheses before the word "and" and insert ending triple parentheses after the word "cancel"

On page 2, line 12, insert beginning triple parentheses before the word "and" and insert ending triple parentheses after the word "cancel"

On page 2, line 14, insert beginning triple parentheses before the word "and" and insert ending triple parentheses after the word "canceled"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2221 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2222 has had the same under consideration and recommends that the same be amended as follows:

On page 1, delete lines 8 through 10, and insert in lieu thereof the

following words: "person, partnership, or corporation shall engage in the business of buying, selling, or exchanging of semitrailers, or advertise or hold himself or itself out to the public as being in the business of buying, selling, or exchanging of semitrailers without first being licensed to do so as hereinafter provided."

On page 1, line 18, delete the word "persons", and insert in lieu thereof the word "those"

On page 1, line 19, following the word "who", insert the word "will", delete the comma, and delete the words "and an adequate"

On page 1, line 20, delete the words "service department, during the licensing year,"

On page 1, line 21, delete the comma and delete the words "and will"

On page 1, line 22, delete the words "obey the lawful orders of the motor vehicle registrar"

On page 2, line 1, following the word "dollars", insert the words "for each plate"

On page 2, line 2, following the word "for", insert the words "use on any"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2222 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2228 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2228 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2239 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2239 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2250 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

Senate Bill No. 2250 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2265 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2265 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1040 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1040 was placed on the 14th order of business on the calendar for the succeeding legislative day.



Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1123 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1123 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### MOTIONS

Senator Goodman moved that the Senate reconsider its action by which Senate Bill No. 2158 lost, which motion prevailed.

Senator Goodman moved that Senate Bill No. 2158 be placed below Senate Bill 2310 on the calendar, which motion prevailed.

Senator Lips moved that Senate Bill No. 2455 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Lips requested the unanimous consent of the Senate to withdraw Senate Bill No. 2455 There being no objection the request was granted, and Senate Bill No. 2455 was withdrawn.

Senator Redlin moved that Senate Bill No. 2400 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

Senator Redlin requested the unanimous consent of the Senate to withdraw Senate Bill No. 2400 There being no objection the request was granted, and Senate Bill No. 2400 was withdrawn.

#### RECOGNITION

President Sanstead announced that Miss Janet Klipfet of Ashley, North Dakota, Miss Dairy Princess of 1977 was in the Chamber. Senator Nething moved that a committee of one be appointed to escort Miss Klipfet to the rostrum. The motion prevailed and the President appointed Senator Naaden who escorted the Dairy Princess to the rostrum. Miss Klipfet was introduced to the members of the Senate and addressed the Assembly.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on Appropriations introduced:

**Senate Concurrent Resolution No. 4035.** A concurrent resolution urging the President and the Congress to retain and to continue the federal highway trust fund in its present status and role.

Was read the first time and referred to the committee on Transportation.

Senator Naaden introduced:

**Senate Concurrent Resolution No. 4036.** A concurrent resolution congratulating Mr. Lawrence Welk for his achievements and dedication to North Dakota.

Was read the first time.

Senator Naaden moved that the rules be suspended, that Senate Concurrent Resolution No. 4036 not be printed as a bill, not referred to a committee, but 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. 4036

Introduced by Senator Naaden.

- 1 A concurrent resolution congratulating Mr. Lawrence Welk for
- 2 his achievements and dedication to North Dakota.

4 WHEREAS, Lawrence Welk is a native son of North Dakota,  
 5 being born near Strasburg, North Dakota; and  
 6 WHEREAS, Lawrence Welk has achieved national recognition  
 7 for his career in music entertainment, and has appeared on  
 8 television for over twenty years; and  
 9 WHEREAS, Lawrence Welk has devoted substantial time to  
 10 charitable causes in North Dakota and nationwide; and  
 11 WHEREAS, Lawrence Welk credits his North Dakota  
 12 upbringing for teaching him the self-discipline and  
 13 perseverance needed in his career; and  
 14 WHEREAS, Lawrence Welk always remembers his home state in  
 15 his books and performances;  
 16 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF  
 16a THE STATE  
 17 OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
 17a CONCURRING  
 18 THEREIN:  
 19 That Mr. Lawrence Welk be commended for his life-long  
 20 devotion to music and to the state of North Dakota, and that in  
 21 all of his activities he carry with him the admiration and best  
 22 wishes of the North Dakota Legislative Assembly and the people  
 23 of North Dakota.

## Page 2

1 BE IT FURTHER RESOLVED, that a copy of this resolution be  
 2 forwarded by the Secretary of State to Mr. Lawrence Welk.

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Second Concurrent Resolution No. 4036

Was read the second time.

The question being on the final adoption of the resolution.

Senator Naaden moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution No. 4036 was adopted.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senators Naaden, Solberg, Berube, Lee introduced:

**Senate Concurrent Resolution No. 4037.** A concurrent resolution to withdraw North Dakota's ratification of the Equal Rights Amendment.

Was read the first time and referred to the committee on Judiciary.

Senators Hoffner, Nething, Reiten introduced:

**Senate Concurrent Resolution No. 4038.** A concurrent resolution offering a paean of praise to the press and declaring Thursday, February 10, 1977, as North Dakota Editors Day at the Forty-fifth Legislative Assembly, and welcoming Mr. Jack Landau, a distinguished journalist and Washington-based syndicated columnist, to North Dakota.

Was read the first time.

Senator Nething moved that the rules be suspended, that Senate Concurrent Resolution No. 4038 not be printed as a bill, not referred to a committee, but 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. 4038

Introduced by Senators Hoffner, Nething, Reiten.

- 1 A concurrent resolution offering a paean of praise to the press
- 2 and declaring Thursday, February 10, 1977, as North Dakota

3 Editors Day at the Forty-fifth Legislative Assembly, and  
 4 welcoming Mr. Jack Landau, a distinguished journalist and  
 5 Washington-based syndicated columnist, to North Dakota.

6  
 7 WHEREAS, Joseph Story, publisher of an early American  
 8 newspaper, the Salem Register, in 1802 had the following motto:  
 9 "Here shall the Press the People's right maintain,  
 10 Unaw'd by influence and unbrib'd by gain;  
 11 Here patriot Truth her glorious precepts draw,  
 12 Pledg'd to Religion; Liberty, and Law;" and

13 WHEREAS, this motto is appropriate for members of North  
 14 Dakota's distinguished Fourth Estate, the editors and reporters  
 15 of the state's daily, semiweekly, and weekly newspapers, who  
 16 are dedicated to informing North Dakotans and thus serve a  
 17 vital function in the democratic processes; and

18 WHEREAS, the North Dakota Legislative Assembly receives  
 19 thorough and complete coverage by the news media which enables  
 20 it to better fulfill its governmental functions and duties to  
 21 the citizens of North Dakota, and for which it is much  
 22 appreciative . . . really; and

23 WHEREAS, the North Dakota Newspaper Association, whose  
 24 president we are proud to note is Senator Steve Farrington, a

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1 member of this Legislative Assembly, and the North Dakota  
 2 professional chapter of Sigma Delta Chi, whose president is  
 3 Dick Dobson and his cigar, are sponsoring the biennial Editors  
 4 Day at the Legislature February 10, 1977; and

5 WHEREAS, the Editors Day banquet, to which members of the  
 6 Forty-fifth Legislative Assembly have been invited by members  
 7 of the press from their respective districts, will feature as  
 8 speaker Mr. Jack Landau, a Washington-based, nationally  
 9 syndicated reporter and columnist for the Chicago Daily News  
 10 who is also an attorney and chairman of the Reporters Committee  
 11 for Freedom of the Press;

12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF  
 12a THE STATE

13 OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
 13a CONCURRING

14 THEREIN:

15 That the Forty-fifth Legislative Assembly commends and  
 16 congratulates North Dakota's editors and reporters for their  
 17 continuing service to all North Dakota citizens, and declares  
 18 February 10, 1977, as Editors Day at the 1977 Legislative  
 19 Assembly; and

20 BE IT FURTHER RESOLVED, that the Forty-fifth Legislative  
 21 Assembly extends a hearty and sincere North Dakota welcome to  
 22 Mr. Jack Landau, and hopes that his stay in the state is  
 23 pleasant and enjoyable; and

24 BE IT FURTHER RESOLVED, that each senator and  
 25 representative make every effort to attend the banquet February  
 26 10, 1977, at the invitation of the North Dakota Newspaper  
 27 Association and Sigma Delta Chi; and

28 BE IT FURTHER RESOLVED, that the Secretary of State send

29 copies of this resolution to the national and North Dakota  
 30 Presidents of Sigma Delta Chi; to the President of the North  
 31 Dakota Newspaper Association; to Mr. Jack Landau; to Dr. Vern  
 32 Keel, Chairman, Journalism Department, University of North  
 33 Dakota; to Professor Al Austin, UND Journalism Department; and  
 34 to Mr. Gene Carr, Executive Vice President, North Dakota  
 35 Newspaper Association.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

**Senate Concurrent Resolution No. 4038.** A concurrent resolution offering a paean of praise to the press and declaring Thursday, February 10, 1977, as North Dakota Editors Day at the Forty-fifth Legislative Assembly, and welcoming Mr. Jack Landau, a distinguished journalist and Washington-based syndicated columnist, to North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Nothing moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution No. 4038 was adopted.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Introduced by Senator Wright:

**Senate Concurrent Resolution No. 4039.** A concurrent resolution congratulating the city of Stanley on its upcoming Seventy-fifth Anniversary celebration.

Was read the first time.

Senator Wright moved that the rules be suspended, that Senate Resolution No. 4039 not be printed as a bill, not referred to a committee, but 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. 4039**

Introduced by Senator Wright.

1 A concurrent resolution congratulating the city of Stanley on  
 2 its upcoming Seventy-fifth Anniversary celebration.

3

4 WHEREAS, the city of Stanley, the jewel of Mountrail  
 5 County, will celebrate its Seventy-fifth Anniversary July 15-  
 6 17, 1977; and

7 WHEREAS, this wonderful northwestern North Dakota city  
 8 serves as the county seat; and

9 WHEREAS, Stanley's approximate population of 1,785 will  
 10 no doubt expand considerably during the celebration when  
 11 Stanley High School holds its first complete alumni reunion for  
 12 all its graduates and when the city stages various rodeos,  
 13 parades, dances, and so forth; and

14 WHEREAS, Stanley's mayor for the past eight years is none  
 15 other than Senator Stanley Wright, a member of this Legislative  
 16 Assembly;

17 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF  
 17a THE STATE

18 OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES  
 18a CONCURRING

19 THEREIN:

20 That the Forty-fifth Legislative Assembly extend its  
 21 sincere congratulations and best wishes to the jewel of  
 22 Mountrail County, the city of Stanley, upon the upcoming  
 23 celebration of its Seventy-fifth Anniversary; and

Page 2

1 BE IT FURTHER RESOLVED, that the Secretary of State send  
2 copies of this resolution to the Stanley City Council and to  
3 the Stanley High School Library.

**SECOND READING OF A SENATE CONCURRENT RESOLUTION**  
**Senate Concurrent Resolution No. 4039.** A concurrent resolution  
congratulating the city of Stanley on its upcoming Seventy-fifth  
Anniversary celebration.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Wright moved that the resolution be adopted, which motion  
prevailed and Senate Concurrent Resolution No. 4039 was adopted.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Senator Morgan introduced:

**Senate Concurrent Resolution No. 4040.** A concurrent resolution urging  
Congress to require the United States Fish and Wildlife Service to  
enhance lands acquired for wildlife purposes with woody plantings and  
utilize other soil and water conservation practices, including the control  
of noxious weeds.

Was read the first time and referred to the committee on Agriculture.

Senator Melland introduced:

**Senate Concurrent Resolution No. 4041.** A concurrent resolution urging  
Congress and the President to permit states to have flexibility in  
establishing standards and solving local problems.

Was read the first time and referred to the committee on State and  
Federal Government.

Senator Naaden introduced:

**Senate Concurrent Resolution No. 4042.** A concurrent resolution urging  
the North Dakota Wheat Commission and the United States Congress to  
impose a ban on the shortselling of futures contracts for agricultural  
commodities.

Was read the first time and referred to the committee on Agriculture.

Senator Naaden introduced:

**Senate Concurrent Resolution No. 4043.** A concurrent resolution urging  
the Congress of the United States to exercise its power, granted under  
Section 2 of Article 3 of the United States Constitution, to limit the  
jurisdiction of the United States Supreme Court and to amend Section 242  
of Title 18 of the United States Code to prevent deprivation of rights under  
color of law.

Was read the first time and referred to the committee on Judiciary.

Senators Shablow, Sands introduced:

**Senate Concurrent Resolution No. 4044.** A concurrent resolution urging  
the State Department of Health to exercise discretion in requiring small  
communities to meet the criteria for solid waste management  
established in Chapter 23-29 of the North Dakota Century Code.

Was read the first time and referred to the committee on Social Welfare  
and Veterans Affairs.

Senator Walsh introduced:

**Senate Concurrent Resolution No. 4045.** A concurrent resolution urging  
the North Dakota Mill and Elevator and the Industrial Commission to  
conduct marketing research regarding the production and sale of  
gasohol.

Was read the first time and referred to the committee on Agriculture.

Senators Barth, Wenstrom introduced:

**Senate Concurrent Resolution No. 4046.** A concurrent resolution relating to recognition of and cooperation with a study being conducted by the North Dakota State University Community and Regional Planning Program, at the request of the North Dakota Indian Affairs Commission, concerning the distribution of county motor vehicle tax moneys for North Dakota reservation county roads.

Was read the first time and referred to the committee on State and Federal Government.

Senators Mau, Lashkowitz, Orange, Sands introduced:

**Senate Concurrent Resolution No. 4047.** A concurrent resolution urging and encouraging the State Board of Higher Education and all political subdivisions to make buildings under their control accessible to and usable by the physically handicapped with all possible dispatch.

Was read the first time and referred to the committee on State and Federal Government.

Senators Maher, Hoffner, Berube introduced:

**Senate Concurrent Resolution No. 4048.** A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and urging the Congress and the President of the United States to exercise responsibility and authority in resolving them.

Was read the first time and referred to the committee on State and Federal Government.

Senator Tennesos introduced:

**Senate Concurrent Resolution No. 4049.** A concurrent resolution urging Congress to retain Section 14(b) of the Taft-Hartley Act.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Vosper introduced:

**Senate Concurrent Resolution No. 4050.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the Pembilier Dam Project.

Was read the first time and referred to the committee on Natural Resources.

Senators Lashkowitz, Schirado introduced:

**Senate Concurrent Resolution No. 4051.** A concurrent resolution for the amendment of subsections 2 and 7 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the qualifications and appointment of members of the State Board of Higher Education and the method of selection of the State Commissioner of Higher Education.

Was read the first time and referred to the committee on Education.

Senators Strinden, Redlin introduced:

**Senate Concurrent Resolution No. 4052.** A concurrent resolution urging federally authorized lending agencies to provide financial information to state authorities.

Was read the first time and referred to the committee on State and Federal Government.

#### FIRST READING OF A SENATE RESOLUTION

Senator Strinden introduced:

**Senate Resolution No. 7.** A resolution commending Arthur A. Herk of Fingal for his long service as Assistant Secretary of the North Dakota Senate.

Was read the first time.

Senator Strinden moved that the rules be suspended, that Senate Resolution No. 7 not be printed as a bill, not referred to a committee, but 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. 7

Introduced by Senator Strinden.

1 A resolution commending Arthur A. Herk of Fingal for his long  
2 service as Assistant Secretary of the North Dakota Senate.

3

4 BE IT RESOLVED BY THE SENATE OF THE  
5 FORTY-FIFTH LEGISLATIVE ASSEMBLY:

6

7 WHEREAS, he went through a lot of hell in serving the  
8 North Dakota Senate well;

9 Listening to speeches drone and bore and watching  
10 lobbyists roam the floor; and

11 WHEREAS, he watched occasional Senate fights patched up  
12 with several drinks at night; and

13 WHEREAS, he observed emotions rise and swell as sessions  
14 neared the final bell;

15 He recalled that day in forty-three when a Senate Bill  
16 Clerk he came to be;

17 Little did he know at that point in life the Senate was  
18 to become his second wife;

19 Through fights and skirmishes, thick and thin, he still  
20 loved all that maddening din;

21 But thirty-two years of toil and strife is enough to take  
22 in any one life;

23 Through seventeen sessions he kept his cool, but Art Herk  
24 of Fingal is no one's fool;

Page 2

1 As assistant secretary he served so well, but after  
2 session last he said the hell;

3 I've had enough, it's time to go; I've better things to  
4 do than hear them blow;

5 We'll miss you Art but we understand; the North Dakota  
6 Senate gives you a hand.

7 BE IT FURTHER RESOLVED, that the Secretary of the Senate  
8 is hereby directed to send a copy of this resolution to good  
9 ol' Art Herk.

SECOND READING OF A SENATE RESOLUTION

Senate Resolution No. 7. A resolution commending Arthur A. Herk of Fingal for his long service as Assistant Secretary of the North Dakota Senate.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Strinden moved that the resolution be adopted, which motion prevailed and Senate Resolution No. 7 was adopted.

FIRST READING OF HOUSE BILLS

House Bill No. 1031. A Bill for an Act to authorize postsecondary educational institutions to operate in North Dakota; providing definitions, exemptions, powers and duties, minimum standards,

prohibitions, refund of tuition fees, negotiation of promissory instruments, cancellation of contracts for instruction, treble damage remedies for defrauded students, board review, civil and criminal penalties, court jurisdiction and process, and enforcement; and to repeal chapter 15-50 of the North Dakota Century Code, relating to licensure of private trade, industrial, vocational, technical, business, and correspondence schools.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1034.** A Bill for an Act to amend and reenact section 49-02-01 of the North Dakota Century Code, relating to public service commission jurisdiction over public utilities.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1094.** A Bill for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to inquiry into the conditions of children born out of wedlock and authorizing the provision of protective services.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1135.** Transfer From Mill and Elevator — A Bill for an Act to transfer moneys from the accumulated and undivided profits of the North Dakota Mill and Elevator Association to the general fund of the state.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1141.** A Bill for an Act to amend and reenact section 39-06.1-03 of the North Dakota Century Code, relating to administrative hearings for traffic offenses.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1171.** A Bill for an Act to amend and reenact section 54-24-09 of the North Dakota Century Code, relating to the distribution of state publications.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1184.** A Bill for an Act to amend section 54-52-25 of the North Dakota Century Code, relating to the limitation of powers.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1186.** A Bill for an Act to amend and reenact subsection 2 of section 39-24-08 of the North Dakota Century Code, relating to the regulation and use of snowmobiles upon the state highways; and declaring an emergency.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1203.** A Bill for an Act to create and enact section 43-23-06.1 of the North Dakota Century Code and to repeal section 43-23-06 of the North Dakota Century Code, all relating to the definition of real estate brokers, mortgage brokers, and salesman.

Which was read the first time and referred to the Committee on Industry, Business and Labor.



**House Bill No. 1211.** A Bill for an Act to amend and reenact subsection 1 of section 12.1-21-02 of the North Dakota Century Code, relating to the crime of endangering by fire or explosion.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1215.** A Bill for an Act to amend and reenact section 57-50-03 of the North Dakota Century Code, relating to the filing time for the refund of motor fuel tax.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1238.** A Bill for an Act to amend and reenact sections 5-02-03 and 5-02-04 of the North Dakota Century Code, relating to establishing exclusive on sale alcoholic beverage licenses and fees therefor.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1242.** A Bill for an Act to amend and reenact section 5-02-06 of the NDCC, relating to permitting a person under twenty-one years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1243.** A Bill for an Act to create and enact a new section to chapter 12-55 of the North Dakota Century Code, relating to confidentiality of pardon board records and disclosure to certain persons and under certain conditions.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1245.** A Bill for an Act to amend and reenact section 39-20-14 of the North Dakota Century Code, relating to chemical screening tests.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1256.** A Bill for an Act authorizing an easement over certain property of the state of North Dakota to the city of Bismarck for the construction and maintenance of a street and the reversion thereof in the event of nonuse.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1274.** A Bill for an Act to authorize the board of higher education to deed property to the city of Wahpeton for use as a fire station.

Which was read the first time and referred to the Committee on State and Federal Government.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3032.** A concurrent resolution to create special Garrison diversion legislative oversight committee to review matters concerning Garrison diversion through the upcoming interim and to represent legislative interests in the Garrison diversion project, and asking that the Legislative Council budget be increased to cover any expenses this committee might incur.

Which was read the first time and referred to the Committee on Natural Resources.

Senator Nothing moved that the rules be suspended, that House Concurrent Resolution No. 3032, as printed on pages 381 and 382 of the House Journal be read in its entirety and placed on the calendar for second reading and final passage, which motion prevailed.

**SECOND READING OF A HOUSE CONCURRENT RESOLUTION**  
**House Concurrent Resolution No. 3032.** A concurrent resolution to create special Garrison diversion legislative oversight committee to review matters concerning Garrison diversion through the upcoming interim and to represent legislative interests in the Garrison diversion project, and asking that the Legislative Council budget be increased to cover any expenses this committee might incur.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution.

The roll was called and there were 45 ayes; 0 nays; absent and not voting, 5.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |          |      | 1977 LEGISLATURE |               |      |
|-----------------|-----|------|---------------------|------------|------|------|----------|------|------------------|---------------|------|
|                 |     |      | ROLL CALL           |            |      |      |          |      |                  |               |      |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •               |     |      | •                   |            |      | •    |          |      | •                |               |      |
| •               |     |      | •                   | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •               |     |      | •                   | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •               |     |      | •                   | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •               |     |      | •                   | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •               |     |      | •                   | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •               |     |      | •                   | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •               |     |      | •                   | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •               |     |      | •                   | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •               |     |      | •                   | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •               |     |      | •                   | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •               |     |      | •                   | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •               |     |      | •                   | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •               |     |      | •                   | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

House Concurrent Resolution No. 3032 was adopted.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2045.** A Bill for an Act to prohibit discrimination in employment because of race, color, religion, national origin, sex, age, or marital status; and providing a penalty.

Which has been read (amended, SJ page 281).

Senator Jones moved that Senate Bill 2045 be amended as follows:

On page 6, line 33 of the engrossed bill, delete the first word "of" and insert in lieu thereof the word "or"

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

Senator Jones moved that the rules be suspended that Senate Bill 2045 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

**Senate Bill No. 2045.** A Bill for an Act to prohibit discrimination in employment because of race, color, religion, national origin, sex, age, or marital status; and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 281) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •    |            |      | •         |          |      | •                |               |      |
| •                   |     |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •         | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •         | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •         | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •         | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •    | LODOEN     |      | •         | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •         | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •         | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •         | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •         | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2070.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 25-02-05 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, to amend section 25-02-18 of the North Dakota Century Code, relating to the liability of certain officers in mental health cases, to amend subsection 1 of section 25-04-05.1 of the North Dakota Century Code, relating to the Grafton state school superintendent's authority to indefinitely transfer and commit persons to certain state institutions, and to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-01-02 and 25-01-02.1 of the North Dakota Century Code, relating to transfer of inmates between state institutions and the powers and duties of the health council regarding release of individuals from the state hospital, to repeal sections 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, and 25-02-17 of the North Dakota Century Code, relating to the establishment, powers, duties, and authority of county mental health boards, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |     |      |      | JACOBSON   |      |           | NAADEN   |      |                  | SMYKOWSKI     |      |
|                     |     |      |      | JONES      |      |           | NELSON   |      |                  | SOLBERG       |      |
|                     |     |      |      | KRAUTER    |      |           | NETHING  |      |                  | STRAND        |      |
|                     |     |      |      | LARSON     |      |           | ORANGE   |      |                  | STRINDEN      |      |
|                     |     |      |      | LASHKOWITZ |      |           | PETERSON |      |                  | TALLACKSON    |      |
|                     |     |      |      | LEE        |      |           | PIETRON  |      |                  | TENNEFOS      |      |
|                     |     |      |      | LIPS       |      |           | RAIT     |      |                  | THANE         |      |
|                     |     |      |      | LODOEN     |      |           | REDLIN   |      |                  | VOSPER        |      |
|                     |     |      |      | MAHER      |      |           | REITEN   |      |                  | WALSH         |      |
|                     |     |      |      | MAU        |      |           | SANDNESS |      |                  | WENSTROM      |      |
|                     |     |      |      | MELLAND    |      |           | SANDS    |      |                  | WRIGHT        |      |
|                     |     |      |      | MILLER     |      |           | SCHIRADO |      |                  | MR. PRESIDENT |      |
|                     |     |      |      | MORGAN     |      |           | SHABLOW  |      |                  |               |      |

Senate Bill No. 2070 was declared lost.

**Senate Bill No. 2125.** A Bill for an Act making an appropriation to the public service commission for coal mine reclamation research contracts.





**REVISION AND CORRECTION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Seventeenth day after recess and Eighteenth day and recommends that the same be corrected as follows: On page 301, line 12, after Appropriations, insert "which motion prevailed"

And when so corrected recommends that the same be approved.

**SENATOR VOSPER, Chairman**

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

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2259.** A Bill for an Act to create and enact a new subsection to section 4-27-03 of the North Dakota Century Code, providing a definition for gross receipts; and to amend and reenact sections 4-27-04 and 4-27-06 of the North Dakota Century Code, relating to the composition of the dairy products promotion commission, and the assessments to be levied for the commission fund.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •    |            |      | •         |          |      | •                |               |      |
| •                   |     |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •         | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •         | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •         | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •         | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •    | LODOEN     |      | •         | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •         | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •         | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •         | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •         | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2270.** A Bill for an Act to require disclosure of the unit price of specified consumer commodities, to require the disclosure of the total price of such commodities, to specify the means of such disclosure, to restrict the advertising of such commodities, to delegate specific powers to the director of the state laboratories department in furtherance of the purposes of this Act; and to provide a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 41; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |            |      |           |          |      |                  |            |      |
|---------------------|-----|------|------|------------|------|-----------|----------|------|------------------|------------|------|
| REGULAR SESSION     |     |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V        | NAYS |
|                     |     |      |      |            |      |           |          |      |                  |            |      |
|                     |     |      |      | JACOBSON   |      |           | NAADEN   |      |                  | SMYKOWSKI  |      |
|                     |     |      |      | JONES      |      |           | NELSON   |      |                  | SOLBERG    |      |
|                     |     |      |      | KRAUTER    |      |           | NETHING  |      |                  | STRAND     |      |
|                     |     |      |      | LARSON     |      |           | ORANGE   |      |                  | STRINDEN   |      |
|                     |     |      |      | LASHKOWITZ |      |           | PETERSON |      |                  | TALLACKSON |      |
|                     |     |      |      | LEE        |      |           | PIETRON  |      |                  | TENNEFOS   |      |
|                     |     |      |      | LIPS       |      |           | RAIT     |      |                  | THANE      |      |
|                     |     |      |      | LODOEN     |      |           | REDLIN   |      |                  | VOSPER     |      |
|                     |     |      |      | MAHER      |      |           | REITEN   |      |                  | WALSH      |      |
|                     |     |      |      | MAU        |      |           | SANDNESS |      |                  | WENSTROM   |      |

|          |         |          |               |
|----------|---------|----------|---------------|
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

Senate Bill No. 2270 was declared lost.

**PERSONAL PRIVILEGE**

Senator Holmberg: Mr. President, I rise on a point of personal privilege. Mr. President, members of the Senate:

We've all heard the statement "the idea was good, but the bill was bad."

A bill is no more than a vehicle with which an idea is transformed into legislation. If the vehicle is faulty, and consequently the bill fails, it does not necessarily follow that the idea behind the bill was bad.

This bill on unit pricing is a case in point. I voted for the bill because I believe in the concept of unit pricing. The bill was not perfect. It had some faults.

I would strongly urge the proponents of unit pricing not to give up. The question they face is how to establish unit pricing in North Dakota in the face of the vote taken here today.

Let me offer a suggestion. I want you, ladies and gentlemen of the Senate, to keep in mind that the retail grocer of today is in a very competitive market and that grocer is keenly aware of this market. I suggest that the proponents of unit pricing work cooperatively with the retailers to set up some pilot projects in which you introduce unit pricing. If the assumptions of consumer interest are correct, and I think they are, it should become an easy matter to convince the retailer, with statistics gathered in his own store, that he or she should adopt a total program of unit pricing.

What happens if the retailers don't cooperate in any way. If that is the case then I urge you to bring that information to the next legislature. For their consieration.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2277. A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to lease security deposits on real property and dwellings; the return of such deposits with interest upon termination of a lease; deposit amounts which may be withheld by a lessor and conditions under which amounts may be withheld; recovery by a lessee for wrongful withholding of security deposits; providing for transfer of security deposits upon a change of ownership; and binding the lessor holding the lease at the time of termination to return the security deposit.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 282, 283) the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |            |      |                  |          |      |      |     |            |
|---------------------|-----|------|------|------------|------|------------------|----------|------|------|-----|------------|
| REGULAR SESSION     |     |      |      |            |      | 1977 LEGISLATURE |          |      |      |     |            |
| ROLL CALL           |     |      |      |            |      |                  |          |      |      |     |            |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS       |
| •                   |     |      |      | •          |      |                  |          |      |      |     | •          |
| •                   |     |      | •    | JACOBSON   |      | •                | NAADEN   |      | •    |     | SMYKOWSKI  |
| •                   |     |      | •    | JONES      |      | •                | NELSON   |      | •    |     | SOLBERG    |
| •                   |     |      | •    | KRAUTER    |      | •                | NETHING  |      | •    |     | STRAND     |
| •                   |     | •    | •    | LARSON     |      | •                | ORANGE   |      | •    |     | STRINDEN   |
| •                   |     |      | •    | LASHKOWITZ |      | •                | PETERSON |      | •    |     | TALLACKSON |
| •                   |     |      | •    | LEE        |      | •                | PIETRON  |      | •    |     | TENNEFOS   |
| •                   |     |      | •    | LIPS       |      | •                | RAIT     |      | •    |     | THANE      |
| •                   |     |      | •    | LODOEN     |      | •                | REDLIN   |      | •    |     | VOSPER     |
| •                   |     |      | •    | MAHER      |      | •                | RITTFN   |      | •    |     | WALSH      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2290. A Bill for an Act to provide for the office of the governor to coordinate and plan executive branch conversion to the metric system.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 283, 284) the roll was called and there were ayes, 36; nays, 12; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |          |     |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|----------|-----|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |          |     |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   | •    | NAADEN   | •   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      | •    | NELSON   | •   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    | •    | NETHING  | •   |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     | •    | ORANGE   | •   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | PETERSON | •   |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LIPS       | •    | PIETRON  | •   |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LODOEN     | •    | RAIT     | •   |      | •                | THANE         |      |
| •                   |     |      | •         | MAHER      | •    | REDLIN   | •   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAU        | •    | REITEN   | •   |      | •                | WALSH         |      |
| •                   |     |      | •         | MELLAND    | •    | SANDNESS | •   |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MILLER     | •    | SANDS    | •   |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MORGAN     | •    | SCHIRADO | •   |      | •                | MR. PRESIDENT |      |
|                     |     |      |           |            | •    | SHABLOW  |     |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2310. A Bill for an Act to create and enact a new subsection to section 57-39.2-04, to create and enact a new subdivision to subsection 9 of section 57-40.2-01, and to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code; to amend and reenact subsection 3 of section 57-39.2-01 of the North Dakota Century Code, relating to sales or use tax on rented or leased tangible personal property; and to provide an effective date; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 284-286) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |          |     |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|----------|-----|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |          |     |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   | •    | NAADEN   | •   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      | •    | NELSON   | •   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    | •    | NETHING  | •   |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     | •    | ORANGE   | •   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | PETERSON | •   |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LIPS       | •    | PIETRON  | •   |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LODOEN     | •    | RAIT     | •   |      | •                | THANE         |      |
| •                   |     |      | •         | MAHER      | •    | REDLIN   | •   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAU        | •    | REITEN   | •   |      | •                | WALSH         |      |
| •                   |     |      | •         | MELLAND    | •    | SANDNESS | •   |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MILLER     | •    | SANDS    | •   |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MORGAN     | •    | SCHIRADO | •   |      | •                | MR. PRESIDENT |      |
|                     |     |      |           |            | •    | SHABLOW  |     |      |                  |               |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Nothing moved that Senate Bill No. 2310 be re-printed, which motion prevailed.





01-08 of the North Dakota Century Code, relating to the appointment of examiners by the public service commission.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 286) the roll was called and there were ayes, 42; nays, 0; absent and not voting, 8.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON     |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | JONES        |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1036. A Bill for an Act to authorize the public service commission to assess a civil penalty against any person subject to the commission's authority.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 286) the roll was called and there were ayes, 37; nays, 7; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON     |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | JONES        |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1039. A Bill for an Act to amend and reenact section 49-04-05 of the North Dakota Century Code, relating to the consent of the public service commission to dispose of or encumber public utility franchises, works, or systems.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |           |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|-----------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON  |     |      | • NAADEN |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | JONES     |     |      | • NELSON |     |      | • SOLBERG        |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1051.** A Bill for an Act to create and enact a new section to chapter 40-21 of the North Dakota Century Code, relating to the establishment of polling places for municipal elections; and to repeal section 16-09-04.1 of the North Dakota Century Code, relating to the establishment of polling places for municipal elections.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      |              |     |      |            |     |      | ROLL CALL       |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|-----------------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS            | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI     |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG       |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND        |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN      |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON    |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS      |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE         |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER        |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH         |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM      |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT        |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                 |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**House Bill No. 1052.** A Bill for an Act to amend and reenact subsection 2 of section 27-20-10 of the North Dakota Century Code, relating to the period of supervision allowed under informal adjustment for a juvenile.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 287) the roll was called and there were ayes, 44; nays, 0; absent and not voting, 6.

| REGULAR SESSION |     |      |              |     |      |            |     |      | ROLL CALL       |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|-----------------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS            | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI     |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG       |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND        |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN      |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON    |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS      |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE         |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER        |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH         |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM      |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT        |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                 |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**House Bill No. 1054.** A Bill for an Act to amend and reenact subsection 1 of section 27-20-22 and section 27-20-24 of the North Dakota Century Code,



### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3035.** A concurrent resolution designating an official North Dakota State High School Hockey Flag.

Was read the first time.

Senator Goodman moved that the rules be suspended, that House Concurrent Resolution No. 3035 as printed on pages 383, 384 of the House Journal be placed on the calendar for second reading and final passage, which motion prevailed.

### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3035.** A concurrent resolution designating an official North Dakota State High School Hockey Flag.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Goodman moved that the resolution be adopted, which motion prevailed, and House Concurrent Resolution No. 3035 was adopted.

### PERSONAL PRIVILEGE

Senator Strinden: Mr. President, I rise on a point of personal privilege. There's a copy of the tenure as established by the Board of Higher Education on each of your desks and, inasmuch as we had apparent interest in this with a 24-24 tie, I'd like to go into some of the objections and some of the problems we have. Under Section E of Termination, Section 1 is excellent. I believe that the Board had adopted Section 1 only we would have no cause for alarm or problem. But we go to termination of an appointment with tenure and you all have it, it could be based upon demonstrable financial existency, loss of legislative appropriation, loss of enrollment, consolidation of a farm appropriations and eliminations of courses as such, and that is excellent.

But then we go down to Section 2 and here an administrator has to give 12 months prior notice. This makes it almost impossible to terminate a members appointment during the first and second school year, because if it would happen in mid-term, you would be through the next mid-term before anything could take place.

In Section 3, in addition, the institution shall insure that fair consideration is given to the faculty member during the period of the terminable appointment for any vacant academic position in the institution. Well, here again, in most cases if termination is necessary it is probably due to the fact that the person involved may not be suitable to the institution to the course of study therein; so that makes it almost impossible.

Under Section 4, a position terminated under this section will not be filled with a replacement within two years unless the released faculty member has been offered an appointment with tenure and a reasonable time some place else. This again, makes it impossible for an administrator to switch instructors to take care of the course of study that he may have. So according to the present tenure system that we are using, it could take from three to four years to institute proceedings against an instructor. It also leaves the way open for legal recourse and long lasting litigation. So I did bring it to your attention, Members of the Senate, and I do hope that the Board of Higher Education will rewrite their termination contract or notification. The issue was closed, but I did want to bring this to your attention. Thank you, Mr. President and Members of the Senate, for your time.

MESSAGES TO THE HOUSE  
Senate Chamber

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

Senate Bill No. 2046  
Senate Bill No. 2117  
Senate Bill No. 2215  
Senate Bill No. 2216  
Senate Bill No. 2217  
Senate Bill No. 2225  
Senate Bill No. 2237  
Senate Bill No. 2281  
Senate Bill No. 2289  
Senate Concurrent Resolution No. 4036  
Senate Concurrent Resolution No. 4038  
Senate Concurrent Resolution No. 4039

LEO LEIDHOLM, Secretary  
Senate Chamber

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

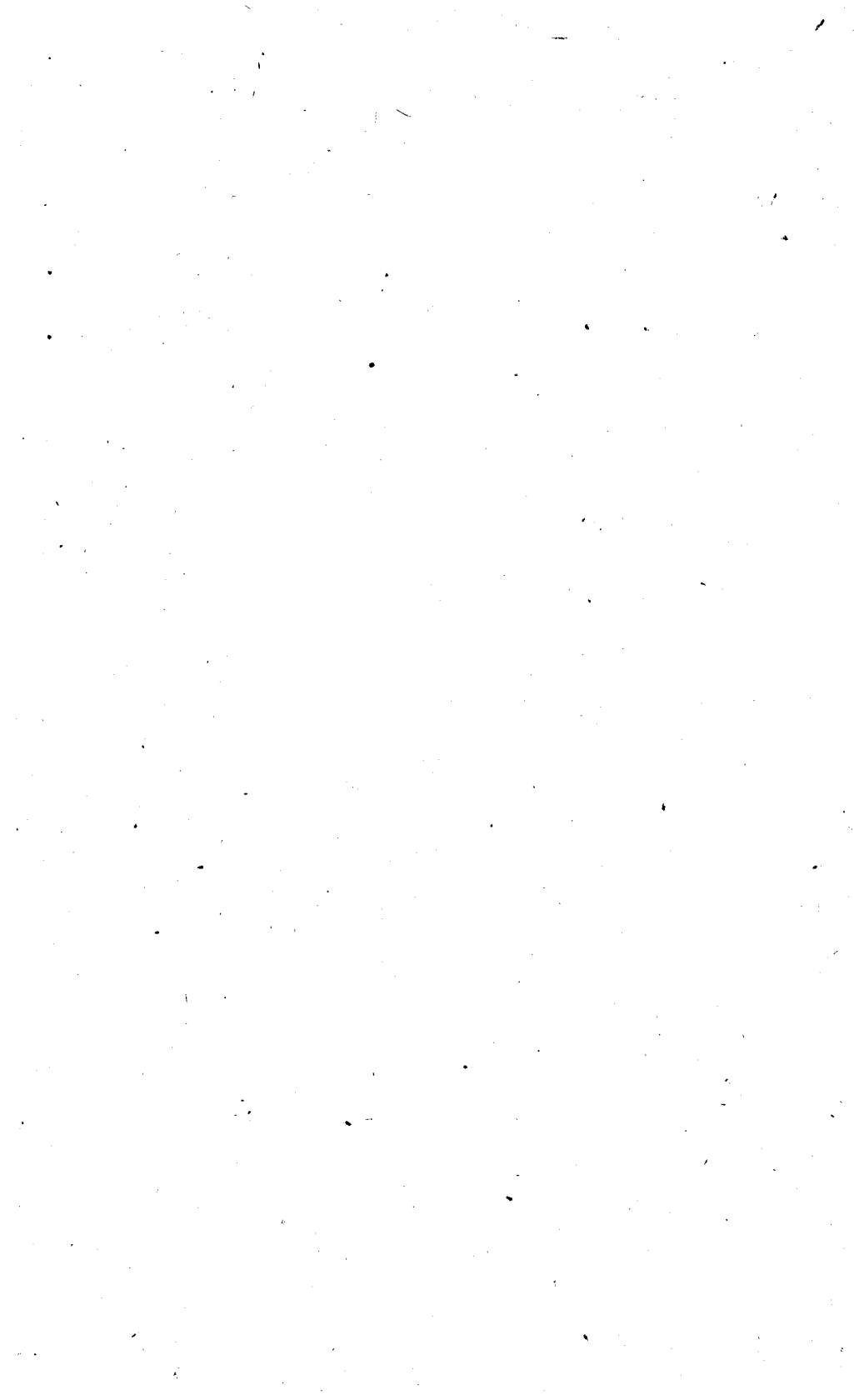
House Concurrent Resolution No. 3032

LEO LEIDHOLM, Secretary

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

Senator Nething moved that after the reading of Senate Bills Nos. 2017, 2101, 2104, 2195, 2228, 2239, 2250, 2265, and House Bills Nos. 1040 and 1123, the Senate stand adjourned until Monday, January 31, 1977, at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## TWENTIETH DAY

Bismarck, January 31, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

Prayer was offered by Delmar F. Becker, Inter-denominational pastor, Mandan.

"Heavenly Father, we thank Thee that Thou hast granted us access into Thy presence; that, though Thou art holy, and the veil of sin stood between us and Thee, though among us there is none righteous, no not one, Thou didst in amazing Grace send Thy Son to take away that veil, when He Himself became sin for us and bore our penalty on the cross. Now, as we trust in Thee, all we think and do and plan is in the light of this, and to glorify Thy Name, because we serve not ourselves first, nor our constituents, but THEE.

Lord, here in these chambers Thou hast given us important work to do. Keep us ever mindful that this work is to be done only to glorify Thee, and let us act accordingly. Some issues before us may seem to be quite clear-cut and easy to determine because of the practicality, the moral rightness of their nature. In these, and especially in those that do not seem to be so clear, give wisdom and guidance, Lord, that we may do Thy Will in them. We recognize what Thou hast told us in Thy Word: "It is not in man to direct his steps." So, Lord, please do Thou direct us. More to the point, Lord, give us ears and hearts attuned to Thee, so that we will hear and know Thy Will, and purpose in our hearts to carry it out.

In Jesus' Name, Amen"

The roll was called and all Senators were present except Freed, Hoffner and Nothing.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL.

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Eighteenth day after recess and Nineteenth day and recommends that the same be corrected as follows:

On page 326, line 30, delete "on" and insert in lieu thereof "no"

On page 340, line 42, delete "relief" and insert in lieu thereof "released"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2007 has had the same under consideration and recommends that the same be amended as follows:



On page 1, line 18, delete the numerals "3,744,287" and insert in lieu thereof the numerals "3,893,707"

On page 1, line 20, delete the numerals "44,000" and insert in lieu thereof the numerals "50,000"

On page 1 delete all of line 21

On page 1, line 22, delete the numerals "381,632" and insert in lieu thereof the numerals "393,632"

On page 2, line 3, delete the numerals "5,065,225" and insert in lieu thereof the numerals "5,194,086"

On page 2, line 5, delete the numerals "5,057,872" and insert in lieu thereof the numerals "5,186,733"

On page 2 delete all of line 9

On page 2, line 13, delete the numerals "239,902" and insert in lieu thereof the numerals "238,946"

On page 2, line 15, delete the numerals "59,975" and insert in lieu thereof the numerals "59,019"

On page 2 delete lines 17 through 24

On page 2, line 27, delete the numerals "959,069" and insert in lieu thereof the numerals "960,869"

On page 2 delete all of line 30

On page 2, line 31, delete the numerals "974,692" and insert in lieu thereof the numerals "984,292"

On page 3, line 3, delete the numerals "3,245,169" and insert in lieu thereof the numerals "3,248,563"

On page 3, line 7, delete the numerals "5,181,724" and insert in lieu thereof the numerals "5,245,752"

On page 3, line 8, delete the numerals "3,432,449" and insert in lieu thereof the numerals "3,435,843"

On page 3, line 9, delete the numerals "8,614,173" and insert in lieu thereof the numerals "8,681,595"

On page 3, line 12, after the comma delete the word "the" and insert the word "a" and after the word "sum" delete the words "of sixty" and insert the words "not to exceed seventy-five"

On page 3, after line 25, insert the following new section: "SECTION 4. RANDOM INSPECTION PROGRAM.) The random motor vehicle maintenance program required by chapter 39-21.1 of the North Dakota Century Code shall not be continued beyond 1 July 1977, unless the secretary of transportation of the United States shall require an inspection program as a condition of receiving federal highway funds. If the secretary of transportation requires such program the superintendent of the highway patrol shall apply to the emergency commission for funds to conduct such program and shall implement the provisions of chapter 39-21.1 relative to such inspection.

And renumber lines, subdivisions and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

To provide \$83,420 for overtime pay; to allow an adjustment in Patrolman II for \$60,000; to allow an increase in salary for the Patrol Superintendent of \$6,000; to allow a change in Fees and Services not to exceed \$75 a month for meals while in travel for the Patrol; to delete the Motor Vehicle Random Inspection Program; to allow \$9600 for a part-time attorney in the Motor Vehicle Department; to allow \$1800 to provide funding for payment of the Motor Vehicle Department share of Unem-

ployment Insurance; and allows for the elimination of the Classification Change item.

SENATOR LIPS, Chairman

Senate Bill No. 2007 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2009 has had the same under consideration and recommends that the same be amended as follows:

On page 1 delete all of line 22

On page 2, line 5, delete the numerals "6,512,397" and insert in lieu thereof the numerals "6,506,606"

On page 2, line 7, delete the numerals "362,397" and insert in lieu thereof the numerals "356,606"

On page 2 delete all of line 11

On page 2, line 12, delete the numerals "41,764" and insert in lieu thereof the numerals "47,386"

On page 2, line 15, delete the numerals "231,500" and insert in lieu thereof the numerals "235,561"

On page 2, line 16, delete the numerals "84,337" and insert in lieu thereof the numerals "89,959"

On page 2, line 17, delete the numerals "147,163" and insert in lieu thereof the numerals "145,602"

On page 2, line 18, delete the numerals "509,560" and insert in lieu thereof the numerals "502,208"

On page 2, line 19, delete the numerals "6,234,337" and insert in lieu thereof the numerals "6,239,959"

On page 2, line 20, delete the numerals "6,743,897" and insert in lieu thereof the numerals "6,742,167"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

To delete the Classification Change in the budget, and to provide sufficient money to make inspections on behalf of the federal government for nursing homes, and to increase the federal income on those inspections:

SENATOR LIPS, Chairman

Senate Bill No. 2009 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2027 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR GOODMAN, Chairman

Senate Bill No. 2027 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2047 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2047 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2083 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2083 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2128 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2128 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2154 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after the word "Act" and insert in lieu thereof the following: "to provide death benefits to spouses and dependents of public safety employees killed during the performance of official duty; and providing an appropriation.

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

SECTION 1. DEFINITIONS AS PROVIDED IN THE ACT.)

1. "Law Enforcement Employee" means any person employed by the state or any political subdivision for the purpose of investigation, apprehension, and detention of criminals and who is authorized to make arrests for violations of the laws or ordinances whether that enforcement authority extends to all laws or is limited to specific laws or ordinances.

2. "Bureau" shall mean the North Dakota Workmen's Compensation Bureau.

3. "Political Subdivision" includes counties and cities.

4. "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a public safety employee if the death occurs within six years from the date the injury was received and if that injury arose from violence or accidental cause. This term excludes death resulting from the intentional misconduct or voluntary intoxication of the officer or by suicide. The burden of proving willful misconduct or intoxication of the officer will rest upon the Workmen's Compensation Bureau.

5. "Minor Child" means a child who on the date of the death of any person covered by this Act has not reached the age of 18 years.

6. "Dependent Parent" means a father, mother, stepfather, or step-mother who for the last full calendar year prior to the date of the death of any person covered by this Act has received over half their support from such person.

7. For the purposes of this Act, organized police reserve, volunteer fire department, or auxiliary units shall be considered agents of the city, county, district, or other political subdivision which they serve if they are designated as such by the governing body of such city, county, district, or other political subdivision.

8. "Fireman" means a person engaged in the hazards of firefighting on an active duty basis, whether on a voluntary or paid basis. "Fireman" also means any United States Defense Department fireman who is engaged in the hazards of firefighting on behalf of any state agency or department or any political subdivision.

9. "Public Safety Employee" means a person serving a state or political subdivision agency in an official capacity, with or without compensation, as a law enforcement employee or fireman, as those terms are defined herein.

**SECTION 2. COMPENSATION — FILING OF CLAIM.)**

1. If a claim is filed within one year of the date of death of a public safety employee killed in the line of duty, compensation shall be paid by the North Dakota Workmen's Compensation Bureau to the spouse and/or minor children and/or dependent parents as designated on a form provided by the employer to all persons covered by the provisions of this Act. Compensation paid under this Act shall be exempt from all civil claims and from income taxation.

a. Notwithstanding subsection 1, no compensation is payable under this section unless a claim is filed, within the time specified by subsection 1, with the bureau on a form prescribed and furnished by the bureau and setting forth:

(1) The name, address, and title or designation of the position in which the employee was serving at the time of his death;

(2) The names and addresses of the spouse and/or minor children and/or dependent parents designated by the employee to receive the compensation and, if more than one, the percentage or share to be paid to each such person, or if there is no such designation, the name and address of the personal representative of the estate of the employee;

(3) A full, factual account, accompanied by affidavits, describing the course of events causing the death of the employee; and,

(4) Such other information as the bureau may reasonably require in a particular item.

b. When a claim is filed, the bureau may make reasonable demands for substantiation of matters set forth in the claim.

c. The immediate supervisor or the employer of a public safety employee killed in the line of duty shall immediately notify the bureau of the death of the employee, and shall file the application for benefits to be awarded under this section.

d. The compensation provided for in this section is in addition to, and not exclusive of, any pension rights, death benefits, workmen's compensation benefits or other compensation or benefits otherwise payable by law.

**SECTION 3. ADMINISTRATION.)**

This Act shall be administered by the North Dakota Workmen's Compensation Bureau. The bureau may adopt necessary regulations in accordance with chapter 28-32.

**SECTION 4. AMOUNT OF COMPENSATION.)**

The total amount of compensation payable, to the persons designated, upon the death in line of duty of any public safety employee as defined herein shall be \$25,000 payable in one payment.

**SECTION 5. APPROPRIATION.)**

There is hereby appropriated out of any monies in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, to the Workmen's Compensation Bureau for the purpose of providing benefits as provided in this Act for the biennium beginning July 1, 1977, and ending June 30, 1979.

And renumber the sections, pages, and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2154 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was

referred Senate Bill No. 2176 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, after the first word "of" delete the word "children" and insert in lieu thereof the word "persons"

On page 2, line 3, insert beginning and ending triple parentheses around the word "child" and insert in lieu thereof the word "person"

On page 2, line 11, insert beginning and ending triple parentheses around the first word "child" and insert in lieu thereof the word "person" and on the same line insert beginning and ending triple parentheses around the second word "child" and insert in lieu thereof the word "person"

On page 2, line 17, delete the word "child" and insert in lieu thereof the word "person"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2176 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2201 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2201 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2213 has had the same under consideration and recommends that the same be amended as follows:

On page 16, line 13, of the engrossed bill, delete the following: "4."

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2213 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2280 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2280 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2295 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, following the word "issue" insert the following "upon request"

Page 2, line 20, after the word "class", delete the "A" and insert in lieu thereof "B"

Page 2, line 21, after the word "class", delete the "C felony" and insert in lieu thereof the following "B misdemeanor"

Page 2, line 26, after the word "class" delete the "A" and insert in lieu thereof "B"

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2295 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2303 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2303 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2316 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2316 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2321 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2321 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2335 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

Senate Bill No. 2335 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2371 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice-Chairman

Senate Bill No. 2371 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2390 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, delete the word "funds" and insert in lieu thereof the word "farms"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2390 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2431 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2431 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2433 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2433 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2476 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2476 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1115 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1115 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1127 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

House Bill No. 1127 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1146 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1146 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senators Lashkowitz, Schirado introduced:

**Senate Concurrent Resolution No. 4053.** A concurrent resolution for the amendment of subsection 7 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the method of selection of the State Commissioner of Higher Education.

Was read the first time and referred to the committee on Constitutional Revision.

Senators Lashkowitz, Schirado introduced:

**Senate Concurrent Resolution No. 4054.** A concurrent resolution for the amendment of subsection 2 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the qualifications and appointment of members of the State Board of Higher Education.

Was read the first time and referred to the committee on Constitutional Revision.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1217.** A Bill for an Act to amend and reenact section 4-10.1-09 of the North Dakota Century Code, relating to potato promotion assessment.

Which was read the first time and referred the Committee on Agriculture.

**House Bill No. 1223.** A Bill for an Act to create and enact a new subsection to section 29-28-07 of the North Dakota Century Code, relating to an appeal by the state of an order suppressing evidence.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1249.** A Bill for an Act to amend and reenact section 15-53.1-06 of the North Dakota Century Code, relating to the annexation of school districts.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1252.** A Bill for an Act to provide an appropriation to the state penitentiary for the purpose of pheasant propagation.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1331.** A Bill for an Act to amend and reenact section 43-31-14 of the North Dakota Century Code, relating to examination and license fees for detection of deception examiners.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1332.** A Bill for an Act to create and enact subsection 4 to section 43-33-07 of the North Dakota Century Code, commonly relating to establishing a fee for examination to determine qualifications for license as a hearing aid dealer and fitter.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2179, 2196, 2221 and 2222 be dispensed with, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2179 as recommended by the Committee on Political Subdivisions as printed on pages 317 and 318 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2196 as recommended by the Committee on Political Subdivisions as printed on page 318 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2221 as recommended by the Committee on Transportation as printed on page 318 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2222 as recommended by the Committee on Transportation as printed on pages 318 and 319 of the Senate Journal be adopted, which motion prevailed.

#### MOTIONS

Senator Farrington moved that Senate Bill No. 2076 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Farrington requested the unanimous consent of the Senate to withdraw Senate Bill No. 2076. There being no objection the request was granted, and Senate Bill No. 2076 was withdrawn.

Senator Goodman moved that Senate Bill No. 2079 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Goodman requested the unanimous consent of the Senate to withdraw Senate Bill No. 2079. There being no objection, the request was granted, and Senate Bill No. 2079 was withdrawn.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2017.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to lease, easement, or servitude agreements with the state game and fish department or the department of the interior for wildlife purposes; allowing the landowner to negotiate the time period, and to restrict the land or water areas sought by legal description and to drain any expanded wetland or water area in excess of the legal description; and conditioning state consent to federal fish and wildlife statutes upon compliance with the provisions.

Which has been read.





|          |   |         |   |          |   |               |   |
|----------|---|---------|---|----------|---|---------------|---|
| FRITZELL | • | LODOEN  | • | REDLIN   | • | VOSPER        | • |
| GOODMAN  | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON   | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER  | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER   | • | MORGAN  | • | SHABLOW  | • |               |   |

Senate Bill No. 2104 was declared lost.

Senate Bill No. 2195. A Bill for an Act to create and enact a new section to chapters 38-18 and 49-22 of the North Dakota Century Code, relating to protection of surface owners affected by the impact of coal development and energy conversion facilities; and providing penalties.

Which has been read.

•ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 5; nays, 41; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|---|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |   |
| •                   |     |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     | • |
| •                   |     |      | JONES      | •   |      | NELSON           | •   | SOLBERG       | • |
|                     |     | •    | KRAUTER    | •   |      | NETHING          | •   | STRAND        | • |
|                     |     | •    | LARSON     | •   |      | ORANGE           | •   | STRINDEN      | • |
|                     |     | •    | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    | • |
|                     |     | •    | LEE        | •   |      | PIETRON          | •   | TENNEFOS      | • |
|                     |     | •    | LIPS       | •   |      | RAIT             | •   | THANE         | • |
|                     |     | •    | LODOEN     | •   |      | REDLIN           | •   | VOSPER        | • |
|                     |     | •    | MAHER      | •   |      | REITEN           | •   | WALSH         | • |
|                     |     | •    | MAU        | •   |      | SANDNESS         | •   | WENSTROM      | • |
|                     |     | •    | MELLAND    | •   |      | SANDS            | •   | WRIGHT        | • |
|                     |     | •    | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT | • |
|                     |     | •    | MORGAN     | •   |      | SHABLOW          | •   |               |   |

Senate Bill No. 2195 was declared lost.

Senate Bill No. 2228. A Bill for an Act to amend and reenact sections 11-23-02, 40-40-04, 40-40-10 and 40-40-12 of the North Dakota Century Code, relating to the county and municipal budgets.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|---|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |   |
| •                   |     |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     | • |
| •                   |     |      | JONES      | •   |      | NELSON           | •   | SOLBERG       | • |
|                     |     | •    | KRAUTER    | •   |      | NETHING          | •   | STRAND        | • |
|                     |     | •    | LARSON     | •   |      | ORANGE           | •   | STRINDEN      | • |
|                     |     | •    | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    | • |
|                     |     | •    | LEE        | •   |      | PIETRON          | •   | TENNEFOS      | • |
|                     |     | •    | LIPS       | •   |      | RAIT             | •   | THANE         | • |
|                     |     | •    | LODOEN     | •   |      | REDLIN           | •   | VOSPER        | • |
|                     |     | •    | MAHER      | •   |      | REITEN           | •   | WALSH         | • |
|                     |     | •    | MAU        | •   |      | SANDNESS         | •   | WENSTROM      | • |
|                     |     | •    | MELLAND    | •   |      | SANDS            | •   | WRIGHT        | • |
|                     |     | •    | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT | • |
|                     |     | •    | MORGAN     | •   |      | SHABLOW          | •   |               |   |

So the bill passed and the title was agreed to.

Senate Bill No. 2239. A Bill for an Act to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to amount of statutory fees and the definition of a moving violation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 29; nays, 17; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON   |     |      | NAADEN   |     |      | •                |     | SHYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON   |     |      | •                |     | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING  |     |      | •                |     | STRAND        |
| •                   |     |      | LARSON     |     |      | ORANGE   |     |      | •                |     | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON |     |      | •                |     | TALLACKSON    |
| •                   |     |      | LEE        |     |      | PIETRON  |     |      | •                |     | TENNEFOS      |
| •                   |     |      | LIPS       |     |      | RAIT     |     |      | •                |     | THANE         |
| •                   |     |      | LODOEN     |     |      | REDLIN   |     |      | •                |     | VOSPER        |
| •                   |     |      | MAHER      |     |      | REITEN   |     |      | •                |     | WALSH         |
| •                   |     |      | MAU        |     |      | SANDNESS |     |      | •                |     | WENSTROM      |
| •                   |     |      | MELLAND    |     |      | SANDS    |     |      | •                |     | WRIGHT        |
| •                   |     |      | MILLER     |     |      | SCHIRADO |     |      | •                |     | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     |      | SHABLOW  |     |      |                  |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2250. A Bill for an Act to amend and reenact sections 63-01.1-01, 63-01.1-02, 63-01.1-03, 63-01.1-05, 63-01.1-07, 63-01.1-10, 63-01.1-14, 63-01.1-15, 63-01.1-16, and 63-01.1-17 of the North Dakota Century Code, relating to noxious weed control and eradication responsibility, definitions, state weed control authority powers and duties, weed control officer duties, special weed control authorities, township weed control, other agency weed control responsibility, penalties, noncompliance allegations, and judicial review, and providing for townships and counties to assume weed control duties previously performed by persons owning or controlling land; and to repeal section 63-01.1-11 of the North Dakota Century Code, relating to the duty of landowners or operators along county and township highways to destroy weeds and grasses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 16; nays, 30; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON   |     |      | NAADEN   |     |      | •                |     | SHYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON   |     |      | •                |     | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING  |     |      | •                |     | STRAND        |
| •                   |     |      | LARSON     |     |      | ORANGE   |     |      | •                |     | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON |     |      | •                |     | TALLACKSON    |
| •                   |     |      | LEE        |     |      | PIETRON  |     |      | •                |     | TENNEFOS      |
| •                   |     |      | LIPS       |     |      | RAIT     |     |      | •                |     | THANE         |
| •                   |     |      | LODOEN     |     |      | REDLIN   |     |      | •                |     | VOSPER        |
| •                   |     |      | MAHER      |     |      | REITEN   |     |      | •                |     | WALSH         |
| •                   |     |      | MAU        |     |      | SANDNESS |     |      | •                |     | WENSTROM      |
| •                   |     |      | MELLAND    |     |      | SANDS    |     |      | •                |     | WRIGHT        |
| •                   |     |      | MILLER     |     |      | SCHIRADO |     |      | •                |     | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     |      | SHABLOW  |     |      |                  |     |               |

Senate Bill No. 2250 was declared lost.

Senate Bill No. 2265. A Bill for an Act to amend and reenact section 40-49-05 of the North Dakota Century Code, relating to the term of office of members of boards of park commissioners.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |     |      |         |     |      |                  |     |           |
|---------------------|-----|------|-----------|-----|------|---------|-----|------|------------------|-----|-----------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |      |         |     |      | 1977 LEGISLATURE |     |           |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS    | N-V | NAYS | YEAS             | N-V | NAYS      |
| •                   |     |      | JACOBSON  |     |      | NAADEN  |     |      | •                |     | SHYKOWSKI |
| •                   |     |      | JONES     |     |      | NELSON  |     |      | •                |     | SOLBERG   |
| •                   |     |      | KRAUTER   |     |      | NETHING |     |      | •                |     | STRAND    |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1040.** A Bill for an Act to amend and reenact section 64-02-02 and subsections 2 and 3 of section 64-02-10 of the North Dakota Century Code, relating to installation of scales under special permit and vehicle scale inspection fees.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      |              | NORTH DAKOTA SENATE |      |            |     | 1977 LEGISLATURE |                 |     |      |
|-----------------|-----|------|--------------|---------------------|------|------------|-----|------------------|-----------------|-----|------|
| YEAS            | N-V | NAYS | YEAS         | N-V                 | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |                     |      | • NAADEN   |     |                  | • SMYKOWSKI     |     |      |
| • BARTH         |     |      | • JONES      |                     |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE        |     |      | • KRAUTER    |                     |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |                     |      | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |                     |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON    |     |      | • LEE        |                     |      | • PIETRON  |     |                  | • TENNEFOS      |     |      |
| • FREED         |     |      | • LIPS       |                     |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL      |     |      | • LODOEN     |                     |      | • REDLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN       |     |      | • MAHER      |                     |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON        |     |      | • MAU        |                     |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER       |     |      | • MELLAND    |                     |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG      |     |      | • MILLER     |                     |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER        |     |      | • MORGAN     |                     |      | • SHABLOW  |     |                  |                 |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1076.** A Bill for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to requirements for advertisement for bids on school district contracts.

Which has been read.

Senator Nelson moved that House Bill No. 1076 be amended as follows:

On page 1 line 14 of the engrossed bill after the word dollars, delete or one-tenth of one percent of a school district's

On page 1 line 15 of the engrossed bill, delete approved budget, whichever is greater,

And renumber the lines accordingly.

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

Senator Nelson moved that the rules be suspended, that House Bill No. 1076 be placed on the calendar for second reading and final passage as amended, which motion prevailed.

**House Bill No. 1076.** A Bill for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to requirements for advertisement for bids on school district contracts.

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, 4; absent and not voting, 4.



explain my vote. I voted no primarily on House Bill 1101, because I believe that sixty per cent majority in seeking to put together that kind of a program is an unreasonable super majority.

**House Bill No. 1107.** A Bill for an Act to amend and reenact sections 47-30-24 and 47-30-26 of the North Dakota Century Code, relating to the administration of the abandoned property laws.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAUJ       |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**House Bill No. 1117.** A Bill for an Act to amend and reenact section 21-03-18 of the North Dakota Century Code, relating to the form and content of bonds, their coupons, and number of bonds.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAUJ       |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**House Bill No. 1119.** A Bill for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the compensation, mileage and travel expenses for members of the Health Council.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1122.** A Bill for an Act to amend and reenact sections 11-10-05 and 44-01-03 of the North Dakota Century Code relating to the time county and district officers take office when elected to fill an unexpired term.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1123.** A Bill for an Act to amend and reenact section 4-12-03.1 of the North Dakota Century Code, relating to establishment of bee locations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 4; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MESSAGES 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. 3035

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Bill No. 2061

Senate Bill No. 2204

Senate Bill No. 2206

Senate Bill No. 2207

Senate Bill No. 2220

Senate Bill No. 2224

Senate Bill No. 2235

Senate Bill No. 2242

Senate Bill No. 2247

Senate Bill No. 2267

Senate Bill No. 2276

Senate Bill No. 2314

Senate Bill No. 2315

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. 2021

Senate Bill No. 2023

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1028

House Bill No. 1255

House Bill No. 1257

House Bill No. 1333

House Concurrent Resolution No. 3042

House Concurrent Resolution No. 3044

House Concurrent Resolution No. 3048

ROY GILBREATH, Chief Clerk

PERSONAL PRIVILEGE

Senator Barth: I think the Senate has noticed that today we're absent the Majority floor leader and the Minority floor leader, and I would like to have this inserted in the record, I am sure that when they left us yesterday they were sure that the Senate could not have operated without them, but I want you to know that we got along real fine, we cleared the calendar, and we're in good shape for tomorrow, and I would like to have the record indicate as such.



Senator Thane moved that after the reading of Senate Bills Nos. 2047, 2083, 2128, 2179, 2196, 2201, 2221, 2222, 2280, 2303, 2316, 2321, 2335, 2371, 2431, 2433, 2476 and House Bills Nos. 1115, 1127 and 1146, the Senate recess until Tuesday, February 1, 1977 until 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## TWENTIETH DAY AFTER RECESS AND TWENTY-FIRST DAY

Bismarck, February 1, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2179

Senate Bill No. 2221

Senate Bill No. 2222

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2157 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1 of the engrossed bill, after the word "enact" delete the word "two" and insert in lieu thereof the word "a"

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

On page 1, line 2 of the engrossed bill, after the comma delete the rest of the line and insert in lieu thereof the following: "relating to"

On page 1 of the engrossed bill, delete all of line 3.

On page 1 of the engrossed bill, delete all of lines 17 through 24.

On page 2 of the engrossed bill, delete all of lines 1 through 18.

On page 3 of the engrossed bill, delete all of lines 31 through 35.

On page 4 of the engrossed bill, delete all of lines 1 through 6.

On page 8, line 21 of the engrossed bill, after the period insert the following: "The claimant must be notified of such right to rehearing or appeal."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2157 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2175 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2175 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business, & Labor to whom was referred Senate Bill No. 2219 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2219 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2223 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, after the word "senior" delete the word "citizen" and insert in lieu thereof the words "citizens' and handicapped persons' nonprofit corporations and"

On page 1, line 14, after the word "used" insert the words "as a bus"

On page 1, line 15, after the word "senior" delete the word "citizen" and insert in lieu thereof the words "citizens' or handicapped persons' corporation or"

On page 1, line 16, after "tion" delete the words "as a bus" and insert in lieu thereof the following: ", provided that such bus shall not be used for commercial activities"

On page 2, line 7, after the word "person" delete the words "failing to pay any tax at the time" and insert in lieu thereof the following words: "who shall submit a false or fraudulent "Motor Vehicle Purchaser's Certificate" shall be subject to a penalty of five percent of the true amount of the tax which was due or five dollars, whichever is greater, plus one percent of such tax for each month or fraction thereof subsequent to the month in which the false or fraudulent "Motor Vehicle Purchaser's Certificate" was furnished to the motor vehicle registrar."

On page 2, delete lines 8 through 15

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2223 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2241 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2241 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2269 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 22, after the word "education," insert the following new language: "shall be used to purchase the premises described as lot ten, block two, of the university place addition to the city of Grand Forks, Grand Forks County, North Dakota. Upon authority of the state board of higher education any remaining proceeds from the sale described above"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2269 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was

referred Senate Bill No. 2306 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2306 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2322 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2322 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2339 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2339 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2362 has had the same under consideration and recommends that the same do pass and be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2362 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2363 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2363 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2375 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 22, after the word "thereof" insert the following: ", after appropriate notice,"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2375 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2384 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

Senate Bill No. 2384 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2410 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2410 was placed on the 11th order of business, on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2445 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2445 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2460 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2460 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2480 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2480 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1032 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 4 after the word "proceedings" insert the following: "relating to gas, electric or telephone public utilities"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1032 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1145 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1145 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1151 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1151 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1153 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1153 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2007, 2009, 2154, 2176, 2213, 2295 and 2390 be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2007 as

recommended by the Committee on Appropriations as printed on pages 343 - 345 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2009 as recommended by the Committee on Appropriations as printed on page 345 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2154 as recommended by the Committee on Political Subdivisions as printed on pages 346 - 347 of the Senate Journal be adopted, which motion prevailed. Senator Sands moved that Senate Bill No. 2154 be re-referred to the Committee on Appropriations, which motion prevailed.

#### MOTIONS

Senator Sands moved that the Senate reconsider the action by which the amendments to Senate Bill No. 2196 were adopted, which motion prevailed.

Senator Sands moved that Senate Bill No. 2196 be re-referred to the Committee on Political Subdivisions, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2176 as recommended by the Committee on Finance and Taxation as printed on page 348 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2213 as recommended by the Committee on Industry, Business and Labor as printed on page 348 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2295 as recommended by the Committee on Transportation as printed on page 348 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2390 as recommended by the Committee on Education as printed on page 349 of the Senate Journal be adopted, which motion prevailed.

#### MOTIONS

Senator Fritzell moved that Senate Bill No. 2293 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

Senator Fritzell requested the unanimous consent of the Senate to withdraw Senate Bill No. 2293. There being no objection the request was granted, and Senate Bill No. 2293 was withdrawn.

Senator Maher moved that Senate Bill No. 2464 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Maher requested the unanimous consent of the Senate to withdraw Senate Bill No. 2464. There being no objection the request was granted, and Senate Bill No. 2464 was withdrawn.

Senator Solberg moved that House Bill No. 1127 be returned to the Senate floor from the Committee on Transportation which motion prevailed.

Senator Solberg moved that House Bill No. 1127 be re-referred to the Committee on Transportation, which motion prevailed.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Hanson introduced:

**Senate Concurrent Resolution No. 4055.** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of assisting local authorities to develop local energy codes or of adopting a statewide code for energy conservation in building construction.

Was read the first time and referred to the committee on Industry, Business and Labor.

Senator Nelson introduced:

**Senate Concurrent Resolution No. 4056.** A concurrent resolution directing a Legislative Council study of the organization and financing of special education.

Was read the first time and referred to the committee on Education.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1028.** A Bill for an Act to amend and reenact section 11-10.1-01 of the North Dakota Century Code, relating to the qualifications of county directors of tax equalization.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1255.** A Bill for an Act to amend and reenact section 27-11-17 of the North Dakota Century Code, relating to fees for admission to the bar upon examination, and for admission to the bar upon motion.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1257.** A Bill for an Act to amend and reenact subsection 2 of section 27-20-05 of the North Dakota Century Code, relating to the salary of juvenile supervisors.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1333.** A Bill for an Act to amend and reenact section 43-30-11 of the North Dakota Century Code, relating to the renewal date and grace period for private detective and private detective agency licenses; and providing for expiration date of existing licenses.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

#### REPORT OF TRI-STATE WATER FORUM AT FARGO, N. DAK.

JANUARY 31, 1977

Senator Nething: Mr. President, ladies and gentlemen of the Senate. Yesterday, the Senator from the 12th District and myself represented the North Dakota Senate in a Tri-State Water Forum in Fargo, and at this time, if the Senate will let us indulge, we would like to give you a brief report as to our views on this Water Forum. Mr. President, ladies and gentlemen of the Senate, I am sure that you have read much about the Water Forum in the newspaper, because there was rather extensive press coverage on both the television media and the printed media; however, I would like to report to the Senate that we believe that while it was a learning session for us, there were also some other benefits that I think might well lead to some broad and extensive cooperation with our neighboring states.

On Sunday evening, we were invited to a dinner with legislators representing South Dakota and Minnesota, as well as the four representing the North Dakota legislative branch, and we began to approach them in a — well first of all we had kind of a semi-private session. We had an opportunity to sit around the table and to be briefed on the Garrison Diversion Project, and as we started talking about water we got into other areas which I think are as much a mutual concern to the three states as water was. Particularly so in the area of energy.

Now we have kind of a thought that when we think of energy we might

be thinking of just in terms of the electrical energy that is generated in North Dakota and other states look at it in that light as well as the food energy, and so that kind of led us into some other areas of concern which involve the areas of education, the areas of taxation, reclamation, recreation, and many of these. As an outgrowth of that discussion, we learned that the State of Minnesota does have an Interstate Commission of which one of the legislators that met with us is a member of, and he asked, and extended an invitation to us to come to St. Paul and to meet with their group to continue the discussion that we had, and the legislators from South Dakota indicated that they would like us to come to Pierre and to visit with them, or they would be happy to meet us at another location because all of a sudden it dawned on those of us present that we do have many, many concerns of a regional nature, and all of us while representing both political parties realized that we can do a much better job of solving those problems if we work at it ourselves instead of turning to the Federal Government and permitting them to solve it. So I think we laid the groundwork for some good sessions to come; I think they learned a lot about what Garrison Diversion is all about, and its problems; we learned about the Oahe Project in South Dakota; we learned about the energy concerns that Minnesota has, and I think that we will now have an opportunity to continue this dialogue and, hopefully, through the form that we have established through the Garrison Diversion Over-view Committee. So at this time Mr. President, I would like to yield to Senator Hoffner and he can share with you some of his thoughts as to what took place at the meeting.

Senator Hoffner:

Mr. President and Members of the Senate: I was really impressed with the Forum the way it was conducted. It was a very informative session. We thought it would be more of a re-hash of what we heard in committee hearings, but they had some very good panelists from the different areas. We heard from the Lieutenant Governor of South Dakota, and he happens to be a farmer; and he understands the problems of irrigation and other concerns, and he mentioned one thing that happens quite often when legislatures meet in different states and some resolutions are passed that sort of, in some ways, could be taken in a wrong way and we legislators as such, get upset over other states and he thought it was necessary for states to communicate more often, and certainly I am. We did have a very good meeting, a visit with other legislators. I was impressed with the number of legislators that attended from South Dakota and Minnesota and their interest and concern about water and water related problems. Everyone is sure that just because the border is there doesn't mean the water stops there and the problems stop there, and I am totally convinced that the bordering legislators, even though they border North Dakota, do not understand the Garrison Diversion Project. They feel strongly about the development, but they want more information because if they go to their legislative committees that they are going to have to know more about them, so I think what's going to happen, and also from this meeting of ours, that we go to these other meetings, not necessarily the same people, but informed members of the legislature to meet with other legislators from those states and get into detail on the different projects. The Forum, I guess was one of the better attended Forums, and, again, shows the concern for water development by not only legislators but the people, the mayors, the county commissioners and the general public. I









|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODGEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2222.** A Bill for an Act to provide for the licensing and bonding of semitrailer dealers; and to provide a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 318, 319) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Shablow moved that Senate Bill No. 2280 be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2303.** A Bill for an Act making an appropriation to the state industrial school for construction of a vocational education and shop complex.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 37; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

Senate Bill No. 2303 was declared lost.

**Senate Bill No. 2316.** A Bill for an Act to amend and reenact section 40-20-05 of the North Dakota Century Code, relating to chief of police and police officer powers and duties, and allowing hot pursuit by a police



ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 6; nays, 42; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
|                     |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
|                     |     | •    | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   |     |      |           | KRAUTER    | •    |                  | NETHING  | •    | STRAND        |
|                     |     | •    | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
|                     |     | •    |           | LASHKOWITZ | •    |                  | PETERSON | •    | TALLACKSON    |
|                     |     | •    |           | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
|                     |     | •    |           | LIPS       | •    |                  | RAIT     | •    | THANE         |
|                     |     | •    |           | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
|                     |     | •    | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
|                     |     | •    | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
|                     |     | •    |           | MELLAND    | •    |                  | SANDS    | •    | WRIGHT        |
|                     |     | •    |           | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
|                     |     | •    |           | MORGAN     | •    |                  | SHABLOW  | •    |               |

Senate Bill No. 2335 was declared lost.

Senate Bill No. 2371. A Bill for an Act to create and enact a new section to chapter 12.1-05 of the North Dakota Century Code, relating to the indemnification and reimbursement of defendants by the state; to amend and reenact section 12.1-05-06 of the North Dakota Century Code, relating to the use of force in defense of premises and property; and providing an appropriation.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   |     |      |           | KRAUTER    | •    |                  | NETHING  | •    | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   |     |      |           | LASHKOWITZ | •    |                  | PETERSON | •    | TALLACKSON    |
| •                   |     |      |           | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
| •                   |     |      |           | LIPS       | •    |                  | RAIT     | •    | THANE         |
| •                   |     |      |           | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   |     |      |           | MELLAND    | •    |                  | SANDS    | •    | WRIGHT        |
| •                   |     |      |           | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   |     |      |           | MORGAN     | •    |                  | SHABLOW  | •    |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2431. A Bill for an Act to amend and reenact section 15-48-2 of the North Dakota Century Code, relating to notice for school district elections.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |            |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |            |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |            |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI  |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG    |
| •                   |     |      |           | KRAUTER    | •    |                  | NETHING  | •    | STRAND     |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN   |
| •                   |     |      |           | LASHKOWITZ | •    |                  | PETERSON | •    | TALLACKSON |
| •                   |     |      |           | LEE        |      | •                | PIETRON  | •    | TENNEFOS   |
| •                   |     |      |           | LIPS       | •    |                  | RAIT     | •    | THANE      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2433. A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to the rights of annexed territory.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     |                 |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SMYKOWSKI     |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • SOLBERG       |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRAND        |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • STRINDEN      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TALLACKSON    |
| • FRED          |     |      | • LIPS       |     |      | • RAIT           |     | • TENNEFOS      |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN         |     | • THANE         |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • VOSPER        |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WALSH         |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WENSTROM      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • WRIGHT        |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     | • MR. PRESIDENT |

Senate Bill No. 2433 was declared lost.

Senate Bill No. 2476. A Bill for an Act to create and enact sections 28-32-03.1 and 28-32-03.2 of the North Dakota Century Code, providing for an administrative code and code supplement, printing, distribution and sales; to amend and reenact section 28-32-03 of the North Dakota Century Code, relating to the filing and effect of rules and regulations; and providing an appropriation.

Which has been read.

MOTION

Senator Lashkowitz moved that Senate Bill No. 2476 be re-referred to the Committee on Appropriations, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1115. A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for truck-mounted haystack movers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 9; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     |                 |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SMYKOWSKI     |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • SOLBERG       |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRAND        |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • STRINDEN      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TALLACKSON    |
| • FRED          |     |      | • LIPS       |     |      | • RAIT           |     | • TENNEFOS      |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN         |     | • THANE         |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • VOSPER        |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WALSH         |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WENSTROM      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • WRIGHT        |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     | • MR. PRESIDENT |





which the House has passed and your favorable consideration is requested on:

House Bill No. 1044  
House Bill No. 1045  
House Bill No. 1079  
House Bill No. 1114  
House Bill No. 1183  
House Bill No. 1200  
House Bill No. 1214  
House Bill No. 1216  
House Bill No. 1254  
House Bill No. 1259  
House Bill No. 1260  
House Bill No. 1297  
House Bill No. 1323  
House Bill No. 1325  
House Bill No. 1326  
House Bill No. 1328

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2100  
Senate Bill No. 2134  
Senate Concurrent Resolution No. 4017  
Senate Concurrent Resolution No. 4036  
Senate Concurrent Resolution No. 4038  
Senate Concurrent Resolution No. 4039

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2007, 2009, 2175, 2176, 2213, 2219, 2241, 2280, 2295, 2306, 2322, 2339, 2390, 2410, 2445, 2460, 2480 and House Bills 1145, 1151 and 1153, the Senate recess until Wednesday, February 2, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## TWENTY-FIRST DAY AFTER RECESS AND TWENTY-SECOND DAY

Bismarck, February 2, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORTS OF PROCEDURAL COMMITTEES

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. 2154

Senate Bill No. 2176

Senate Bill No. 2201

Senate Bill No. 2295

Senate Bill No. 2390

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2213

And find the same correctly Re-engrossed.

SENATOR STRAND, Chairman

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

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2157, 2223, 2269, 2375 and House Bill 1032 be dispensed with, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2157 as recommended by the Committee on Industry, Business and Labor as printed on page 361 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2223 as recommended by the Committee on Finance and Taxation as printed on page 362 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2269 as recommended by the Committee on State and Federal Government as printed on page 362 of the Senate Journal be adopted, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

Senator Goodman moved that the amendments to Senate Bill No. 2375

as recommended by the Committee on Finance and Taxation as printed on page 363 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1032 as recommended by the Committee on Industry, Business and Labor as printed on page 364 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2008 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 9, delete the numerals, "194,891,767" and insert in lieu thereof the numerals "194,599,750"

On page 1 delete line 17

On page 2, line 3, delete the numerals "194,891,767" and insert in lieu thereof the numerals "194,599,750"

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of this amendment is to delete the classification change. The Highway Department indicated there is sufficient money in salaries and wages to apy the unemployment compensation and take care of classification changes.

SENATOR LIPS, Chairman

Senate Bill No. 2008 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2016 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after "A BILL" through the end of the bill and insert in lieu thereof the following: "for an Act to create and enact sections 20.1-02-18.1 and 20.1-02-18.2 of the North Dakota Century Code, relating to board of county commissioner approval prior to final approval of land, wetland, and water acquisitions by the department of the interior for waterfowl or wildlife purposes; providing for inspection of proposed acquisitions, public notice, opportunity for comment, and impact analyses; allowing the landowner to negotiate time period of a lease, easement, or servitude, and to restrict the land or water areas sought by legal description and to drain any expanded wetland or water area in excess of the legal description; and to amend and reenact section 20.1-02-18 of the North Dakota Century Code, relating to the state's consent to United States' acquisition of areas for migratory bird reservations.

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

SECTION 1. AMENDMENT.) Section 20.1-02-18 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-18. STATE'S CONDITIONAL CONSENT TO UNITED STATES' ACQUISITION OF AREAS FOR MIGRATORY BIRD RESERVATIONS — STATE RETAINS JURISDICTION.) North Dakota consents, subject to the conditions of sections 20.1-02-18.1 and 20.1-02-18.2, to the United States acquiring, by purchase, gift, devise, or lease, land or water in this state as the United States may deem necessary to establish migratory

bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An Act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory game birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds; and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes". North Dakota reserves such full and complete jurisdiction and authority over all such areas of land or water so acquired by the United States as is not incompatible with the administration, maintenance, protection, and control of such areas by the United States under the terms of said Act of Congress.

SECTION 2.) Section 20.1-02-18.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**20.1-02-18.1. FEDERAL WILDLIFE AREA ACQUISITIONS — SUBMISSION TO COUNTY COMMISSIONERS, OPPORTUNITY FOR PUBLIC COMMENT, AND IMPACT ANALYSIS REQUIRED.)** The governor, the game and fish commissioner, or their designees, responsible under federal law for final approval of land, wetland, and water acquisitions by the United States department of the interior, its bureaus or agencies, for waterfowl production areas, wildlife refuges or other wildlife or waterfowl purposes, shall submit the proposed acquisitions to the board of county commissioners of the county or counties in which the land, wetland, and water areas are located for the board's recommendations. An affirmative recommendation by the board must be obtained prior to final approval of all such proposed acquisitions, whether by transfer of title, lease, easement, or servitude.

The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice shall be published once each week for two successive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice shall set forth the substance of the proposed action, and shall include a legal description of the proposed acquisitions. The board of county commissioners shall make its recommendations within sixty days after receipt of an acquisition proposal.

A detailed impact analysis from the federal agency involved shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. Such analysis shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisitions. The department of the interior shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the state planning division which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the state planning division. Upon expiration of the thirty-

day period, all comments received by the state planning division shall be forwarded to the federal agency involved and to the state official or agency responsible for final acquisition approval. The federal agency may, after consideration of such comments, file a final impact and analysis with the governor, the board of county commissioners, and any other state official or agency responsible for final acquisition approval.

SECTION 3.) Section 20.1-02-18.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

20.1-02-18.2. NEGOTIATION OF LEASES, EASEMENTS, AND SERVITUDES FOR WILDLIFE PRODUCTION PURPOSES.) A landowner may negotiate the terms of a lease, easement, or servitude for land, wetland, or water areas sought to be acquired by the United States department of the interior, its bureaus or agencies with moneys from the migratory bird conservation fund (16 U.S.C. 718d) for use as waterfowl production areas, wildlife refuges, or for other wildlife purposes. A landowner may:

1. Negotiate the time period of the lease, easement, or servitude being sought. A lease, easement, or servitude shall terminate upon the death of a landowner or upon change of ownership.

2. Restrict a lease, easement, or servitude by legal description to the land, wetland, or water areas being sought, and may drain any after-expanded wetland or water area in excess of the legal description in the lease, easement, or servitude.

Failure by the department of the interior, its bureaus or agencies, to agree to and comply with the above provisions shall nullify North Dakota's consent to the federal acts under section 20.1-02-18."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2016 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2018 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after "A BILL" through the end of the bill and insert in lieu thereof the following: "for an Act to create and enact section 20.1-02-17.1 of the North Dakota Century Code, relating to conditions and procedures in the acquisition of interests in land for wildlife and fish restoration projects, including county commissioner approval, public comment, impact statements, and negotiation of terms; and to amend and reenact section 20.1-02-17 of the North Dakota Century Code, relating to federal aid to North Dakota in wildlife and fish restoration projects.

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

SECTION 1. AMENDMENT.) Section 20.1-02-17 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

20.1-02-17. CONDITIONAL ASSENT TO FEDERAL AID PROJECTS — PROCEEDS FROM LICENSE FEES TO BE USED FOR ADMINISTRATION OF DEPARTMENT.) North Dakota assents to the Act of Congress entitled "An Act to provide that the United States shall aid the states in wildlife restoration projects and for other purposes" ap-

proved September 2, 1937, Public Law No. 415, 75th Congress (16 U.S.C. 669 et seq.), and the Act of Congress entitled "An Act to provide that the United States shall aid the states in fish restoration and management projects, and for other purposes" approved August 9, 1950, Public Law No. 681, 81st Congress (16 U.S.C. 777a et seq.) subject to the conditions of section 20.1-02-17.1. The commissioner ((shall)) may conduct and establish cooperative wildlife and fish restoration projects as defined in these Acts, in compliance with the Acts and with rules and regulations promulgated by the federal agency administering these Acts.

Hunting and fishing license fees shall only be used for departmental programs and administration.

SECTION 2.) Section 20.1-02-17.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**20.1-02-17.1. PROCEDURES AND CONDITIONS FOR LAND ACQUISITIONS FOR WILDLIFE AND FISH RESTORATION.)**

1. The state game and fish commissioner shall submit proposed wildlife and fish restoration programs or projects and updated segments thereof involving proposed acquisitions by purchase, lease, easement, or servitude of wetlands, water, or land areas to the board of county commissioners of the county or counties in which the affected areas are located for the board's approval prior to agreement with and approval by the secretary of the interior.

2. The board of county commissioners of the county affected, or a designee or designees of the board, shall, within twenty-one days of receipt of an acquisition proposal, physically inspect the proposed acquisition areas. The board shall give public notice of the date, hour, and place where the public may comment on the proposed acquisitions. The notice shall be published once each week for two consecutive weeks in the official newspaper of the county or counties in which the land and water areas are located. The notice shall set forth the substance of the proposed action, and shall include a legal description of the proposed acquisitions. The board of county commissioners shall give its approval or disapproval within sixty days after receipt of an acquisition proposal.

3. A detailed impact analysis from the state game and fish department shall be included with the acquisition proposal for board of county commissioner consideration in making recommendations. The analysis by the game and fish department shall include, but shall not be limited to, the recreational and wildlife impacts. In addition, the county agent of the affected county or counties shall prepare an impact analysis for board of county commissioner consideration which shall include the fiscal, social, and agricultural impacts of the proposed acquisition. The state game and fish department shall reimburse the county or counties for any expenses incurred by the county agent in preparing the analysis. The analyses shall also be forwarded to the state planning division which shall furnish copies to all interested state agencies and political subdivisions, which agencies and political subdivisions shall have thirty days to review the analyses and return their comments to the state planning division. Upon expiration of the thirty-day period, all comments received by the state planning division shall be forwarded to the state game and fish department. The state game and fish department may, after consideration of such comments, file a final impact analysis with the state planning division and the board of county commissioners.

4. Any landowner may negotiate the time period of a lease, easement,

or servitude sought under the federal acts cited in section 20.1-02.17. Except with respect to flowage and access easements, a lease, easement, or servitude shall terminate upon the death of a landowner or upon change in ownership of the affected land.

5. A landowner may restrict a lease, easement, or servitude by legal description to the wetlands, water, or land areas sought under the Acts, and may drain any expanded wetland or water area in excess of the legal description.

Failure by the United States or the state game and fish department to abide by the conditions of this section shall nullify North Dakota's consent to the federal acts cited in section 20.1-02-17.

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2018 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2092 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR LIPS, Chairman

Senate Bill No. 2092 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2131 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after "A BILL" through the end of the bill and insert in lieu thereof the following: "for an Act to regulate the appearance of salvage yards and automobile graveyards, and to provide a penalty.

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

SECTION 1. LEGISLATIVE INTENT.) The Legislative Assembly hereby finds and declares that unscreened salvage yards and unscreened automobile graveyards constitute a public nuisance and a hazard to the health, safety, and general welfare of the people of the state because such areas can harbor disease, furnish shelter and breeding places for vermin, present physical dangers to the safety and well-being of children and other citizens, and cause a detriment to the environment and the natural beauty of the state. It is therefore in the public interest and the intent of the Legislative Assembly that the maintenance of such areas be regulated as provided in the Act.

SECTION 2. DEFINITIONS.) For purposes of this Act:

1. "Salvage material" means old or scrap paper, copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, regardless of the volume maintained.

2. "Automobile graveyard" means any establishment, place of business, or any other location which is maintained, used or operated for storing, keeping, buying, or selling wrecked, scrapped, abandoned, ruined, or dismantled motor vehicles, motor vehicle parts or machinery of all types, regardless of the number of vehicles or volume of parts or machinery maintained or stored.

3. "Salvage yard" means a business establishment or any other place which is maintained, operated, or used for placing, storing, keeping, buying, or selling salvage material, or for the maintenance, use or operation of an automobile graveyard, regardless of the volume of material maintained.

4. "Highway" means any highway as defined in subsection 20 of section 24-01-01.1.

SECTION 3. EXCEPTIONS.) The provisions of this Act shall not apply to any state agency or political subdivision which acquires, collects, dismantles, or disposes of salvage material, or abandoned motor vehicles pursuant to a program of solid waste disposal.

SECTION 4. SCREENING SALVAGE YARDS AND AUTOMOBILE GRAVEYARDS FROM PUBLIC VIEW.) The owners of all salvage yards and all automobile graveyards, which are located within the boundaries of any incorporated city or any part of which is within ordinary public view of any highway, shall, within one year from the effective date of this Act, either cause the removal of such graveyards and salvage accumulations, or completely screen such areas from ordinary public view by means of a fence, trees, shrubbery, or other appropriate means. If the screening is done by means of trees, shrubs, or other plantings, it shall be sufficient for the purposes of this Act if the natural growth of the plantings will result in the complete screening of the area. If because of death of the plantings or other reason, the screening effect of any tree, shrub, or other planting used to comply with this Act is lost, the planting shall be replaced within one year of its loss of screening ability.

SECTION 5. VARIANCES.) The board of county commissioners of the county in which the yard or business is located or is proposed to be located, or the city governing body, if the yard or business is located or proposed to be located within the boundaries of any incorporated city may issue a variance to exempt any salvage yard from the provisions of this Act if that authority feels that the required screening is unnecessary or impractical. In considering the variance, the board of county commissioners or city governing body shall take into account the nature and development of surrounding property, the proximity of churches, schools, hospitals, public buildings, or other places of public gathering; the health, safety, and general welfare of the public; and the suitability of the operator to establish, maintain, and operate the yard or business. The variance may be revoked if the operation changes in nature or magnitude or if the facility is not operated according to the provisions indicated in the application for exemption.

SECTION 6. PENALTY.) Any person, corporation, or other business entity which fails to comply with the provisions of this Act shall be guilty of a class A misdemeanor.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2131 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2218 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the first comma, delete the following: "or an immoral act,"



And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2218 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2272 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2272 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2294 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 6, after the word "be" delete the words "one hundred seventy-" and insert in lieu thereof the words "two hundred"

On page 2, line 7, delete the word "five"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2294 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2300 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2300 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2320 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2320 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2323 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2323 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2332 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2332 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2337 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2337 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred

Senate Bill No. 2345 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2345 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2347 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2347 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2351 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2351 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2359 has had the same under consideration and recommends that the same be amended as follows:

On page 1, Section 3, delete all of lines 23 and 24

On page 2, Section 3, delete all of lines 1 through 13

On page 2, Section 4, delete all of lines 21, 22, and 23

On page 2, line 32, after the word "secret" insert the word "personnel" And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2359 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2366 has had the same under consideration and recommends that the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2366 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2378 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the word "forms" delete the following: "appropriate"

On page 1, line 15, delete the following: "directions on how to complete the forms,"

On page 1, line 18, after the word "forms" delete the following: "directions,"

On page 1, line 19, after the word "provided", delete the word "without" and insert in lieu thereof the word "with"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR ISZLER, Vice Chairman

Senate Bill No. 2378 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2398 has had the same under con-

sideration and recommends that the same be amended as follows:

On page 1, line 14, following the ending triple parentheses delete the word "seven" and insert in lieu thereof the word "three"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2398 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2415 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2415 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2476 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2476 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2492 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, after the word "than" delete the word "ten" and insert in lieu thereof the word "one" and on the same line after the word "the" delete the rest of the line and insert in lieu thereof the following: "state's population"

On page 1, line 5, delete the word "employees"

On page 1, line 17, after the word "exceed" delete the word "ten" and insert in lieu thereof the word "one" and on the same line after the word "the" delete the rest of the line and insert in lieu thereof the following "state's population"

On page 1, line 18, delete the word "employees"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2492 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2511 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2511 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1048 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1048 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on Agriculture introduced:

Senate Concurrent Resolution No. 4057. A concurrent resolution

directing the Legislative Council to conduct a study of the North Dakota noxious weeds law, chapter 63-01.1, to provide a more effective and efficient procedure for controlling and eradicating noxious weeds on all lands within North Dakota.

Was read the first time and referred to the committee on Agriculture.

Senator Jones introduced:

**Senate Concurrent Resolution No. 4058.** A concurrent resolution directing the Legislative Council to study the pace at which state agencies, institutions, and political subdivisions are complying with laws requiring accessibility to and usability of public buildings and facilities by physically handicapped persons.

Was read the first time and referred to the committee on State and Federal Government.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1044.** A Bill for an Act to eliminate the statement of damages in certain pleadings.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1045.** A Bill for an Act to provide for reporting and review of medical malpractice claims, settlements, and final judgments.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1079.** A Bill for an Act to amend section 28-26-01 of the North Dakota Century Code, relating to the awarding of costs and attorney's fees to the prevailing defendant in a civil case.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1114.** A Bill for an Act to amend and reenact sections 40-21-02 and 40-21-03 of the North Dakota Century Code, relating to polling hours for municipal elections.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1183.** A Bill for an Act to amend and reenact sections 37-15-12 and 37-15-15 of the North Dakota Century Code, relating to moneys in the soldiers' home fund.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1200.** A Bill for an Act to amend and reenact section 39-21-01 of the North Dakota Century Code, relating to the use of lighted lamps on motor vehicles.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1214.** A Bill for an Act to declare the purpose of marking personal property, and making it an offense, to remove from or have possession of personal property, on which the serial numbers or owners identification mark has been changed or obliterated, and providing a penalty.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1216.** A Bill for an Act to amend and reenact sections 23-11-31, 23-11-32, 23-11-33, 23-11-34, and subsection 8 of section 23-11-35 of the North Dakota Century Code, relating to housing for veterans.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1254.** A Bill for an Act to create and enact a new subsection to section 39-04-19 of the North Dakota Century Code, relating to the use of farm vehicles for custom combine operations.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1259.** A Bill for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the membership of the state board of higher education and providing for an advisory student representative; and providing an appropriation.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1260.** A Bill for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to membership of the state board of higher education, providing for an advisory faculty representative; and providing an appropriation.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1297.** A Bill for an Act to amend and reenact section 14-03-02 of the North Dakota Century Code, relating to the lawful age for marriage.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1323.** A Bill for an Act to amend and reenact section 24-05-04.1 of the North Dakota Century Code, relating to the rental fee charged by counties for use of their equipment.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1325.** A Bill for an Act to amend and reenact section 11-14-16 of the North Dakota Century Code, relating to when treasurer shall pay over the funds collected.

Which was read the first time and referred to the Committee on State & Federal Government.

**House Bill No. 1326.** A Bill for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to the care required in operating a motor vehicle, and providing a penalty.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1328.** A Bill for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the authority of municipalities to control noise pollution.

Which was read the first time and referred to the Committee on Political Subdivisions.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3042.** A concurrent resolution congratulating Randy Hedberg of Minot State College on being chosen North Dakota's 1976 College Athlete of the Year.

Was read the first time.

Senator Reiten moved that the rules be suspended, that House Concurrent Resolution No. 3042 as printed on page 388 of the House Journal, 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. 3042.** A concurrent resolution congratulating Randy Hedberg of Minot State College on being chosen North Dakota's 1976 College Athlete of the Year.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Reiten moved that the resolution be adopted, which motion prevailed, and House Concurrent Resolution No. 3042 was adopted.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**House Concurrent Resolution No. 3044.** A concurrent resolution urging an awareness of the needs of older American Indian citizens in North Dakota and the creation and support of more adequate programs in their behalf.

Was read the first time.

Senator Berube moved that the rules be suspended, that House Concurrent Resolution No. 3044 as printed on pages 389 and 390 of the House Journal, 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. 3044.** A concurrent resolution urging an awareness of the needs of older American Indian citizens in North Dakota and the creation and support of more adequate programs in their behalf.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Berube moved that the resolution be adopted, which motion prevailed, and House Concurrent Resolution No. 3044 was adopted.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**House Concurrent Resolution No. 3048.** A concurrent resolution commending the Mary College legislative guides program and urging the college to continue this program during future sessions.

Was read the first time.

Senator Solberg moved that the rules be suspended, that House Concurrent Resolution No. 3048 as printed on pages 390 and 391 of the House Journal, 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. 3048.** A concurrent resolution commending the Mary College legislative guides program and urging the college to continue this program during future sessions.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Solberg moved that the resolution be adopted, which motion prevailed, and House Concurrent Resolution No. 3048 was adopted.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2007. Budgets — Law Enforcement —** A Bill for an Act making an appropriation for defraying expenses of the state highway patrol and the law enforcement center.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 343 - 345) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PIETRON        |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2009. Budgets — Attorney General — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the attorney general's office.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 345) the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PIETRON        |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

#### EXPLANATION OF VOTE

Senator Naaden: Mr. President, I rise on a point of personal privilege to explain why I voted no on this bill. While I am in full agreement with the fire marshal and his appropriation, I do not approve of the law enforcement council and that was the biggest budget, and that is the reason I voted no.

#### MOTION

Senator Reiten moved that Senate Bill No. 2213 be moved ahead of Senate Bill 2175 on the calendar as it is a companion bill, which motion prevailed.

Senate Bill No. 2213. A Bill for an Act to create and enact subdivisions j and k of subsection 11 of section 52-01-01, subdivisions m and n of subsection 13 of section 52-01-01, subsections 31 and 32 of section 52-01-01, section 52-04-19.1, subsections 12, 13, 14, and 15 of section 52-06-02 of the North Dakota Century Code, relating to unemployment compensation definitions, coverage, accounts, and benefits, and to amend and reenact subdivision f of subsection 11 of section 52-01-01, subdivision f of subsection 13 of section 52-01-01, paragraph (3) and (6) of subdivision h of subsection 13 of section 52-01-01, the first paragraph of subdivision i of

subsection 13 of section 52-01-01, paragraph (5) of subdivision i of subsection 13 of section 52-01-01, subdivisions a and b of subsection 15 of section 52-01-01, subsection 20 of section 52-01-01, section 52-04-07, subsection 3 of section 52-06-04, subsections 2 and 3 of section 52-07.1-03 of the North Dakota Century Code, relating to unemployment compensation definitions, coverage, accounts, and benefits.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 348) the roll was called and there were ayes, 29; nays, 20; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| •               |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| •               |     |      | KRAUTER    |     |      | NOTHING          |     | STRAND        |
| •               |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| •               |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| •               |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| •               |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| •               |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| •               |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| •               |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| •               |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| •               |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| •               |     |      | MORGAN     |     |      | SHABLOW          |     |               |

So the bill passed and the title was agreed to.

**PERSONAL PRIVILEGE**

Senator Tennefos: Mr. President, I rise on a point of personal privilege. Mr. President, and ladies and gentlemen of the Senate. I voted "red" on 2213 for the main reason that I feel we are being mandated by the Federal Government to do things that the State Government, this body, should have the privilege of deciding to do. I call it an encroachment. The old term in football used to be "off-side". I think the government is "off-side" in this case, and the government I refer to is the Federal Government. The Act that we were just visiting about is Public Law 94566, and it does require the states to extend the Unemployment Compensation coverages to certain previously uncovered workers. But it also in this Act says that this should be done by December 31, 1977, and I would say in this assembly that there isn't a municipality or any other organization within this state that is abiding by that Act. We heard this same situation on public transportation committee years and years, the threat of the Federal Government taking highway funds from North Dakota. The Legislature saw fit to continually upgrade and provide inspection for our safety vehicle laws for the safety vehicles. I feel as though this type of legislation is passed under duress, and I as a legislator representing my district, feel that that's not out here as a legislator that I'm a rubber stamp. And I just don't like being a rubber stamp. Thank you.

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

Senator Nothing moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-SECOND DAY

Bismarck, February 2, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.



The prayer was offered by Rev. George Walker, Evangelical Free Church, Bismarck.

"Our gracious Father, God, we pause at the beginning of this legislative day to bow our heads and hearts before You. We thank You for this great Nation, and for this great State in which we live. We are thankful for the freedoms and blessings that we enjoy. We are mindful that Your mercies and compassions, which fail not, are new every morning. For this we give You thanks.

"We ask for Your grace and guidance upon these men and women who have been given the responsibility to represent the people of this State here in the Senate. Give them mental clarity and a sensitive spirit. Give them wisdom sufficient to meet the test that is before them. May they recognize that they not only represent the people of North Dakota, but that they are your ministers to serve for the good of the people. We thank You for this high calling and for Your promise of wisdom and guidance. In the name of Christ we pray. Amen.

The roll was called and all Senators were present except Freed.  
A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twentieth day after recess and Twenty-first day and finds the same to be correct.

SENATOR VOSPER, Chairman.

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2175. A Bill for an Act to amend and reenact subdivision a of subsection 1 of section 52-04-19 of the North Dakota Century Code, relating to financing unemployment compensation benefits paid to employees of the state hospitals or state institutions of higher education; and to provide an effective date.

Which has been read. ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SHYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL          |     |      | • LUDOEN     |           |      | • REDLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                 |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2176. A Bill for an Act to amend and reenact subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an additional adjustment for expenses incurred in connection with the adoption of persons under the age of twenty-one years for state income tax purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 348) the roll was called and there were ayes, 14; nays, 34; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                 |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                 |     |      | KRAUTER    |     |      | NEHING           |     | STRAND        |
|                 |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                 |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                 |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                 |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                 |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                 |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                 |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                 |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                 |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                 |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2176 was declared lost.

Senate Bill No. 2219. A Bill for an Act to amend and reenact subdivision b of subsection 1 and subsection 2 of section 52-06-04 of the North Dakota Century Code relating to schedule of unemployment compensation benefits.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                 |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
|                 |     |      | KRAUTER    |     |      | NEHING           |     | STRAND        |
|                 |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                 |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                 |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                 |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                 |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                 |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                 |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                 |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                 |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                 |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2219 was declared lost.

Senate Bill No. 2241. A Bill for an Act providing for a disaster emergency fund for the protection of life and property, providing for its administration by the emergency commission, providing an appropriation, and declaring an emergency.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |            |
|-----------------|-----|------|------------|-----|------|------------------|-----|------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS       |
|                 |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI  |
|                 |     |      | JONES      |     |      | NELSON           |     | SOLBERG    |
|                 |     |      | KRAUTER    |     |      | NEHING           |     | STRAND     |
|                 |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN   |
|                 |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON |
|                 |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS   |
|                 |     |      | LIPS       |     |      | RAIT             |     | THANE      |
|                 |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER     |

|          |         |          |               |
|----------|---------|----------|---------------|
| GOODMAN  | MAHER   | REITEN   | WALSH         |
| HANSON   | MAU     | SANDNESS | WENSTROM      |
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

Senate Bill No. 2241 was declared lost.

Senate Bill No. 2280. A Bill for an Act making an appropriation to defray the expenses of continuing the position of state ABM coordinator, and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 29; nays, 20; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL CALL  |     |          | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|----------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS     | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | JACOBSON   |     | NAADEN   |                  |     | SMYKOWSKI     |
| • BARTH         |     |      | JONES      |     | NELSON   |                  |     | SOLBERG       |
| • BERUBE        |     |      | KRAUTER    |     | NETHING  |                  |     | STRAND        |
| • CHRISTENSEN   |     |      | LARSON     |     | ORANGE   |                  |     | STRINDEN      |
| • ERDMAN        |     |      | LASHKOWITZ |     | PETERSON |                  |     | TALLACKSON    |
| • FARRINGTON    |     |      | LEE        |     | PIETRON  |                  |     | TENNEFOS      |
| • FREED         |     |      | LIPS       |     | RAIT     |                  |     | THANE         |
| • FRITZELL      |     |      | LODOEN     |     | REDLIN   |                  |     | VOSPERS       |
| • GOODMAN       |     |      | MAHER      |     | REITEN   |                  |     | WALSH         |
| • HANSON        |     |      | MAU        |     | SANDNESS |                  |     | WENSTROM      |
| • HOFFNER       |     |      | MELLAND    |     | SANDS    |                  |     | WRIGHT        |
| • HOLMBERG      |     |      | MILLER     |     | SCHIRADO |                  |     | MR. PRESIDENT |
| • ISZLER        |     |      | MORGAN     |     | SHABLOW  |                  |     |               |

So the bill passed, the title was agreed to, but the emergency clause lost.

**MOTIONS**

Senator Iszler moved that Senate Bill No. 2407 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

Senator Iszler requested the unanimous consent of the Senate to withdraw Senate Bill No. 2407. There being no objection, the request was granted, and Senate Bill No. 2407 was withdrawn.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2295. A Bill for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to the issuance of photo identification cards for nondrivers by the highway commissioner; to repeal section 14-10-16 and chapter 14-16 of the North Dakota Century Code, relating to the issuance of identification cards by the clerk of the district court; and to provide a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 348) the roll was called and there were ayes, 39; nays, 8; absent and not voting, 3.

| REGULAR SESSION |     |      | ROLL CALL  |     |          | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|----------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS     | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | JACOBSON   |     | NAADEN   |                  |     | SMYKOWSKI     |
| • BARTH         |     |      | JONES      |     | NELSON   |                  |     | SOLBERG       |
| • BERUBE        |     |      | KRAUTER    |     | NETHING  |                  |     | STRAND        |
| • CHRISTENSEN   |     |      | LARSON     |     | ORANGE   |                  |     | STRINDEN      |
| • ERDMAN        |     |      | LASHKOWITZ |     | PETERSON |                  |     | TALLACKSON    |
| • FARRINGTON    |     |      | LEE        |     | PIETRON  |                  |     | TENNEFOS      |
| • FREED         |     |      | LIPS       |     | RAIT     |                  |     | THANE         |
| • FRITZELL      |     |      | LODOEN     |     | REDLIN   |                  |     | VOSPERS       |
| • GOODMAN       |     |      | MAHER      |     | REITEN   |                  |     | WALSH         |
| • HANSON        |     |      | MAU        |     | SANDNESS |                  |     | WENSTROM      |
| • HOFFNER       |     |      | MELLAND    |     | SANDS    |                  |     | WRIGHT        |
| • HOLMBERG      |     |      | MILLER     |     | SCHIRADO |                  |     | MR. PRESIDENT |
| • ISZLER        |     |      | MORGAN     |     | SHABLOW  |                  |     |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2306.** A Bill for an Act to provide for the deduction of 1975 federal income taxes on the 1976 North Dakota income tax returns of individuals, estates, and trusts; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 41; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS          |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| BARTH           |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| BERUBE          |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| CHRISTENSEN     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| ERDMAN          |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| FARRINGTON      |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FREED           |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| FRITZEL         |     |      | LODDEN     |     |      | REDLIN           |     | VOSPER        |
| GOODMAN         |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| HANSON          |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HOFFNER         |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOLMBERG        |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| ISZLER          |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate bill No. 2306 was declared lost.

**Senate Bill No. 2322.** A Bill for an Act to create and enact a new subsection to each of sections 57-39.2-04 and 57-40.2-04 of the North Dakota Century Code, to provide retail sales tax and use tax exemptions for clothing and wearing apparel, including fabrics and other items to be incorporated directly therein.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS          |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| BARTH           |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| BERUBE          |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| CHRISTENSEN     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| ERDMAN          |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| FARRINGTON      |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FREED           |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| FRITZEL         |     |      | LODDEN     |     |      | REDLIN           |     | VOSPER        |
| GOODMAN         |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| HANSON          |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HOFFNER         |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOLMBERG        |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| ISZLER          |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2322 was declared lost.

**Senate Bill No. 2339.** A Bill for an Act to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code, providing that sales of personal property and services exempt from the sales tax shall also be exempt from the use tax; and to amend and reenact subsection 3 of section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of motor vehicles from the use tax.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2390.** A Bill for an Act to repeal section 15-47-18 of the North Dakota Century Code, relating to the payment of tuition for children whose parents live on county poor farms.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 349) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

#### MOTION

Senator Lips moved that Senate Bill No. 2410 be re-referred to the Committee on Appropriations, which motion prevailed.

#### PERSONAL PRIVILEGE.

Senator Tennefos: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate. I have found myself in an embarrassing position here when I made some comments earlier today and I want to make sure that this Assembly is not misled by one of those comments. I guess everyone is entitled to a mistake now and then. I made a comment that the municipalities and others would not be under this particular piece of legislation until 1977. I hastily read my little public law and that is December 31st of 1977, so that would give us all this year to get those people covered. I apologize for that and I want to make sure that the record shows that those municipalities and others that are not involved in that at this point are not in violation. Then I also at that time mentioned something about our Safety Act. I failed to mention the fact that we did preclude government mandate and we did remove some 60,000 odd dollars from our budget today out of the Highway Patrol that was part of a mandate that we objected to, objected to, objected to, and finally got rid of. Thank you.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2445.** A Bill for an Act to create and enact section 57-39.2-14.1 of the North Dakota Century Code, relating to direct payment of sales and use tax to the commissioner; to amend and reenact subsection 1 of section 57-40.2-07 of the North Dakota Century Code relating to the collection of use tax:

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |          |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|---------------------|------------|------|------|----------|------|------------------|-----|---------------|
|                 |     |      | ROLL CALL           |            |      |      |          |      |                  |     |               |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •               |     |      | •                   |            |      | •    |          |      | •                |     |               |
| •               |     |      | •                   | JACOBSON   |      | •    | NAADEN   |      | •                |     | SMYKOWSKI     |
| •               |     |      | •                   | JONES      |      | •    | NELSON   |      | •                |     | SOLBERG       |
| •               |     |      | •                   | KRAUTER    |      | •    | NETHING  |      | •                |     | STRAND        |
| •               |     |      | •                   | LARSON     |      | •    | ORANGE   |      | •                |     | STRINDEN      |
| •               |     |      | •                   | LASHKOWITZ |      | •    | PETERSON |      | •                |     | TALLACKSON    |
| •               |     |      | •                   | LEE        |      | •    | PIETRON  |      | •                |     | TENNEFOS      |
| •               |     |      | •                   | LIPS       |      | •    | RAIT     |      | •                |     | THANE         |
| •               |     |      | •                   | LODOEN     |      | •    | REDLIN   |      | •                |     | VOSPER        |
| •               |     |      | •                   | MAHER      |      | •    | REITEN   |      | •                |     | WALSH         |
| •               |     |      | •                   | MAU        |      | •    | SANDNESS |      | •                |     | WENSTRÖM      |
| •               |     |      | •                   | MELLAND    |      | •    | SANDS    |      | •                |     | WRIGHT        |
| •               |     |      | •                   | MILLER     |      | •    | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •               |     |      | •                   | MORGAN     |      | •    | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

**PERSONAL PRIVILEGE**

Senator Lips: Mr. President, members of the Senate, I would like to thank the Finance and Tax Committee. That's the first time they've agreed with me this Session.

Senator Goodman: Mr. President, members of the Senate, I accept your comments. Thank you Senator Lips.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2460.** A bill for an Act making an appropriation to defray the expenses of the rural forest and fire protection program.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |          |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|---------------------|------------|------|------|----------|------|------------------|-----|---------------|
|                 |     |      | ROLL CALL           |            |      |      |          |      |                  |     |               |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •               |     |      | •                   | JACOBSON   |      | •    | NAADEN   |      | •                |     | SMYKOWSKI     |
| •               |     |      | •                   | JONES      |      | •    | NELSON   |      | •                |     | SOLBERG       |
| •               |     |      | •                   | KRAUTER    |      | •    | NETHING  |      | •                |     | STRAND        |
| •               |     |      | •                   | LARSON     |      | •    | ORANGE   |      | •                |     | STRINDEN      |
| •               |     |      | •                   | LASHKOWITZ |      | •    | PETERSON |      | •                |     | TALLACKSON    |
| •               |     |      | •                   | LEE        |      | •    | PIETRON  |      | •                |     | TENNEFOS      |
| •               |     |      | •                   | LIPS       |      | •    | RAIT     |      | •                |     | THANE         |
| •               |     |      | •                   | LODOEN     |      | •    | REDLIN   |      | •                |     | VOSPER        |
| •               |     |      | •                   | MAHER      |      | •    | REITEN   |      | •                |     | WALSH         |
| •               |     |      | •                   | MAU        |      | •    | SANDNESS |      | •                |     | WENSTRÖM      |
| •               |     |      | •                   | MELLAND    |      | •    | SANDS    |      | •                |     | WRIGHT        |
| •               |     |      | •                   | MILLER     |      | •    | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •               |     |      | •                   | MORGAN     |      | •    | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2480.** A bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for sales of certain consumable items sold to a manufacturing concern.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 5; nays, 42; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2480 was declared lost.

SECOND READING OF HOUSE BILLS

House Bill No. 1145. A Bill for an Act to prohibit requiring a fingerprint or thumbprint upon a check for identification or other check cashing purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 45; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1145 was declared lost.

House Bill No. 1151. A Bill for an Act to amend and reenact section 6-06-08 of the North Dakota Century Code, relating to supervision of credit unions by the state credit union board, reports, examinations, and fees.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

House Bill No. 1153. A Bill for an Act to amend and reenact subsection 2 of section 6-01-03 of the North Dakota Century Code, relating to the state credit union board.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZEL           |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**PERSONAL PRIVILEGE**

Senator Sandness: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, last Thursday and Friday, I attended a twelve state conference in Kansas City on education for the handicapped and listened to discussions on what our state legislature and the State Department must do to comply with Public Law 94-142. This is that congressional act, and it must be good because in the day and a half that I was there, I was given four copies of it. The people we met with from Washington told us that in the Congress the work on the rules and regulations of this Act is second only to the work done on the Civil Rights Act.

The people we met with from Washington (or the purpose of the conference) was for us from these mid-central states to express our concerns and problems we would have to comply with this Federal law, so they could go back to Washington and bring these concerns to the Congressional Committee working on the rules and regulations of this Act.

The people from the states, North and South Dakota, Iowa, Oklahoma, Missouri, Nebraska, Kansas, Colorado, I believe those were the ones represented, were legislators, people from the Department of Education and people from the Governor's Office. There were four of us from North Dakota and I left the conference feeling that our state is in a fairly good position to face the Federal Mandate to provide a free education to our handicapped children. However, we had several questions, as did all the others and most all of their questions and concerns were much the same as ours. One thing we all stressed and tried to convey to them that we don't have millions of people, we aren't like New York. We are very rural and transportation is a major problem and a major cost.

We were asked if we generally knew where our handicapped people are



and a legislator from Nebraska said that they had 257 school districts and they didn't even know where they all were.

So one of the areas of discussion was:

A. Data — collection of information — how many — where are they — to whom have they been referred, have they been evaluated or given any service.

B. Another was age range — and according to the Act now — all handicapped must receive an education free of cost to the parents for ages 3 to 18 by September 1, 1978 and for all 3 to 21 by September 1, 1980. There were some exceptions in the 3 to 5 and the 18 to 21 age categories that would be under some state laws. Kindergarten laws in some states include all handicapped children now in the 3 to 6 age bracket.

C. Another area was costs and excess costs of normal education was discussed at length.

D. Evaluation, comparability — what does educating the handicapped mean — where does education start and at what point does it cease — Where does Social Services come into this program or the Mental Health, and who determines that?

Where can Vocational Education be a service for those mildly handicapped, etcetra, etcetra.

E. How about Administration? Who all are involved — besides those already mentioned — local schools, state school board, state institutions. Insurance was even discussed some.

There was expression of concern that often the child gets lost, with agencies fighting over rules, regulations and costs, and I'm sure that's a possibility.

After a day and a half of listening to rules and regulations in the Federal Act — which is a mandate on every state, sometimes I felt like the parents who received a note from their school superintendent. It read "Our school's cross-graded, multi-ethnic, individualized learning program is designed to enhance the concept of an open-ended learning program with emphasis on a continuum of multi-ethnic academically enriched learning using the identified intellectually gifted child as the agent or director of his own learning. Major emphasis is on cross-graded, multi-ethnic learning with the main objective being to learn respect for the uniqueness of a person." The parent wrote back to the superintendent: "I have a college degree, speak two foreign languages and four Indian dialects, have been to a number of county fairs and three goat ropings, but I haven't the faintest idea as to what the hell you are talking about. Thank you.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

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

Senate Bill No. 2101

Senate Bill No. 2228

Senate Bill No. 2239

Senate Bill No. 2265

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1040  
House Bill No. 1078  
House Bill No. 1101  
House Bill No. 1107  
House Bill No. 1117  
House Bill No. 1119  
House Bill No. 1122  
House Bill No. 1123

LEO LEIDHOLM, Secretary  
Senate Chamber

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

House Bill No. 1076

LEO LEIDHOLM, Secretary  
MESSAGES FROM THE HOUSE  
House Chamber

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

House Bill No. 1069  
House Bill No. 1111  
House Bill No. 1124  
House Bill No. 1174  
House Bill No. 1205  
House Bill No. 1230  
House Bill No. 1239  
House Bill No. 1253  
House Bill No. 1343  
House Bill No. 1348  
House Bill No. 1349

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. 2121

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL NO. 2121

On page 1, line 17, of the engrossed bill delete "amounts" and insert in lieu thereof "annual installments"

And renumber the lines and pages accordingly.

Senator Nething moved that after the reading of Senate Bills Nos. 2092, 2157, 2223, 2269, 2272, 2300, 2320, 2323, 2332, 2337, 2345, 2347, 2351, 2366, 2375, 2415, 2476, 2511 and House Bills Nos. 1032 and 1048, the Senate recess until Thursday, February 3, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## TWENTY-SECOND DAY AFTER RECESS AND TWENTY-THIRD DAY

Bismarck, February 3, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2223

Senate Bill No. 2269

Senate Bill No. 2280

Senate Bill No. 2375

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2157

And find the same correctly Re-engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2003 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, delete the numerals "83,894" and insert in lieu thereof the numerals "57,812"

On page 1, delete line 19

On page 2, line 1, delete the numerals "210,160" and insert in lieu thereof the numerals "183,593"

On page 2, delete line 5

On page 2, line 9, delete the numerals "227,283" and insert in lieu thereof the numerals "225,731"

On page 2, delete line 13

On page 2, line 18, delete the numerals "149,630" and insert in lieu thereof the numerals "149,099"

On page 2, line 21, delete the numerals "608,728" and insert in lieu thereof the numerals "611,950"

On page 2, delete line 22

On page 2, line 23, delete the numerals "63,480" and insert in lieu thereof the numerals "62,774"

On page 2, line 24, delete the numerals "246,008" and insert in lieu thereof the numerals "234,607"

On page 2, line 28, delete the numerals "964,742" and insert in lieu thereof the numerals "951,174"

On page 2, line 30, delete the numerals "409,167" and insert in lieu thereof the numerals "395,599"

On page 2, delete line 34

On page 3, line 2, delete the numerals "18,000" and insert in lieu thereof the numerals "10,000"

On page 3, line 4, delete the numerals "2,678,880" and insert in lieu thereof the numerals "2,596,880"

On page 3, line 5, delete the numerals "3,153,980" and insert in lieu thereof the numerals "3,061,520"

On page 3, line 6, delete the numerals "2,978,980" and insert in lieu thereof the numerals "2,976,520"

On page 3, line 7, delete the numerals "175,000" and insert in lieu thereof the numerals "85,000"

On page 3, line 8, delete the numerals "1,171,240" and insert in lieu thereof the numerals "1,039,022"

On page 3, line 9, delete the numerals "3,534,555" and insert in lieu thereof the numerals "3,532,095"

On page 3, line 10, delete the numerals "4,705,795" and insert in lieu thereof the numerals "4,571,117"

On page 3, line 34, delete the numerals "13,586" and insert in lieu thereof the numerals "17,297"

On page 3, line 34, delete the numerals "1,500" and insert in lieu thereof the numerals "2,000"

On page 3, line 35, delete the numerals "17,297" and insert in lieu thereof the numerals "19,131"

On page 4, line 4, delete the numerals "19,131" and insert in lieu thereof the numerals "13,586"

On page 4, line 4, delete the numerals "2,000" and insert in lieu thereof the numerals "1,500"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to delete the amounts recommended for classification change in the various agency appropriations. The amount of \$26,082 for an assistant director position was deleted from the Indian Affairs Commission salary and wage appropriation.

The Soldiers' Home salaries and wages appropriation was increased by \$3,222 to provide adequate funds for fringe benefit costs of part-time employees. The Soldiers' Home appropriation for fees and services was reduced by \$706 and supplies and materials by \$11,401 in accordance with committee guidelines for five percent annual inflation increases. This appropriation includes \$69,954 for heating fuel and \$24,019 for electricity expenditures as originally estimated by the Soldiers' Home.

The general fund appropriation for the Office of Economic Opportunity was reduced from \$175,000 to \$85,000 by reducing the data processing line item by \$8,000 and the grants, benefits, and claims line item by \$82,000.

SENATOR LIPS, Chairman

Senate Bill No. 2003 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2066 has had the same under consideration and

recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2066 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2068 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 12, after the word "by" delete the word "the" and insert in lieu thereof "an eligible"

On page 5, line 2, after the word "compensation" insert the words "excluding overtime"

On page 7, line 22, after the word "board" insert the following new language: "Within thirty days after the effective date of this Act, except as otherwise provided in this section, any political subdivision may withdraw the total sums in its employee and employer accounts with the fund, make appropriate refunds, and terminate its participation in the public employees retirement system."

On page 9, line 10, after the word "person" delete the words "in addition to paying" and insert in lieu thereof the words "must pay"

On page 9, line 12, after the word "plan," delete the words "must pay to the fund" and insert in lieu thereof the words "together with"

On page 9, line 14, after the word "time" insert a comma and on the same line after the word "interest" insert the words "compounded on the total amount"

On page 10, line 20, after the word "make" delete the words "an annual" and insert in lieu thereof the words "a biennial"

On page 10, line 24, after the word "employer" insert the words "and employee"

On page 10, line 27, after the word "every" delete the word "three" and insert in lieu thereof the words "even-numbered year"

On page 10, line 28, delete the word "years"

On page 11, line 19, after the word "five" insert the word "consecutive"

On page 12, line 1, after the word "pay" insert the word "monthly"

On page 12, line 4, after the period insert the following new language: "Any governmental unit failing to pay such contributions monthly shall be subject to a civil penalty of fifty dollars and, as interest, one percent of the amount due for each month of delay or fraction thereof after such payment became due."

On page 15, line 9, after the first word "employment" insert the following new language: "unless such member has contributed to the plan or its predecessor established on July 1, 1966, in excess of thirty years; members who have contributed to these plans in excess of thirty years shall receive credit for the years of full-time employment after July 1, 1966"

On page 15, line 10, after the word "such" insert the words "a prorated"

On page 15, line 31, after the word "employment" insert the following new language: "after attaining the age of sixty-five years"

On page 17, line 23, after the period insert the following new language: "If the spouse dies or remarries, he shall come under the provisions of subsection 8 of this section."

On page 17, line 24, after the word "member" insert the following new language: "not coming under the provisions of subsection 6 of this section"

On page 17, line 26, after the word "to" delete the words "becoming eligible to" and insert in lieu thereof the word "retirement"

On page 17, line 27, delete the following: "receive any retirement benefits"

On page 17, line 30, after the numerals "1977" insert the following new language: "with five percent annual interest thereon to date of termination"

On page 18, after line 2, insert the following new subsection:

"8. If a member who is receiving retirement benefits or his surviving spouse who is receiving retirement benefits dies or if the surviving spouse remarries before the total amount of benefits paid to either or both equals the amount of the member's contribution with five percent interest, plus the vested amount on June 30, 1977, with five percent interest, the difference shall be paid to such spouse, his surviving beneficiary, if any, or his estate."

On page 18, line 3, delete the numeral "8" and insert in lieu thereof the numeral "9"

On page 18, after line 15, insert the following subsection:

"10. Employees who were continuously employed by a governmental unit in North Dakota during the entire period from July 1, 1966, to June 30, 1977, shall have the opportunity within one month after the effective date of this Act to choose whether or not they wish to continue as members of the North Dakota public employees retirement system. Such an employee who chooses to withdraw from the fund shall receive his employee account fund and the vested portion of his vesting fund, both as of June 30, 1977."

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

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2068 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2299 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, after the word "LAND" insert the following: "AND TRAPPING ON PRIVATE LAND"

On page 1, line 18, after the word "of" insert beginning triple parentheses and on the same line after the word "or" insert ending triple parentheses

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2299 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2324 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the word "shall" insert beginning triple parentheses and after the word "with" insert ending triple parentheses and insert in lieu thereof the following: "include in" and on the same line after the word "judgment" insert the words "the facts"

On page 1, line 16, after the word "assessed" delete beginning triple parentheses

On page 1, line 17, after the word "incurred" delete ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2324 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2348 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2348 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2349 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2349 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2354 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after "A BILL" and delete everything thereafter through the end of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 4-34-05 of the North Dakota Century Code, designating the beef commission as the agency to receive moneys from the national beef board; to amend and reenact subsections 2 and 3 of section 4-34-01, section 4-34-02, and subsections 6, 9, 10, and 12 of section 4-34-05 of the North Dakota Century Code, relating to the purpose and use of assessments by the beef commission and definitions applicable to the Beef Promotion Act; to repeal sections 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code, relating to the assessment of cattle by the beef commission; and to provide an effective date.

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

SECTION 1. AMENDMENT.) Subsections 2 and 3 of section 4-34-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

2. To (((support))) encourage research and educational activities of the national livestock and meat board and its beef industry council (((with not less than fifty percent of the assessments collected))).

3. To support research efforts toward solving problems, primarily health, involved in the production of North Dakota beef cattle with no less than twenty-five percent of (((assessments collected))) available annual funds.

SECTION 2. AMENDMENT.) Section 4-34-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-34-02. DEFINITIONS.) Unless the context otherwise requires:

1. "Beef producer" (((shall mean))) means any person or firm engaged in the production of cattle.

2. "Cattle" (((shall be defined to include both))) includes beef and dairy cattle.



3. "Cattle feeder" (((shall mean))) means any person or firm engaged in the growing of cattle or finishing of cattle for slaughter.

4. "Commission" (((shall mean))) means the North Dakota beef commission.

5. "Dairy producer" (((shall mean))) means any person or firm engaged in the production and sale of milk from cows.

6. ((("Livestock auction markets" shall have the same definition as contained in subsection 2 of section 36-05-01.

7. "Local brand inspector" shall mean a person appointed and authorized by the North Dakota Stockmen's Association acting as agent for the North Dakota livestock sanitary board.

8. "Livestock dealer" shall have the same definition as contained in section 36-04-01.

9. "Livestock terminal markets" shall mean the public livestock market located at West Fargo and known as the West Fargo stockyards.

10.)) "Person" (((shall include))) includes individuals, corporations, partnerships, trusts, associations, cooperatives, and any and all other business units.

((11. "Selling agency" shall mean any person engaged in the business of buying or selling in commerce livestock on a commission basis.))

SECTION 3. AMENDMENT.) Subsections 6, 9, 10, and 12 of section 4-34-05 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

6. The commission may require that the person or persons who receive and disburse the moneys of the commission shall be bonded, by and in the amount to be determined by the commission. The premium for such bond or bonds shall be paid by the commission ((from assessments collected)).

9. The commission may borrow money, not in excess of its estimate of revenue ((from)) for the current ((year's assessments)) year.

10. The commission shall keep or cause to be kept accurate records of all ((assessments,)) expenditures, moneys, and other financial transactions performed pursuant to this chapter. Such records, books, and accounts shall be audited at least annually ((, or oftener,)) by the state auditor, in accordance with established auditing and accounting procedures.

12. The commission is empowered to cooperate with and to accept funds and other support from any local, state, or national commission, organization, or agency, whether voluntary or established by state or federal law, including recognized livestock groups, engaged in activities similar to the work of the commission and to make contracts and agreements for carrying out programs consistent with the purpose and intent of this chapter.

SECTION 4.) A new subsection to section 4-34-05 of the North Dakota Century code is hereby created and enacted to read as follows:

The commission shall be the official North Dakota agency designated to receive moneys from the national beef board established under the Beef Research and Information Act.

SECTION 5. REPEAL.) Sections 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code are hereby repealed.

SECTION 6. EFFECTIVE DATE.) The provisions of this Act shall become effective only upon the passage of a referendum provided by the Beef Research and Information Act (94 Pub. L. 294; 90 Stat. 529; 7 U.S.C.

2901 et seq.) and upon the date assessments for sales of beef under the Beef Research and Information Act are imposed by or on behalf of the beef board."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2354 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2355 has had the same under consideration and recommends that the same be amended as follows:

On line 13 following the ending triple parentheses delete "3" and insert in lieu thereof "4"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2355 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2356 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2356 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2389 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the word "or" delete the words "a firm" and insert in lieu thereof the words "the applicant"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2389 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2410 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2410 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2438 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2438 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2444 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2444 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2453 has had the same under consideration and recom-

mends that the same be amended as follows:

On page 2, line 16, after the word "a" delete the words "charge of" and insert in lieu thereof the following: "daily storage rate fixed at the time of delivery no greater than"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2453 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2470 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, delete the following: "1."

On page 1, line 15, after the word "set" insert the words "or scanner"

On page 1, line 20, after the period insert the following new language: "Any person violating this section shall be guilty of a class B misdemeanor. All such equipment possessed or used in violation of this section shall be forfeited to the state."

On page 1, delete all of lines 21 through 24

On page 2, delete all of lines 1 through 13

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2470 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Concurrent Resolution No. 4031 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Concurrent Resolution No. 4031 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills Nos. 2008, 2016, 2018, 2131, 2218, 2294, 2359, 2378, 2398 and 2492 be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2008 as recommended by the Committee on Appropriations as printed on page 378 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2016 as recommended by the Committee on Agriculture as printed on pages 378 - 380 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2018 as recommended by the Committee on Agriculture as printed on pages 380 - 382 of the Senate Journal be adopted, which motion prevailed.

Senator Barth moved to amend Senate Bill 2018 as follows: On page 4 of the engrossed bill, delete lines 10 through 13. Senator Barth moved that the amendments be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2131 as recommended by the Committee on Industry, Business and Labor as printed on page 382 & 383 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2218 as recommended by the Committee on Industry, Business and Labor as

printed on pages 383 & 384 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2294 as recommended by the Committee on Finance and Taxation as printed on page 384 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2359 as recommended by the Committee on Education as printed on page 385 of the Senate Journal be adopted, which motion prevailed.

Senator Iszler moved that the amendments to Senate Bill No. 2378 as recommended by the Committee on Judiciary as printed on page 385 of the Senate Journal be adopted, which motion prevailed. Senator Lashkowitz moved to amend Senate Bill 2378 as follows: On page 1, line 24, following the word forms, delete the following: ,directions,. Senator Lashkowitz moved that the amendment be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2398 as recommended by the Committee on Industry, Business and Labor as printed on pages 385 and 386 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2492 as recommended by the Committee on State and Federal Government as printed on page 386 of the Senate Journal be adopted, which motion prevailed.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2121, as printed on page 401 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2121 be deemed properly re-engrossed and placed on second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2121. A Bill for an Act to amend and reenact section 40-24-08 of the North Dakota Century Code, relating to special assessments for street beautification and the period for payment of the same; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 401) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |               |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|---------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NOTHING  |     |                  | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE       |     |      |
| • FRITZELL          |     |      | • LODGON     |           |      | • REDLIN   |     |                  | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |               |     |      |

So the bill passed and the title was agreed to.



and in this State. Guard and keep all men and women who have been called to serve You through their service to others. As they look to You in trust, guide their deliberations, establish a spirit of harmony in their homes and work, and awaken in them the hope of the world to come.

Also, we remember those who suffer among us. May we take seriously our neighbors and their needs. And may we show our love for them diligently, honestly, and equitably for the sake of Christ our Lord. Amen."

The roll was called and revealed all Senators present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-first day after recess and Twenty-second day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Naaden introduced:

**Senate Concurrent Resolution No. 4059.** A concurrent resolution for the amendment of article 33 of the amendments to the Constitution of the State of North Dakota, relating to the recall of elected officials of political subdivisions.

Was read the first time and referred to the committee on Constitutional Revision.

Senators Thane, Freed introduced:

**Senate Concurrent Resolution No. 4060.** A concurrent resolution directing the legislative council to conduct a study of the criminal justice system in North Dakota.

Was read the first time and referred to the committee on Judiciary.

Senator Melland introduced:

**Senate Concurrent Resolution No. 4061.** A concurrent resolution directing the Legislative Council to conduct a study of general fund revenues and expenditures during the biennium.

Was read the first time and referred to the committee on Legislative Council Resolutions Committee.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1069.** A Bill for an Act to provide for solar easements, and for the contents of instruments creating those easements.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1111.** A Bill for an Act to create and enact section 15-08-21.1 of the North Dakota Century Code, relating to criminal trespass on state lands; to amend and reenact sections 15-05-08 and 15-08-20 of the North Dakota Century Code, relating to illegal mining activities and trespassing on state lands; and providing a penalty.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1124.** Transfer from Bank of North Dakota — A Bill for an Act to transfer moneys from the accumulated and undivided profits of the bank of North Dakota to the general fund of the state.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1174.** A Bill for an Act to amend and reenact section 57-15-06.4 of the North Dakota Century Code, relating to the levy authorized for county veterans' service officers' salary, traveling and office expenses.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1205.** A Bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to requiring maintenance of a patient profile record system by pharmacies.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1230.** A Bill for an Act to provide funds to reimburse the federal government for the state's twenty-five percent share of three individual and family grant programs that were conducted in North Dakota following the spring flood of 1975, the severe storm and summer floods of 1975, and the spring flood of 1976.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1239.** A Bill for an Act to amend and reenact sections 53-06-01 and 53-06-08 of the North Dakota Century Code, relating to the licensing of dance halls, and halls owned privately and used for public purposes.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1253.** A Bill for an Act to provide an appropriation to indemnify E. P. Price for the loss of turkeys and property due to activities of the North Dakota national guard.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1343.** A Bill for an Act to amend and reenact section 39-03A-09, 39-03A-12 and 39-03A-14 of the North Dakota Century Code, relating to the North Dakota highway patrolmen's retirement system.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1348.** A Bill for an Act to authorize the construction of a medical research and educational center at Fargo using federal funds, providing for use of the center by the university of North Dakota school of medicine, providing for construction on land owned by the United States of America under the jurisdiction of the United States Veterans Administration, and providing for a ninety-nine year lease to the state of North Dakota doing business as the university of North Dakota; providing an appropriation; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1349.** A Bill for an Act to create and enact section 57-15-27.2 of the North Dakota Century Code, relating to authorizing a mill levy by counties for the maintenance of abandoned cemeteries; and to amend and reenact section 23-06-30 of the North Dakota Century Code, relating to the duty of counties to maintain abandoned cemeteries.

Which was read the first time and referred to the Committee on Political Subdivisions.

## MOTIONS

Senator Goodman moved that Senate Bill No. 2516 be returned to the Senate floor from the Committee on Finance and Taxation which motion prevailed.

Senator Goodman moved that Senate Bill No. 2516 be re-referred to the Committee on Judiciary, which motion prevailed.

## FIRST READING OF A SENATE MEMORIAL RESOLUTION

Senators Nething, Hoffner Introduced:

**Senate Memorial Resolution No. 1.** A memorial resolution extending sympathy and condolence to Senator Howard Freed upon the death of his mother.

Was read the first time.

Senator Nething moved that the rules be suspended, that Senate Memorial Resolution No. 1 not be printed as a bill, not referred to a committee, but read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

## SENATE MEMORIAL RESOLUTION No. 1

Introduced by Senators Nething, Hoffner

1 A memorial resolution extending sympathy and condolence to  
2 Senator Howard Freed upon the death of his mother.

3

4 WHEREAS, God in His infinite wisdom has seen fit to  
5 summon from our midst Mrs. Evelyn Freed, the mother of our  
6 colleague, Senator Howard Freed, and the widow of our former,  
7 colleague, Senator Amos Freed; and

8 WHEREAS, Senator Howard Freed is held in the highest  
9 esteem by all members of the Legislative Assembly, who share  
10 with him and his family in their sorrow;

11 NOW, THEREFORE, BE IT RESOLVED BY THE  
11a SENATE OF THE

12 STATE OF NORTH DAKOTA:

13 That we express our deepest sorrow and extend to  
14 Senator Howard Freed and all members of his family our sincere  
15 sympathy and condolence in this their time of sorrow; and

16 BE IT FURTHER RESOLVED, that this resolution

16a be entered  
17 in the journal, and the Secretary of State is hereby directed  
18 to present an enrolled copy to Senator Howard Freed and  
19 members of his family.

## SECOND READING OF A SENATE MEMORIAL RESOLUTION

**Senate Memorial Resolution No. 1.** A memorial resolution extending sympathy and condolence to Senator Howard Freed upon the death of his mother.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Nething moved that the resolution be adopted, which motion prevailed and Senate Memorial Resolution No. 1 was adopted.

## POINT OF PERSONAL PRIVILEGE

Senator Freed: Mr. President, ladies and gentlemen of the Senate. On behalf of myself and the Freed family, we sincerely appreciate your sympathy and condolences in the passing of our beloved Mother and we





|              |           |            |               |
|--------------|-----------|------------|---------------|
| ● FARRINGTON | ● LEE     | ● PIETRON  | ● TENNEFOS    |
| ● FREED      | ● LIPS    | ● RAIT     | ● THANE       |
| ● FRITZELL   | ● LODOEN  | ● REDLIN   | ● VOSPER      |
| ● GOODMAN    | ● MAHER   | ● REITEN   | ● WALSH       |
| ● HANSON     | ● MAU     | ● SANDNESS | ● WENSTROM    |
| ● HOFFNER    | ● MELLAND | ● SANDS    | ● WRIGHT      |
| ● HOLMBERG   | ● MILLER  | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER     | ● MORGAN  | ● SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2269.** A Bill for an Act to authorize the public or private sale of certain premises owned by the state of North Dakota doing business as the university of North Dakota situated in Grand Forks, North Dakota, and for authority to use the proceeds of such sale.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 362) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL CALL           |     |      |              |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2272.** A Bill for an Act to provide for the disposition of fines assessed by a county justice; and to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to the assessment of costs in criminal convictions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 15; nays, 34; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL CALL           |     |      |              |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

Senate Bill No. 2272 was declared lost.

**Senate Bill No. 2300.** A Bill for an Act to amend and reenact section 5-01-06 of the North Dakota Century Code, providing limitations on the recovery of damages resulting from intoxication.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 45; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |     |      |           |     |      |                  |     |               |
|---------------------|-----|------|------|-----|------|-----------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |      |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     | •    |      |     | •    |           |     | •    |                  |     | •             |
| ALBERS              |     | •    |      |     | •    | NAADEN    |     | •    |                  |     | SMYKOWSKI     |
| BARTH               |     | •    |      |     | •    | NELSON    |     | •    |                  |     | SOLBERG       |
| BERUBE              |     | •    |      |     | •    | NETHING   |     | •    |                  |     | STRAND        |
| CHRISTENSEN         |     | •    |      |     | •    | ORANGE    |     | •    |                  |     | STRINDEN      |
| ERDMAN              |     | •    |      |     | •    | PETERSON  |     | •    |                  |     | TALLACKSON    |
| FARRINGTON          |     | •    |      |     | •    | PIETRON   |     | •    |                  |     | TENNEFOS      |
| FREED               |     | •    |      |     | •    | RAIT      |     | •    |                  |     | THANE         |
| FRITZELL            |     | •    |      |     | •    | REDLIN    |     | •    |                  |     | VOSPER        |
| GOODMAN             |     | •    |      |     | •    | REITEN    |     | •    |                  |     | WALSH         |
| HANSON              |     | •    |      |     | •    | SANDNESS  |     | •    |                  |     | WENSTROM      |
| HOFFNER             |     | •    |      |     | •    | SANDS     |     | •    |                  |     | WRIGHT        |
| HOLMBERG            |     | •    |      |     | •    | SCHIRADO  |     | •    |                  |     | MR. PRESIDENT |
| ISZLER              |     | •    |      |     | •    | SHABLOW   |     | •    |                  |     |               |

Senate Bill No. 2300 was declared lost.

Senate Bill No. 2320. A Bill for an Act to establish a commission on uniform state laws, to provide for appointment of commissioners, and to prescribe the duties of commissioners.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 32; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |      |     |      |           |     |      |                  |     |               |
|---------------------|-----|------|------|-----|------|-----------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |      |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     | •    |      |     | •    |           |     | •    |                  |     | •             |
| ALBERS              |     | •    |      |     | •    | NAADEN    |     | •    |                  |     | SMYKOWSKI     |
| BARTH               |     | •    |      |     | •    | NELSON    |     | •    |                  |     | SOLBERG       |
| BERUBE              |     | •    |      |     | •    | NETHING   |     | •    |                  |     | STRAND        |
| CHRISTENSEN         |     | •    |      |     | •    | ORANGE    |     | •    |                  |     | STRINDEN      |
| ERDMAN              |     | •    |      |     | •    | PETERSON  |     | •    |                  |     | TALLACKSON    |
| FARRINGTON          |     | •    |      |     | •    | PIETRON   |     | •    |                  |     | TENNEFOS      |
| FREED               |     | •    |      |     | •    | RAIT      |     | •    |                  |     | THANE         |
| FRITZELL            |     | •    |      |     | •    | REDLIN    |     | •    |                  |     | VOSPER        |
| GOODMAN             |     | •    |      |     | •    | REITEN    |     | •    |                  |     | WALSH         |
| HANSON              |     | •    |      |     | •    | SANDNESS  |     | •    |                  |     | WENSTROM      |
| HOFFNER             |     | •    |      |     | •    | SANDS     |     | •    |                  |     | WRIGHT        |
| HOLMBERG            |     | •    |      |     | •    | SCHIRADO  |     | •    |                  |     | MR. PRESIDENT |
| ISZLER              |     | •    |      |     | •    | SHABLOW   |     | •    |                  |     |               |

Senate Bill No. 2320 was declared lost.

Senate Bill No. 2323. A Bill for an Act to create and enact sections 16.1-06-10.1, 16.1-06-10.2, 16.1-06-11.1, 16.1-06-11.2, 16.1-06-12.1, 16.1-06-14.1, 16.1-06-18.1, 16.1-13-23.1, and 16.1-15-09.1 of the North Dakota Century Code, relating to the use of electronic voting systems and the requirements of such systems; to amend and reenact sections 16.1-06-03, 16.1-06-04, 16.1-06-05, 16.1-07-13, subsection 1 of section 16.1-11-17, subsection 2 of section 16.1-11-22, sections 16.1-13-05, 16.1-13-31, 16.1-13-32, 16.1-15-08, 16.1-15-09, subsection 4 of section 16.1-16-01, and section 16.1-16-07 of the North Dakota Century Code as contained in House Bill No. 1049 as approved by the forty-fifth legislative assembly, relating to supplying electronic voting systems, and using electronic voting systems at elections; and to provide a penalty; or, in the alternative, to create and enact chapter 16-23 of the North Dakota Century Code, relating to the use of electronic voting systems; and to provide a penalty.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2332. A Bill for an Act to amend and reenact sections 16.1-06-13, 16.1-06-14, 16.1-07-12, 16.1-13-22, 16.1-13-23 and 16.1-15-01 of the North Dakota Century Code as created by House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the stamping and initialing of ballots; or, in the alternative, to amend and reenact sections 16-11-11, 16-11-12, 16-11-16, 16-12-04, 16-12-05, 16-13-01, and 16-18-17 of the North Dakota Century Code, relating to the stamping and initialing of ballots.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 37; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     |                 |

Senate Bill No. 2332 was declared lost.

Senate Bill No. 2337. A Bill for an Act to amend and reenact section 5-01-11 of the North Dakota Century Code, relating to unfair competition in the alcoholic beverage industry.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | • WALSH      |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM   |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2345.** A Bill for an Act to amend and reenact sections 16-10-12 and 16-10-16 of the North Dakota Century Code, relating to compensation for election officials.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTRÖM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2347.** A Bill for an Act to amend and reenact Section 6-03-05.1 of the North Dakota Century Code, relating to advancement of funds to protect liens.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTRÖM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2351.** A Bill for an Act to amend and reenact subsection 8 of section 43-33-12 of the North Dakota Century Code, relating to the grounds for suspension of license of hearing aid dealer.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 46; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |             |
|---------------------|-----|------|------------|-----|------|------------------|-----|-------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |             |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS        |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN         |     | • SMYKOWSKI |

|             |   |            |   |          |   |               |   |
|-------------|---|------------|---|----------|---|---------------|---|
| BARTH       | • | JONES      | • | NELSON   | • | SOLBERG       | • |
| BERUBE      | • | KRAUTER    | • | NETHING  | • | STRAND        | • |
| CHRISTENSEN | • | LARSON     | • | ORANGE   | • | STRINDEN      | • |
| ERDMAN      | • | LASHKOWITZ | • | PETERSON | • | TALLACKSON    | • |
| FARRINGTON  | • | LEE        | • | PIETRON  | • | TENNEFOS      | • |
| FREED       | • | LIPS       | • | RAIT     | • | THANE         | • |
| FRITZELL    | • | LODOEN     | • | REDLIN   | • | VOSPER        | • |
| GOODMAN     | • | MAHER      | • | REITEN   | • | WALSH         | • |
| HANSON      | • | MAU        | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER     | • | MELLAND    | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG    | • | MILLER     | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER      | • | MORGAN     | • | SHABLOW  | • |               |   |

Senate Bill No. 2351 was declared lost.

Senate Bill No. 2366. A Bill for an Act to prohibit the unauthorized transfer of recorded sound and the unauthorized recording of live performances, to require disclosure of the name and address of the manufacturer of recordings for sale, providing for destruction of recordings unlawfully produced, and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |                  |          |      |      |     |      |               |
|---------------------|-------------|------|-----------|------------|------|------------------|----------|------|------|-----|------|---------------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |      |     |      |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS |               |
| •                   |             |      | •         | JACOBSON   |      | •                | NAADEN   |      |      |     | •    | SMYKOWSKI     |
| •                   | BARTH       |      | •         | JONES      |      | •                | NELSON   |      |      |     | •    | SOLBERG       |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •                | NETHING  |      | •    |     |      | STRAND        |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •                | ORANGE   |      |      |     | •    | STRINDEN      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •                | PETERSON |      | •    |     |      | TALLACKSON    |
| •                   | FARRINGTON  | •    | •         | LEE        |      | •                | PIETRON  |      |      |     | •    | TENNEFOS      |
| •                   | FREED       |      | •         | LIPS       |      | •                | RAIT     |      |      |     | •    | THANE         |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •                | REDLIN   |      |      |     | •    | VOSPER        |
| •                   | GOODMAN     |      | •         | MAHER      |      | •                | REITEN   |      |      |     | •    | WALSH         |
| •                   | HANSON      |      | •         | MAU        |      | •                | SANDNESS |      |      |     | •    | WENSTROM      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •                | SANDS    |      |      |     | •    | WRIGHT        |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •                | SCHIRADO |      |      |     |      | MR. PRESIDENT |
| •                   | ISZLER      |      | •         | MORGAN     |      | •                | SHABLOW  |      |      |     |      |               |

So the bill passed and the title was agreed to.

EXPLANATION OF VOTE

Senator Solberg: Mr. President, I rise on a point of personal privilege to explain my vote on the recording bill, Senate Bill 2366. I did not like the wording on lines 5 through 16, page 3, because it permitted exemptions. I have had considerable experience with reproductions of this type, not that kind of sound maybe, but it was sound anyway. Some artists carve their careers, others chisel them, but this is going to lead to a great many litigations because of the copyright law on Federal areas, because once you have made a tape, a company has recorded it, it is used for their personnel or for their organizational meetings which they do from time to time. Then you come under the copyright laws and still it is a recording and it has sound attached to it. I did not like that particular wording, because it may cause problems and I wanted to explain my vote.

Senate Bill No. 2375. A Bill for an Act to amend and reenact sections 21-03-47, 40-22-43, 40-35-04, 40-35-05, and 40-57-07 of the North Dakota Century Code, relating to the limitation of actions regarding the validity of certain bonds, certain taxes, and special assessments and to procedures pertaining to such bonds and special assessments.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended (SJ page 363) the roll was called and there were ayes, 47; nays, 3; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI     |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG       |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND        |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON       |     | ● TALLACKSON    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE         |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER        |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH         |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          | ●   | ● WRIGHT        |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2415. A Bill for an Act to amend and reenact sections 38-08-05 and 38-12-03 of the North Dakota Century Code relating to the fees to be charged for the permit to drill an oil and gas well and the permit to explore for subsurface minerals.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI     |
| ● BARTH             |     |      | ● JONES      | ●   |      | ● NELSON         |     | ● SOLBERG       |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND        |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE         |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER        |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH         |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT        |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2476. A Bill for an Act to create and enact sections 28-32-03.1 and 28-32-03.2 of the North Dakota Century Code, providing for an administrative code and code supplement, printing, distribution and sales; to amend and reenact section 28-32-03 of the North Dakota Century Code, relating to the filing and effect of rules and regulations; and providing an appropriation.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH             |     |      | ● JONES      | ●   |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |

|            |          |            |               |
|------------|----------|------------|---------------|
| • HOLMBERG | • MILLER | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2511. A Bill for an Act to provide for qualified actuaries to prepare and sign certain statements and reports relating to public employee retirement systems within the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill; the roll was called and there were ayes, 7; nays, 43; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
|                     |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| •                   |     |      | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| •                   |     |      | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     |      |
|                     |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Bill No. 2511 was declared lost.

**PERSONAL PRIVILEGE**

Senator Iszler: Mr. President, I rise on a point of personal privilege. Mr. President, members of the Senate:

In the next couple of weeks we, as members of the North Dakota Senate, are going to be asked to make funding decisions of new programs and additional funding on other programs. So let me caution you now. What's wrong with more new state programs, new offices and agencies, and more state bureaucrats? In my opinion, a lot of things are. The choice of local destiny was placed as the cornerstone of our American freedoms. It accounts for the settling of America, the founding of our states and cities, but somehow we have lost our way and grown too dependent on our government. We have tried to solve our problems at the top rather than at the bottom.

I think state government should cease being a parent and instead be a partner.

Unless we take a bold, new approach and face our problems now, the demands will far outstrip our ability to pay. We must get our house in order. We must take a stand. I have watched our government expand on both a federal and a state level. In fact, we have seen an unbelievable growth in size and scope, but the greatest danger is in a parallel shrinking of the people's voice in making those decisions that affect their every day lives.

As a result of this expansion, a deep frustration has set in. People feel the government has moved beyond their grasp. Together, they see an absence of accountability.

I think the time has come when the state government cannot continue to act as a giant school board, a city council and a county government, because the people are not only losing touch with the state government, but the government is losing touch with people. It is now time for the people to make those rules. It is time for them to decide what services they want and how to provide them.





Senate Bill No. 2222  
Senate Bill No. 2316  
Senate bill No. 2371  
Senate Bill No. 2431

LEO LEIDHOLM, Secretary  
Senate Chamber

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

House Bill No. 1115  
House Bill No. 1146  
House Concurrent Resolution No. 3042  
House Concurrent Resolution No. 3044  
House Concurrent Resolution No. 3048

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 amendment to House Bill No. 1076.

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1033  
House Bill No. 1036  
House Bill No. 1054

refused to concur in the Senate amendment to House Bill No. 1052 - 1064, and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

House Bill No. 1052:

Representative Eagles  
Representative Reed  
Representative Meiers

House Bill No. 1064:

Representative Rylance  
Representative Herslip  
Representative Gunderson

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1004  
House Bill No. 1088  
House Bill No. 1172  
House Bill No. 1235  
House Bill No. 1281  
House Bill No. 1295  
House Bill No. 1296  
House Bill No. 1340  
House Bill No. 1411  
House Bill No. 1433

ROY GILBREATH, Chief Clerk

## JOURNAL OF THE SENATE

## House Chamber

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

Senate Bill No. 2103

Senate Bill No. 2119

ROY GILBREATH, Chief Clerk

## House Chamber

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

Senate Concurrent Resolution No. 4019

ROY GILBREATH, Chief Clerk

## HOUSE AMENDMENTS TO

## SENATE CONCURRENT RESOLUTION No. 4019

After Line 25, insert the following:

"BE IT FURTHER RESOLVED, that the Legislative Assembly urges Congress and the agencies responsible for the development of Garrison Diversion to expeditiously implement the necessary changes to resolve the controversies that may delay the completion of this project, and that the Legislative Assembly pledges the assistance and cooperation of the State of North Dakota towards such efforts; and"

And renumber the lines and pages accordingly.

Senator Nething moved that after the reading of Senate Bills Nos. 2008, 2016, 2018, 2066, 2092, 2131, 2218, 2294, 2348, 2349, 2356, 2359, 2378, 2398, 2410, 2438, 2444, 2492 and Senate Concurrent Resolution No. 4031, the Senate recess until Friday, February 4, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-THIRD DAY AFTER RECESS AND  
TWENTY-FOURTH DAY

Bismarck, February 4, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2280

And find the same correctly Re-engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2008

Senate Bill No. 2016

Senate Bill No. 2018

Senate Bill No. 2131

Senate Bill No. 2218

Senate Bill No. 2294

Senate Bill No. 2359

Senate Bill No. 2378

Senate Bill No. 2398

Senate Bill No. 2492

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2155 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2155 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2194 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2194 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2199 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 35, insert triple parentheses around the word "family" and insert in lieu thereof the words "husband and wife"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2199 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2202 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 12, delete the word "five" and insert in lieu thereof the word "three"

On page 5, after line 6, insert the following new subsection: "d. Oil and gas leases, six dollars per page."

And renumber the lines, subsections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2202 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2229 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2229 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2232 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2232 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2253 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2253 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2257 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, delete the word "three" and insert in lieu thereof the word "ten"

and renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2257 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2261 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, insert triple parentheses around the word "as"

On page 1, line 16, delete the words "a just fee as"

On page 1, line 17, delete the words "determined by the sheriff for the specific emergency"

and renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2261 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2278 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2278 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2285 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2285 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2287 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the words "A BILL" delete all the language in the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 4 of section 63-01.1-05 of the North Dakota Century Code, relating to powers and duties of the weed control officer.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY

OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Subsection 4 of section 63-01.1-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Investigate all complaints received by himself, the control authority, or the commissioner. If the control officer determines that the complaint is justified, he shall issue written notice to the person controlling the land, which notice shall require that person to control or eradicate noxious weeds on his land within five days, unless additional time is requested from and granted by the control authority ((,or)). The control officer may cause such weeds and grasses to be cut or controlled and the expenses shall be charged against the land of the landowner or such persons controlling the land and shall become a part of the taxes to be levied against the land for the ensuing year and shall be collected in the same manner as other real estate taxes are collected, and placed to the credit of the respective subdivisions entitled thereto, or the landowner and such persons controlling the land shall be subject to the penalties provided in section 63-01.1-15. Complaints, subject to the approval of the control authority, may be initiated by the control officer, and notice served in accordance with this subsection.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2287 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2291 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2291 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2304 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 31, delete the word "twenty" and insert in lieu thereof the word "sixteen"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to reduce the amount available for scholarships for the next biennium.

SENATOR LIPS, Chairman

Senate Bill No. 2304 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2344 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 5, after the word "population" insert the words "based on last official federal census"

On page 2, line 28, delete the words "subsection 1" and insert in lieu thereof the words "subdivision a"

On page 3, line 11, after the word "area." insert the following: "If the countywide area is not fully organized into townships, the allocation to townships shall be divided between the county government and the townships within the countywide area in the proportion that the population of the townships bears to the population of the countywide area, and the allocation of the townships' share shall be distributed among the townships within the countywide area in the manner otherwise provided by this section. The remainder shall be allocated to the county government and thereafter shall be considered a part of the initial allocation to the county government."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2344 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2387 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

Senate Bill No. 2387 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2399 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2399 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2406 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2406 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2413 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2413 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2421 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 10, after the word "disclose" insert the words "to the governing board to which he or she is a member,"

On page 1, line 12, delete the words "Every contract or payment" and insert in lieu thereof the words "Contracts or payments"

On page 1, line 13, delete the word "is" and insert in lieu thereof the words "may be declared"

and renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2421 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2452 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the second word "the" insert beginning triple parentheses and on the same line after the third word "the" insert ending triple parentheses

On page 1, line 15, after the word "municipality" insert beginning triple parentheses and after the word "situated" insert ending triple parentheses

On page 1 line 17, after the period delete the following "If a municipality is situated in more than one"

On page 1, delete all of lines 18 and 19

On page 1, line 20, delete "directed by the governing body of the municipality."

and renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2452 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2478 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2478 was placed on the 11th order of business on the calendar for the succeeding legislative day.



Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2481 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2481 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2484 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2484 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2486 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2486 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2487 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, after the word "purposes" insert the following: "; and declaring an emergency"

On Page 4, after line 27, insert the following new section:

"SECTION 3. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2487 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2518 has had the same under consideration and recommends that the same be amended as follows:

On line 13 insert triple parentheses around the word "nine" and insert the word "ten"

On line 19 insert triple parentheses around the word "sixteen" and insert the word "seventeen"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2518 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2539 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2539 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Nething moved that the reading of the amendments to Senate Bills Nos. 2003, 2068, 2299, 2324, 2354, 2355, 2389, 2453 and 2470 be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2003 as recommended by the Committee on Appropriations as printed on pages 403 and 404 of the Senate Journal be adopted, which motion prevailed. Senator Strinden moved to further amend Senate Bill No. 2003 as follows:

In the amendments to Senate Bill No. 2003 as printed on page 404 of the Journal of the Senate, delete lines 7 and 8

On page 3, delete line 2

In the amendments to Senate Bill No. 2003 as printed on page 404 of the Journal of the Senate, on line 10, delete the numerals "2,596,880" and insert in lieu thereof the numerals "2,634,880"

In the amendments to Senate Bill No. 2003 printed on page 404 of the Journal of the Senate, on line 12, delete the numerals "3,061,520" and insert in lieu thereof the numerals "3,072,520"

In the amendment to Senate Bill No. 2003 printed on page 404 of the Journal of the Senate, on line 16, delete the numerals "85,000" and insert in lieu thereof the numerals "96,000"

In the amendments to Senate Bill No. 2003 printed on page 404 of the Journal of the Senate, on line 18, delete the numerals "1,039,022" and insert in lieu thereof the numerals "1,050,022"

In the amendments to Senate Bill No. 2003 printed on page 404 of the Journal of the Senate, on line 22, delete the numerals "4,571,117" and insert in lieu thereof the numerals "4,582,117"

And renumber the lines accordingly.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to provide general fund moneys in the amount of \$38,000 to match federal funds for grants, benefits, and claims and to increase the general fund in the budget for this purpose by \$11,000.

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

Senator Jones moved that the amendments to Senate Bill No. 2068 as recommended by the Committee on State and Federal Government as printed on pages 405 and 406 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2299 as recommended by the Committee on Natural Resources as printed on page 406 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2324 as recommended by the Committee on Judiciary as printed on pages 406 and 407 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2354 as recommended by the Committee on Agriculture as printed on pages 407-409 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2355 as recommended by the Committee on Transportation as printed on page 409 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2389 as recommended by the Committee on Agriculture as printed on page 409 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2453 as recommended by the Committee on Agriculture as printed on pages 409 and 410 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2470 as

recommended by the Committee on State and Federal Government as printed on page 410 of the Senate Journal be adopted, which motion prevailed. Senator Mau moved to further amend Senate Bill No. 2470 as follows: On page 1, line 4 of the bill, after the word messages, insert the following: ; and providing a penalty. Senator Mau moved that the amendment be adopted, which motion prevailed.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Fritzell introduced:

**Senate Concurrent Resolution No. 4062.** A concurrent resolution directing a Legislative Council interim study of laws providing closure of areas having high fire hazards.

Was read the first time and referred to the committee on Legislative Council Resolutions Committee.

Senators Wenstrom, Lips, Barth introduced:

**Senate Concurrent Resolution No. 4063.** A concurrent resolution directing the Legislative Council, with the assistance of other appropriate agencies and consultants, to conduct a comprehensive study of various programs and plans to provide state employees with insurance benefits.

Was read the first time and referred to the committee on Legislative Council Resolutions Committee.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1004.** Personal Property Tax Replacement and Homestead Tax Credit — A Bill for an Act to provide an appropriation for the replacement of personal property taxes and homestead tax credit, and the distribution of such moneys.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1088.** A Bill for an Act to create and enact a new subsection to section 57-15-56 of the North Dakota Century Code, relating to nonprofit senior citizens' organizations obtaining bonding coverage through the state bonding fund; and declaring an emergency.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1172.** A Bill for an Act to create and enact a new section to chapter 50-09, a new subsection to section 50-09-02, a new subsection to section 50-09-03, and a new subsection to section 50-09-08 of the North Dakota Century Code, relating to partial reimbursement of county social service board costs in administering the child support enforcement program, duties of the state social service board regarding the child support enforcement program, duties of the county social service boards regarding administration of the child support enforcement program, and the furnishing of information regarding absent parents by state and local agencies for the administration of the child support enforcement program; to amend and reenact section 50-09-06, section 50-09-07, and section 50-09-21 of the North Dakota Century Code, relating to the assignment of rights to support upon application for aid to dependent children, notification of deserting parent to state's attorney by the county social service board, and the appropriation of county social service board funds for the administration of the child support enforcement program.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1235.** A Bill for an Act to create and enact three new sections to chapter 55-08, relating to the functions of the recreation

division of the North Dakota parks and recreation department and the outdoor recreation interagency council; to amend and reenact section 55-08-01 of the North Dakota Century Code, relating to the combination of the North Dakota park service and the state outdoor recreation agency into the North Dakota parks and recreation department; and to repeal chapter 53-07 of the North Dakota Century Code, relating to the state outdoor recreation agency.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1281.** A Bill for an Act to provide for the payment of school aid for any high school student on active duty while a member of the North Dakota national guard.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1295.** A Bill for an Act to amend and reenact section 43-34-05 of the North Dakota Century Code, relating to license fees for nursing home administrators.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1296.** A Bill for an Act to enact the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act relating to the disclaimer of interests under a nontestamentary instrument, contract, or power of appointment.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1340.** A Bill for an Act to amend and reenact sections 40-46-04, 40-46-06, 40-46-09, 40-46-13, 40-46-20, and 40-46-27 of the North Dakota Century Code, relating to employees' pension plans in cities.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1411.** A Bill for an Act to create and enact a new section to chapter 54-18 of the North Dakota Century Code, exempting the North Dakota mill and elevator association from the securities act when it acts in the performance of its marketing functions.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1433.** A Bill for an Act to amend and reenact section 52-04-06 of the North Dakota Century Code, relating to unemployment compensation contribution rates, to provide an effective date, and to declare an emergency.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

#### MOTIONS

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1052, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1052,

Senator Christensen  
 Senator Holmberg  
 Senator Lashkowitz

Senator Freed moved that the President appoint a committee of three

to act with a like committee from the House as a Conference Committee on House Bill No. 1064, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1064,  
 Senator Freed  
 Senator Iszler  
 Senator Schirado

Senator Vosper moved that Senate Bill No. 2494 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

Senator Vosper requested the unanimous consent of the Senate to withdraw Senate Bill No. 2494. There being no objection the request was granted, and Senate Bill No. 2494 was withdrawn.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Concurrent Resolution No. 4019, as printed on page 426 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Concurrent Resolution No. 4019 be deemed properly engrossed and placed on second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

**Senate Concurrent Resolution No. 4019.** A concurrent resolution urging acceleration of the Garrison Diversion Project.

Which has been read.

The question being on the adoption of the resolution.

Senator Jacobson moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution 4019 was adopted.

#### POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of Personal Privilege. Mr. President, ladies and gentlemen of the Senate, the passage of Senate Concurrent Resolution 4019 as amended, I believe we have reaffirmed this state's commitment to the completion of the Garrison Diversion project. The adoption of this resolution is appropriate and timely and it reflects careful and deliberate action on the part of this Assembly. There have been extensive thorough hearings and both sides to this matter have been heard at great length. I believe that the amendment does reflect the concerns of the citizens of this state and indicates the certain resiliency and a capacity to make adjustments as the need requires from time to time in a project of this magnitude. We have expressed through a united voice on a bi-partisan basis our continuing commitment to Garrison Diversion and we have sent this message, hopefully, to the new administration in Washington that this Legislative Assembly will continue to fill its commitment to the people of future generations that their need of water will be our continuing concern and responsibility.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2008.** Highway Department — A Bill for an Act making an appropriation for defraying the expenses of the state highway department.

Which has been read.

#### ROLL CALL

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

page 378) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAAEDN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2016.** A Bill for an Act to create and enact sections 20.1-02-18.1 and 20.1-02-18.2 of the North Dakota Century Code, relating to board of county commissioner approval prior to final approval of land, wetland, and water acquisitions by the department of the interior for waterfowl or wildlife purposes; providing for inspection of proposed acquisitions, public notice, opportunity for comment, and impact analyses; allowing the landowner to negotiate time period of a lease, easement, or servitude, and to restrict the land or water areas sought by legal description and to drain any expanded wetland, or water area in excess of the legal description; and to amend and reenact section 20.1-02-18 of the North Dakota Century Code, relating to the state's consent to United States' acquisition of areas for migratory bird reservations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 378-380) the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAAEDN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-FOURTH DAY

Bismarck, February 4, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. William T. King, Pastor, United Presbyterian Church, Jamestown, N. Dak.

"Let us pray: Dear Lord, we ask for Your presence at this Assembly,

acknowledging that You are the Ruler of all, and that our wisdom is limited and imperfect. O God, we ask for Your Guidance in making decisions involving the people of our state. Please show us the path that will honor their wishes, and yet will cause us to do that which we believe to be right. Help us to represent our people but also to lead them. O God, there are many perplexing issues before us. Help us to so persevere in seeking the truth that we do not run with easy answers for the sake of convenience. Help us to hold in balance the well being of our people and of our environment; fiscal responsibility and the welfare of the oppressed; progress and preservation. O God, we thank You for Friday; and its promise of a week-end of rest and re-creation. Please hear our prayer and cause us to be willing and cheerful servants. Amen."

The roll was called and all Senators were present except Thane. A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-second day after recess and Twenty-third day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2018. A Bill for an Act to create and enact section 20.1-02-17.1 of the North Dakota Century Code, relating to conditions and procedures in the acquisition of interests in land for wildlife and fish restoration projects, including county commissioner approval, public comment, impact statements, and negotiation of terms; and to amend and reenact section 20.1-02-17 of the North Dakota Century Code, relating to federal aid to North Dakota in wildlife and fish restoration projects.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 380-382) the roll was called and there were ayes, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SHYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     | •    | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | • LODDEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON            | •   |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     |     | •    | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2066. Replacement Tax Transfer Alternative 2 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with county and city governments on the basis of tax effort and population, and to provide an expiration date.





pages 383, 384) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2294.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and sections 57-37.1-03, 57-37.1-04, and 57-37.1-07 of the North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate, rates applied to a taxable estate, interest, federalization; and to provide for an effective date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 384) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2348.** A Bill for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to power of the commissioner to invest game and fish department reserve funds.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 6; nays, 43; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |

|          |         |          |               |
|----------|---------|----------|---------------|
| GOODMAN  | MAHER   | REITEN   | WALSH         |
| HANSON   | MAU     | SANDNESS | WENSTROM      |
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

Senate Bill No. 2348 was declared lost.

Senate Bill No. 2349. A Bill for an Act to amend and reenact section 39-22-02 of the North Dakota Century Code, relating to motor vehicle dealer licensing and the sale of motor vehicles.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •    | JACOBSON   |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •    | NELSON   |                  | •    | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •    | NOTHING  |                  | •    | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •    | ORANGE   |                  | •    | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •    | PETERSON |                  | •    | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •    | PIETRON  |                  | •    | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •    | RAIT     |                  | •    | THANE         |      |
| •                   |     |      | •    | LODDEN     |      | •    | REDLIN   |                  | •    | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •    | REITEN   |                  | •    | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •    | SANDNESS |                  | •    | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •    | SANDS    |                  | •    | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •    | SCHIRADO |                  | •    | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •    | SHABLOW  |                  |      |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2356. A Bill for an Act to create and enact a new section to chapter 55-10 of the North Dakota Century Code, relating to defacement of historical markers, and providing a penalty.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •    | JACOBSON   |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •    | NELSON   |                  | •    | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •    | NOTHING  |                  | •    | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •    | ORANGE   |                  | •    | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •    | PETERSON |                  | •    | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •    | PIETRON  |                  | •    | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •    | RAIT     |                  | •    | THANE         |      |
| •                   |     |      | •    | LODDEN     |      | •    | REDLIN   |                  | •    | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •    | REITEN   |                  | •    | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •    | SANDNESS |                  | •    | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •    | SANDS    |                  | •    | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •    | SCHIRADO |                  | •    | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •    | SHABLOW  |                  |      |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2359. A Bill for an Act to establish the right of teachers to review materials placed in the teacher's personnel file and to seek removal of materials inappropriately placed in such file.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 385) the roll was called and there were ayes, 36; nays, 12; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     | ●    | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     | ●    |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     | ●    |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     | ●    | ● TALLACKSON     |     | ●    |
| ● FARRINGTON        |     |      | ● LEE        |     | ●    | ● PIETRON  |     |      | ● TENNEFOS       |     | ●    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     | ●    | ● THANE          |     | ●    |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     | ●    |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     | ●    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     | ●    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2378.** A Bill for an Act to create and enact a new section to chapter 30.1-14 of the North Dakota Century Code, relating to information to be provided by a county court to an applicant for informal probate or informal appointment proceedings under the Uniform Probate Code.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 385) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2398.** A Bill for an Act to amend and reenact section 13-03.1-03 and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling.

Which has been read.

Senator Pietron moved that Senate Bill No. 2398 be amended as follows:

On page 2, line 7 of the engrossed bill, delete the word "seven" and insert in lieu thereof the word "three"

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

Senator Pietron moved that the rules be suspended that Senate Bill No. 2398 be re-engrossed and placed on the calendar for second reading and final passage as amended, which motion prevailed.

**Senate Bill No. 2398.** A Bill for an Act to amend and reenact section 13-03.1-03 and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling.

Which has been read.

#### ROLL CALL

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

pages 385, 386) the roll was called and there were ayes, 43; nays, 5; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | JACOBSON     |     | •    | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2410. A Bill for an Act to amend and reenact sections 54-52.1-06 and 54-52.1-07 of the North Dakota Century Code, relating to the state contribution to the uniform group insurance program and optional coverage for employee's family.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 32; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | JACOBSON     |     | •    | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2410 was declared lost.

POINT OF PERSONAL PRIVILEGE

Senator Lips: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal. Ladies and gentlemen of the Senate, as long as I have been here in the State Senate I've tried to be responsive to the needs of state employees. I think if you will look back over the years you'd find that I have been one of the leaders in developing fringe benefits such as hospital insurance, retirement plans and the classification system which I know has benefitted all state employees. In this session I have worked on Senate Bill No. 2410 to try and find some solution to a difficult problem, particularly for those low-salaried people who work for state government. I do believe in Bismarck, we probably have more state employees than any other city. You can say to me that "You represent only District 47", which is true. But ladies and gentlemen, I am interested in all state employees, no matter if they live in my district, or whether they live in the city of Bismarck, or in the state of North Dakota. We have spent quite a bit of time on this bill in the Appropriations Committee trying to work out some problems and solutions for the future. We hope we have found at least some solution and it was my thought that in the past biennium that the resolution adopted by





## Senate Chamber

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

House Bill No. 1145

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 Bill No. 2121, Senate Concurrent Resolution 4019.

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1052.

Senators:

Christensen

Holmberg

Lashkowitz

House Bill 1064

Freed

Iszler

Schirado

LEO LEIDHOLM, Secretary

## MESSAGE FROM THE HOUSE

## House Chamber

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

House Bill No. 1008

House Bill No. 1009

House Bill No. 1136

House Bill No. 1161

House Bill No. 1241

House Bill No. 1265

House Bill No. 1266

House Bill No. 1286

House Bill No. 1298

House Bill No. 1338

House Bill No. 1472

House Bill No. 1493

House Bill No. 1526

House Bill No. 1302

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that after the reading of Senate Bills Nos. 2003, 2068, 2092, 2155, 2194, 2229, 2232, 2253, 2278, 2285, 2291, 2299, 2324, 2354, 2355, 2387, 2389, 2399, 2406, 2413, 2453, 2470, 2478, 2481, 2484, 2486 and 2539, the Senate adjourn until Monday, February 7, 1977, at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## TWENTY-FIFTH DAY

Bismarck, February 7, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Marvin Klemmer, Chancellor, Diocese of Bismarck.

"Let us pray.....

God, our Father, in You we live and move and have our being. May we live this day in such a way that we bring help to others, credit to ourselves, and honor to this great State and to Your name.

Make us able, by your Spirit, to be helpful to those in difficulty, kind to those in need, sympathetic to those whose hearts are sad. Grant that we may be cheerful when things go wrong, persevering when things are difficult, calm when things are irritating. Make us be at peace with ourselves, with others and with You.

In Jesus' name, this is our prayer. Amen."

The roll was called and all Senators were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-third day after recess and Twenty-fourth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2003

Senate Bill No. 2068

Senate Bill No. 2299

Senate Bill No. 2324

Senate Bill No. 2354

Senate Bill No. 2355

Senate Bill No. 2389

Senate Bill No. 2453

Senate Bill No. 2470

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate



Bills 2199, 2202, 2257, 2261, 2287, 2304, 2344, 2421, 2452, 2487 and 2518 be dispensed with, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2199 as recommended by the Committee on Natural Resources as printed on page 428 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2202 as recommended by the Committee on Political Subdivisions as printed on page 428 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2257 as recommended by the Committee on Political Subdivisions as printed on page 428 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2261 as recommended by the Committee on Political Subdivisions as printed on pages 428 and 429 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2287 as recommended by the Committee on Agriculture as printed on page 429 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2304 as recommended by the Committee on Appropriations as printed on page 430 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2344 as recommended by the Committee on Political Subdivisions as printed on page 430 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2421 as recommended by the Committee on Political Subdivisions as printed on page 431 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2452 as recommended by the Committee on Political Subdivisions as printed on page 431 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2487 as recommended by the Committee on Transportation as printed on page 432 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2518 as recommended by the Committee on Transportation as printed on page 432 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2006 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, after the word "Dakota" insert the following: "; and declaring an emergency"

On page 1, delete line 20

On page 2, line 2, delete the numerals "827,702" and insert in lieu thereof the numerals "826,425"

On page 2, line 4, delete the numerals "170,010" and insert in lieu thereof the numerals "168,733"

On page 2, delete line 8

On page 2, line 11, delete the numerals "121,539" and insert in lieu thereof the numerals "123,570"

On page 2, after line 15, insert the phrase "(This subdivision shall be for the period beginning with the date of passage and approval of this Act through June 30, 1979.)"

On page 2, delete line 22

On page 2, line 26, delete the numerals "925,132" and insert in lieu thereof the numerals "918,838"

On page 2, delete line 32

On page 3, line 3, delete the numerals "277,917" and insert in lieu thereof the numerals "275,996"

On page 3, line 10, delete the numerals "2,174,922" and insert in lieu thereof the numerals "2,165,430"

On page 3, line 12, delete the numerals "3,264,262" and insert in lieu thereof the numerals "3,254,770"

On page 3, after line 27, insert the following section:

"SECTION 4. EMERGENCY.) Subdivision 2 of this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of this amendment is to delete the amounts recommended for classification change in the various agencies' appropriations. The supplies and materials appropriation for the Weather Modification Board was increased by \$2,031. This amendment attaches an emergency clause to the appropriation for the Weather Modification Board in order to provide funds to conduct weather modification operations during May and June 1977. The total appropriation contained within this bill for the Weather Modification Board is intended to provide funds for weather modification activities beginning with the date of passage of this Act through June 30, 1979.

SENATOR LIPS, Chairman

Senate Bill No. 2006 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2126 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, after the word "councils" delete the semi-colon and insert a comma in lieu thereof

On page 2, line 3, after the word "of" delete the word "the"

On page 2, line 7, after the word "ability" insert the word "of"

On page 2, line 8, after the word "opportunity" delete the word "of" and insert in lieu thereof the word "for"

On page 2, line 24, after the word "commissioners" delete the word "and" and insert in lieu thereof the word "or"

On page 2, line 35, after the word "governor" delete the words "pursuant to section 3"

On page 3, line 8, delete the words "pursuant to section 3" and insert in lieu thereof the following: "in each region pursuant to section 54-40-08 of the North Dakota Century Code"

On page 3, delete all of lines 11 through 31

On page 3, delete all of lines 33 through 35

On page 4, delete all of lines 1 through 8

On page 4, line 9, delete the following: "form a regional council."

On page 4, line 14, delete the word "Two-thirds" and insert in lieu thereof the following "At least two-thirds"

On page 4, line 15, after the word "of" delete the word "the"

- On page 4, line 20, after the word "identifiable" insert the word "and"
- On page 5, line 1, after the period, delete the words "Should the"
- On page 5, delete all of lines 2 through 11
- On page 5, line 16, delete the word "Alternates" and insert in lieu thereof the words "An alternate"
- On page 5, line 29, delete the word "commissioner"
- On page 6, line 22, delete the word "rules and regulations" and insert in lieu thereof the words "agreements, rules, or procedures"
- On page 6, line 23, delete the word "the" where it first appears and on the same line after the word "planning" delete the word "program"
- On page 6, line 25, after the word "concern" insert the following: "as determined by the regional council"
- On page 6, line 34, after the word "in" delete the word "review" and insert in lieu thereof the word "reviewing"
- On page 7, line 1, delete the word "comment" and insert in lieu thereof the word "commenting"
- On page 7, line 5, delete the word "Upon" and insert in lieu thereof the following: "Prepare a regional comprehensive plan and upon"
- On page 7, line 5, after the word "of" insert the word "such and on the same line after the word "a" delete the words "regional comprehensive"
- On page 7, line 18, insert a comma following the word "organizations"
- On page 8, line 1, after the word "section" delete the numeral "10" and insert in lieu thereof the numeral "8"
- On page 8, line 14, delete the following: "rules or" and insert in lieu thereof the following: "agreements, rules, or procedures"
- On page 8, line 15, delete the word "regulations"
- On page 8, delete all of lines 23 through 28
- And renumber the lines subsections, sections and pages accordingly.
- And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2126 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2164 has had the same under consideration and recommends that the same be amended as follows:

- On page 2, delete lines 4 through 13
- On page 2, line 18, delete the word "certified"
- On page 2, line 19, delete the words "evaluation and"
- On page 2, line 29, delete the word "psychiatrist" and insert in lieu thereof the word "physician"
- On page 2, line 32, delete the word "master's"
- On page 3, line 3, delete the words "a graduate degree in"
- On page 3, line 4, delete the words "psychiatric nursing and"
- On page 3, line 4, delete the words "psychiatric nursing and"
- On page 3, line 8, delete the words "A master" and insert in lieu thereof the word "An"
- On page 4, line 5, delete the words "likely to inflict" and insert in lieu thereof the words "mentally ill, alcoholic, or a drug addict and who as a result of such condition has inflicted"
- On page 4, after line 10, insert the following new subsection:
- "10. "Physician" means a physician licensed under the laws of this state."
- On page 4, after line 14, insert the following new subsection:

"13. "Treatment facility" or "facility" means any hospital including the state hospital at Jamestown, or evaluation and treatment facility which can provide directly, or by direct arrangement with other public or private agencies, emergency evaluation and treatment, out-patient care, and in-patient care to persons suffering from a mental disorder, alcoholism, or drug addiction. Unless the facility is an area social service center under the control and management of the social service board of North Dakota or a human service center created pursuant to section 54-40-09, the facility must be certified as an evaluation and treatment facility by the state department of health."

On page 5, line 2, delete the word "certified" and insert in lieu thereof the words "public treatment"

On page 5, line 10, delete the word "certified" and insert in lieu thereof the words "public treatment"

On page 5, line 22, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 6, line 5, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 6, line 6, delete the number "4" and insert in lieu thereof the number "9"

On page 6, line 11, delete the words "state's attorney" and insert in lieu thereof the words "clerk of court"

On page 6, line 13, delete the words "state's attorney" and insert in lieu thereof the words "clerk of court"

On page 6, line 23, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 6, line 29, delete the words "state's attorney" and insert in lieu thereof the words "clerk of court"

On page 7, line 2, delete the words "state's attorney" and insert in lieu thereof the words "clerk of court"

On page 7, line 5, delete the numeral "9" and insert in lieu thereof the numeral "8"

On page 7, line 33, before the word "person" insert the word "qualified" and delete the words "designated by the director of the area mental"

On page 7, line 34, delete the words "health center"

On page 8, line 11, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 8, line 16, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 8, line 18, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 8, line 28, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 8, line 35, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 9, line 4, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 9, line 24, delete the word and commas ", psychologist,"

On page 10, line 8, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 10, line 28, following the word "counsel" insert the words "or his right to any of the hearings provided for under this Act"

On page 11, line 4, following the word "hearings" insert the words "conducted under section 19 of this Act"

On page 11, line 9, following the word "present" insert the words "either orally or in writing"

On page 11, line 18, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 11, line 20, delete the word "licensed" and delete the word and commas ", psychologist,"

On page 12, line 5, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 12, line 14, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 12, line 34, delete the words "a medical" and insert in lieu thereof the word "an"

On page 13, line 5, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 13, line 8, delete the words "latter court's" and following the word "discretion" insert the words "of the respondent or his counsel"

On page 13, line 18, after the word "Discovery" insert the following words "and the power of subpoena"

On page 14, line 6, delete the words "that hospital" and insert in lieu thereof the words "the attending physician"

On page 14, line 14, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 15, line 17, following the word "court" insert the following words "that originally ordered hospitalization"

On page 15, line 27, following the word "court" insert the following words "that originally ordered hospitalization"

On page 16, line 10, delete the word "licensed" and insert in lieu thereof the words "physician or"

On page 16, line 14, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 16, line 16, delete the word "licensed" and delete the second comma

On page 16, line 17, delete the word and comma "psychologist,"

On page 16, line 25, following the word "officer" insert the word and commas ", physician,"

On page 16, line 32, following the word "officer" insert the word and commas ", physician,"

On page 16, line 34, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 17, delete lines 16 through 24

On page 17, line 25, delete the letter "b" and insert in lieu thereof the letter "a"; and delete the word "certified" and insert in lieu thereof the word "treatment"

On page 18, line 1, delete the letter "c" and insert in lieu thereof the letter "b"

On page 18, line 14, delete the words "referred to in"

On page 18, line 15, delete the words and comma "subdivisions b and c of subsection 3,"

On page 18, line 16, following the word "officer" insert the word and commas ", physician,"

On page 18, line 31, delete the word "certified" and insert in lieu thereof the words "public treatment"

On page 18, line 32, following the word "accept" insert the words "and a private treatment facility may accept"

On page 19, line 27, before the word "psychiatrist" insert the words "physician or"

On page 22, line 25, following the word "court" insert the following words "which last ordered the patient's hospitalization"

On page 22, line 29, following the word "physician's" insert the words "or psychiatrist's" and delete the second word "the"

On page 22, line 30, delete the word "physician's" and insert in lieu thereof the words "his or her"

On page 22, line 32, delete the word "physician's" and insert in lieu thereof the word "such"

On page 22, line 34, following the word "procure" insert the word "such" and delete the word "physician's"

On page 23, line 1, following the first word "physician" insert the words "or psychiatrist" and following the second word "physician" insert the words "or psychiatrist"

On page 23, line 3, delete the words "the physician's" and insert in lieu thereof the word "such"

On page 23, line 23, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 24, line 3, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 24, line 12, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 26, line 13, delete the word "CERTIFIED" and insert in lieu thereof the word "TREATMENT"

On page 26, line 14, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 26, line 23, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 26, line 24, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 26, line 27, delete the words "or director"

On page 26, line 28, delete the words "certified facility" and insert in lieu thereof the words "state hospital"

On page 26, line 29, delete the word "facility" and insert in lieu thereof the words "state hospital"

On page 26, line 32, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 27, line 2, delete the word "reports" and insert in lieu thereof the words "nonidentifying statistical data"

On page 27, line 21, delete the word "hospital" and insert in lieu thereof the words "treatment facility"

On page 27, line 32, delete the word "certified" and insert in lieu thereof the word "treatment"

On page 28, line 25, following the word "health" insert the following words "in consultation with the treatment facility personnel" and delete the words "mental health professional" and insert in lieu thereof the words "physician or psychiatrist"

On page 29, line 6, following the word "A" insert the word and comma "physician,"

On page 29, line 20, following the word "chapter" insert the words "and the presence or past presence of a patient in a treatment facility"

On page 29, line 28, following the word "patient" insert the words "to

whom the patient has given written consent to have information disclosed”

On page 30, line 23, delete the word “certified” and insert in lieu thereof the word “treatment”

And renumber the lines, subsections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2164 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2178 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 1, after the word “of” delete the word “nine” and insert in lieu thereof the word “six”

On page 2, line 2, after the word “justice” delete the remainder of the line

On page 2, line 3, delete the word “governor”

On page 2, line 14, after the second comma delete the word “three” and insert in lieu thereof the word “two”

On page 2, line 15, after the comma delete the word “three” and insert in lieu thereof the word “two”

On page 2, line 16, after the word “and” delete the word “three” and insert in lieu thereof the word “two”

On page 4, delete all of lines 9 through 13

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2178 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2198 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, following the period insert the following sentence: “For the purposes of this Act, any beneficiary named in the will and all the testator’s present intestate successors shall be deemed possessed of inchoate property rights.”

On page 1, line 22, after the word “that” insert the following: “the will has been properly executed and that”

On page 2, line 1, after the period insert the following sentence: “For the purposes of section 30.1-12-02, a finding of validity under this Act shall constitute an adjudication of probate.”

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2198 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2227 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2227 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was

referred Senate Bill No. 2262 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 19, after the word "available" insert the following: " , unless equivalent training has already been attained"

and renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2262 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2282 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2282 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2284 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2284 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2292 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, delete the words "to repeal"

On page 1, delete lines 6 and 7

On page 1, line 8, delete "to taxes;"

On page 2, delete lines 25 through 28

On page 3, line 23, after the period, insert the following: "All notice and hearing procedures required by chapter 57-24 shall be applicable to the forfeiture procedure prescribed by this section except, prior to the sale of such mineral interests, the board of county commissioners shall give notice and conduct a hearing upon all mineral interests which are to be sold. Notice shall be given to the owner at his last known address or by publication in the manner prescribed by section 57-24-07 naming the landowner of record and stating his address if known. The board shall determine whether the interest has been recorded and filed as required by this Act, and if such interest has not been properly recorded and filed, the interest shall be sold. Any party aggrieved by a determination of the board may appeal to the district court. Notwithstanding the provisions of section 3 of this Act, the owner of a mineral interest may record and file the interest in the manner provided by this Act at any time prior to sale and forfeiture if the owner pays the costs incurred by the county from the time prescribed in section 3 of this Act."

On page 3, line 34, delete the comma and the word " , but" and insert in lieu thereof a period

On page 3, delete line 35

On page 4, line 1, delete the following: "soon as possible after discovery of the forfeiture."

On page 4, line 34, delete the word "which" and insert in lieu thereof a period

On page 4, delete line 35

On page 5, delete lines 1 and 2



On page 5, delete lines 16 through 27 and insert in lieu thereof the following:

"SECTION 7. FILING FEE.) The register of deeds shall charge and collect from each person who files a verified statement of ownership a filing fee of five dollars and such additional recording fees as are provided in this section. The register of deeds shall collect additional fees of fifty cents for registering the first section of land, or portion thereof, described within such statement and a fee of twenty-five cents for registering each additional section, or portion thereof."

On page 6, delete lines 5 and 6

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2292 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2329 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "allocate" delete the word "fifteen" and insert in lieu thereof the word "five"

On page 1, line 13, after the second comma delete the word "fifteen" and insert in lieu thereof the word "five"

And renumber the lines and pages accordingly.

And when so amended recommends the same be re-referred to the Committee on Appropriations.

SENATOR GOODMAN, Chairman

Senate Bill No. 2329 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2330 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2330 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2341 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2341 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2350 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2350 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2358 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2358 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs

to whom was referred Senate Bill No. 2365 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2365 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2373 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2373 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2385 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2385 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2391 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2391 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2392 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2392 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2408 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2408 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2418 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 1, after the word "for" delete the word "twenty" and insert in lieu thereof the word "ten".

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2418 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2419 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2419 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to

whom was referred Senate Bill No. 2420 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2420 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2426 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2426 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2427 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2427 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2442 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the line and the remainder of the bill and insert in lieu thereof the following:

"for an Act to amend and reenact section 15-35-14 of the North Dakota Century Code, relating to the use of school buildings for other than school purposes.

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

SECTION 1. AMENDMENT.) Section 15-35-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-35-14. USE OF SCHOOL BUILDINGS FOR OTHER THAN SCHOOL PURPOSES.) School boards having charge of school buildings and other school facilities may permit the use thereof under proper restrictions for any appropriate purpose when not in use for school purposes. Equal rights and privileges shall be accorded to all religious denominations and to all political parties. The use of school buildings and other school facilities under this section ((shall)) may be without cost to the district, and furniture fastened to the buildings shall not be removed or unfastened. Public school and high school auditoriums ((and)), gymnasiums, and other school facilities may be let for meetings, entertainments, or conventions of any kind, subject to such restrictions as the governing board of the district shall prescribe. Such use of the buildings and other facilities shall not be permitted to interfere with the operation of the schools or with school activities. A charge ((shall)) may be made for the use of the buildings ((in an amount at least sufficient to defray any cost to the district for light, heat, janitor service, or other incidental expenses connected with such use)), facilities, or any portion thereof.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2442 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2447 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2447 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2451 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2451 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2454 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2454 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2493 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2493 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2523 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2523 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1057 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1057 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1133 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1133 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Melland introduced:

Senate Concurrent Resolution No. 4064. A concurrent resolution directing the Legislative Council to conduct a study of the manner in which state buildings are planned and designed in response to the scarcity and high cost of energy.

Was read the first time and referred to the committee on Legislative Council Resolutions Committee.

Senator Melland introduced:

Senate Concurrent Resolution No. 4065. A concurrent resolution

directing the Legislative Council to study the purchasing practices of state government.

Was read the first time and referred to the committee on Legislative Council Resolutions Committee.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1008.** Budgets — Commissioner of Insurance — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the commissioner of insurance.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1009.** Budgets — Department of Agriculture — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota and which are under the supervision of the commissioner of agriculture.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1136.** A Bill for an Act to amend and reenact section 12.1-04-03 of the North Dakota Century Code, relating to lack of criminal responsibility as a defense.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1161.** A Bill for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code relating to the increase of base premium; and to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to assessment of premiums based on the average wage in the state.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1241.** A Bill for an Act to create and enact chapter 49-10.1 of the North Dakota Century Code relating to the regulation of railroads by the public service commission; to amend and reenact section 49-04-09 of the North Dakota Century Code, relating to long and short haul rates; and to repeal chapters 49-12, 49-13, 49-14, 49-15 and 49-17, and sections 49-16-01, 49-16-06, 49-16-07, 49-16-09 and 49-16-10 of the North Dakota Century Code relating generally to railroads.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1265.** A Bill for an Act to create and enact a new section to chapter 27-08 of the North Dakota Century Code, requiring judges of county courts having increased jurisdiction to be learned in the law; and declaring an emergency.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1266.** A Bill for an Act to repeal section 27-15-07 of the North Dakota Century Code, relating to the duties of the judicial council to gather information relating to crime and criminal and civil litigation and to the preparation of a semi-annual report of district court case activity.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1286.** A Bill for an Act to amend and reenact sections 15-10-28 and 15-10-28.1 of the North Dakota Century Code, relating to agreements with other states' institutions of higher learning and notes from veterinary medicine, optometry, or dental students.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1298.** A Bill for an Act to amend and reenact subsection 7 of section 27-23-03 of the North Dakota Century Code, and to amend and reenact section 27-23-12 of the North Dakota Century Code, relating to the power, authority, and responsibility of the commission on judicial qualifications and providing for administrative services by the administrator of the supreme court to such commission.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1302.** A Bill for an Act to amend and reenact section 31-01-11 of the North Dakota Century Code, relating to the right to subpoena an interpreter for a witness.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1338.** A Bill for an Act to provide for payroll deduction for dues to teacher representative organization.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1472.** A Bill for an Act to amend and reenact section 43-09-04 of the North Dakota Century Code, relating to the compensation of members of the state electrical board.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1493.** A Bill for an Act to amend and reenact sections 44-08-04 and 54-06-10 of the North Dakota Century Code, relating to persons exempt from in-state travel limitations and the necessity of authorization of out-of-state travel.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1526.** A Bill for an Act to create and enact one new subsection to section 32-09-02 of the North Dakota Century Code, relating to the restriction on garnishment of earnings.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

#### MOTIONS

Senator Lips moved that Senate Bill No. 2402 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Lips requested the unanimous consent of the Senate to withdraw Senate Bill No. 2402. There being no objection the request was granted, and Senate Bill No. 2402 was withdrawn.

Senator Jones moved that Senate Bill No. 2448 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Jones requested the unanimous consent of the Senate to withdraw Senate Bill No. 2448. There being no objection the request was granted, and Senate Bill No. 2448 was withdrawn.

Senator Thane moved that Senate Bill No. 2155 be laid over two legislative days, which motion prevailed.

Senator Vosper moved that Senate Bill No. 2453 be laid over one legislative day, which motion prevailed.

#### MOTION

Senator Strinden moved that the Senate reconsider its action whereby the amendments offered by Senator Strinden were adopted on Senate Bill No. 2003, which motion prevailed.

Senator Strinden offered the following amendments to Senate Bill No. 2003.

On page 2 of the engrossed bill, line 30, delete the numerals "145,021" and insert in lieu thereof the numerals "128,021"

On page 2 of the engrossed bill, delete line 32

On page 2 of the engrossed bill, line 34, delete the numerals "2,596,880" and insert in lieu thereof the numerals "2,634,880"

On page 2 of the engrossed bill, line 35, delete the numerals "3,061,520" and insert in lieu thereof the numerals "3,072,520"

On page 3 of the engrossed bill, line 2, delete the numerals "85,000" and insert in lieu thereof the numerals "96,000"

On page 3 of the engrossed bill, line 3, delete the numerals "1,039,022" and insert in lieu thereof the numerals "1,050,022"

On page 3 of the engrossed bill, line 5, delete the numerals "4,571,117" and insert in lieu thereof the numerals "4,582,117"

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to provide general fund moneys for the Office of Economic Opportunity in the amount of \$38,000 to match federal funds for grants, benefits, and claims and to increase the general fund appropriation for this purpose by \$11,000.

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

Senator Strinden moved that the rules be suspended, that Senate Bill No. 2003 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2003.** Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which has been read (Amended, SJ pages 403-404).

#### MOTION

Senator Nething moved that Senate Bill No. 2003 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2068.** A Bill for an Act to create and enact sections 54-52-02.4, 54-52-10.1, 54-52-17.1, and 54-52-19.1 of the North Dakota Century Code, relating to the public employees retirement system; to amend and reenact sections 54-52-01, 54-52-02.1, 54-52-02.2, 54-52-02.3, subsection 6 of section 54-52-03, subsections 1 and 4 of section 54-52-04, and sections 54-52-05, 54-52-06, 54-52-06.1, 54-52-10, 54-52-17, and 54-52-21 of the North Dakota Century Code, relating to certain terms, participants, methods of joining, governance, fees, contributions, funds, rights, and benefits of the public employees retirement system; and to repeal sections 54-52-11, 54-52-18, 54-52-19, and 54-52-20 of the North Dakota Century Code, relating to vesting

apportionment of benefits and prior service benefits in the public employees retirement system.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 405, 406) the roll was called and there were ayes, 45; nays, 5; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     | ●    | ● STRAND         |     | ●    |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     | ●    | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     | ●    | ● WRIGHT         |     | ●    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Jones moved that Senate Bill No. 2068 be re-printed, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2092. A Bill for an Act providing an appropriation to the board of higher education for state aid to junior colleges, and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 11; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     | ●    | ● STRAND         |     | ●    |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     | ●    | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     | ●    |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

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

Senate Bill No. 2194. A Bill for an Act to create and enact sections 61-16-07.1, 61-16-07.2, and 61-16-07.3 of the North Dakota Century Code, relating to the election of the board of commissioners of a water management district, nominating petitions, and regulations governing elections; and to amend and reenact sections 61-16-07, 61-16-08, 61-16-09, and 61-16-13 of the North Dakota Century Code, relating to the election of the board of commissioners, the eligibility for election to the board, the oath of office, and the issuance of warrants in anticipation of taxes to pay current expenses.







| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2291. A Bill for an Act to amend and reenact subsection 17 of section 11-11-14 of the North Dakota Century Code, relating to the powers of the board of county commissioners.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2299. A Bill for an Act to amend and reenact section 20.1-01-18 of the North Dakota Century Code, relating to hunting on posted land without permission as being unlawful, and providing that written permission must be obtained for trapping fur-bearing animals.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2324. A Bill for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to fines and costs of criminal prosecutions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 406, 407) the roll was called and there were ayes, 49 ; nays, 0 ; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE<br>ROLL-CALL |     |      |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|----------------------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                             | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON                       |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES                          |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER                        |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON                         |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ                     |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE                            |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS                           |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODGEN                         |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER                          |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU                            |     |      | • SANDNESS |     |      | • WENSTRÖM       |     |      |
| • HOFFNER       |     |      | • MELLAND                        |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER                         |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER        |     |      | • MORGAN                         |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2354. A Bill for an Act to create and enact a new subsection to section 4-34-05 of the North Dakota Century Code, designating the beef commission as the agency to receive moneys from the national beef board; to amend and reenact subsections 2 and 3 of section 4-34-01, section 4-34-02, and subsections 6, 9, 10, and 12 of section 4-34-05 of the North Dakota Century Code, relating to the purpose and use of assessments by the beef commission and definitions applicable to the Beef Promotion Act; to repeal sections 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code, relating to the assessment of cattle by the beef commission; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 407-409) the roll was called and there were ayes, 48 ; nays, 0 ; absent and not voting, 2.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE<br>ROLL-CALL |     |      |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|----------------------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                             | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON                       |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES                          |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER                        |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON                         |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ                     |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE                            |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS                           |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODGEN                         |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER                          |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU                            |     |      | • SANDNESS |     |      | • WENSTRÖM       |     |      |
| • HOFFNER       |     |      | • MELLAND                        |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER                         |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER        |     |      | • MORGAN                         |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MOTION

Senator Nothing moved that Senate Bill No. 2354 be re-printed, which motion prevailed.

Senate Bill No. 2355. A Bill for an Act to amend and reenact paragraph 15 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota



and I'm more convinced that the legislature should play a greater role in the federal system since so much of what we do does have federal influence.

#### POINT OF PERSONAL PRIVILEGE

Senator Jones: Mr. President and Members of the Senate, I want to take this opportunity to thank the Senate for honoring me when you appointed me as your representative to the Inauguration, January 20, in Washington, D.C., of our new President, President Jimmy Carter.

Inaugurations will mean much more to me in the future. Witnessing the actual turning over of the reigns of government at high noon on the given day really brought home to be again what a great country we live in. Not only did the outgoing President, President Ford, turn over the reigns, but he got in his helicopter and left town.

I wish to report also that my cohort, Senator Hoffner, and myself personally turned over the Senate Resolution passed in support of Garrison Diversion to Ms. Billy Jappeson, the Executive Assistant to the Secretary of Interior, Secretary Andrus. We also had a short visit with the outgoing Secretary of Interior, Mr. Kleppe.

Again, I wish to thank the members of the Senate for the honor of representing you at the Inauguration. It will be something that I shall remember and cherish forever.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

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

Senate Bill No. 2157  
 Senate Bill No. 2223  
 Senate Bill No. 2269  
 Senate Bill No. 2280  
 Senate Bill No. 2323  
 Senate Bill No. 2337  
 Senate Bill No. 2345  
 Senate Bill No. 2347  
 Senate Bill No. 2366  
 Senate Bill No. 2375  
 Senate Bill No. 2415  
 Senate Bill No. 2476

LEO LEIDHOLM, Secretary

##### Senate Chamber

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

House Bill No. 1032

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. 1048

LEO LEIDHOLM, Secretary

#### MESSAGE FROM THE HOUSE

##### House Chamber

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

which the House has passed and your favorable consideration is requested on:

House Bill No. 1273  
House Bill No. 1303  
House Bill No. 1310  
House Bill No. 1367  
House Bill No. 1370  
House Bill No. 1372  
House Bill No. 1538

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2003, 2199, 2202, 2227, 2257, 2261, 2282, 2284, 2287, 2304, 2330, 2341, 2344, 2350, 2358, 2365, 2373, 2385, 2391, 2392, 2408, 2419, 2420, 2421, 2426, 2427, 2447, 2451, 2452, 2453, 2454, 2487, 2493, 2518, 2523, and House Bills Nos. 1057 and 1133, the Senate recess until Tuesday, February 8, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-FIFTH DAY AFTER RECESS  
AND TWENTY-SIXTH DAY

February 8, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2199  
Senate Bill No. 2202  
Senate Bill No. 2257  
Senate Bill No. 2261  
Senate Bill No. 2287  
Senate Bill No. 2344  
Senate Bill No. 2421  
Senate Bill No. 2452  
Senate Bill No. 2487  
Senate Bill No. 2518

and find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2003  
Senate Bill No. 2304

and find the same correctly Re-engrossed.

SENATOR STRAND, Chairman

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

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2154 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2154 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2177 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 9, delete the following: "All public boards, agencies, departments,"

On page 1, delete all of lines 10 and 11

On page 1, line 12, delete the words "bodies" and insert in lieu thereof



the following: "Unless otherwise provided by law, all public or governmental bodies, boards, bureaus, commissions, or agencies of the state or any political subdivisions of the state, or organizations or agencies"

On page 2, line 4, delete the words "least forty-eight hours"

On page 2, line 5, delete the words "before the meeting" and insert in lieu thereof "the same time as such public body's members are notified"

On page 2, line 12, delete "least two hours"

On page 2, delete all of line 13, and insert in lieu thereof "the same time as such public body's members are notified"

and renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2177 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2319 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2319 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2334 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, after the word "providing" delete the words "criminal penalties" and insert in lieu thereof the words "a penalty"

On page 1, line 20, after the second word "of" delete the following: "a class B" and insert in lieu thereof the words "an infraction"

On page 1, line 21, delete the word "misdemeanor" and on the same line after the word "offense" delete the following: "and of a class A misdemeanor"

On page 1, line 22, delete the following: "for each offense thereafter"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2334 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2338 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, following the word "beginning" delete the following: "April 1, 1978" and insert in lieu thereof the following: "October 1, 1977"

On page 1, line 15, following the word "needy" delete the word "children" and insert in lieu thereof the word "persons"

On page 1, line 21, delete the word "quality" and insert in lieu thereof the word "qualify"

On page 1, line 22, insert the following after the period: "A report on the implementation and operation of the program funded hereunder shall be prepared by the social service board and presented to the interim committee on budget not later than October 1, 1978. Costs of administering the program shall not exceed 2.7 percent of the funds appropriated under this Act."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2338 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2342 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2342 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2377 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2377 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2403 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2403 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2437 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2437 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2439 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 20, after the word "reserved" delete the word "may" and insert in lieu thereof the word "shall"

On page 3, line 3, after the word "by" insert the words "or for"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2439 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2456 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2456 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2459 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, after the word "state" insert the following: "; and declaring an emergency"

On page 2, after line 14, insert the following new section:

"SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2459 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2462 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the word "who" insert the words ", after July 1, 1975,"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2462 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2499 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12, after the word "EMPLOYEE" delete the following: "APPROVAL"

On page 1, line 13, delete "BY EMPLOYER"

On page 1, line 17, after the first word "employer" delete the following: ", subject to the approval of the employer"

On page 1, line 21, after the word "request" delete the word "and"

On page 1, line 22, delete the following: "who approves of the withholding"

And renumber the lines and pages accordingly.

And when so amended recommends the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2499 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2508 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2508 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2509 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2509 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2524 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2524 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4027 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4027 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2006, 2126, 2164, 2178, 2198, 2262, 2292, 2329, 2418 and 2442 be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2006 as recommended by the Committee on Appropriations as printed on pages 448 and 449 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2126 as recommended by the Committee on State and Federal Government as printed on pages 449 and 450 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved to further amend Senate Bill No. 2126 as follows:

On page 1, line 8 of the bill delete the following: “; and to provide an appropriation” Senator Vosper moved that the amendment be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2164 as recommended by the Committee on Social Welfare & Veterans Affairs as printed on pages 450-454 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2178 as recommended by the Committee on Judiciary as printed on page 454 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2198 as recommended by the Committee on Judiciary as printed on page 454 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2262 as recommended by the Committee on Political Subdivisions as printed on page 455 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2292 as recommended by the Committee on State and Federal Government as printed on pages 455 and 456 of the Senate Journal be adopted, and that Senate Bill 2292 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2329 as recommended by the Committee on Finance and Taxation as printed on page 456 of the Senate Journal be adopted, and that Senate Bill 2329 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2418 as recommended by the Committee on Industry, Business and Labor as printed on page 457 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2442 as recommended by the Committee on Education as printed on page 458 of the Senate Journal be adopted, which motion prevailed.

#### MOTIONS

Senator Lips moved that Senate Bill No. 2430 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

Senator Lips requested the unanimous consent of the Senate to withdraw Senate Bill No. 2430. There being no objection the request was granted, and Senate Bill No. 2430 was withdrawn.

Senator Larson moved that the Senate reconsider its action whereby Senate Bill No. 2278 lost, which motion lost on a division vote.

#### FIRST READING OF SENATE BILLS AND RESOLUTIONS

Committee on Delayed Bills introduced:

**Senate Bill No. 2544.** A Bill for an Act to create and enact a new section to chapter 23-09 of the North Dakota Century Code, relating to smoke detection devices in hotels, motels, and lodgings; to amend and reenact subsection 1 of section 23-09-01 of the North Dakota Century Code, relating to the definition of a motel; and providing a date of compliance.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Delayed Bills introduced:

**Senate Bill No. 2545.** A Bill for an Act to authorize the active promotion and orderly development of the film, television, and multimedia production industry in North Dakota; and providing an appropriation. Was read the first time and referred to the committee on Appropriations.

Senator Strand introduced:

**Senate Concurrent Resolution No. 4066.** A concurrent resolution requesting the legislative council to study the laws relating to residence for poor relief purposes, North Dakota Century Code chapter 50-02, and to determine the adequacy of the provisions of this chapter.

Was read the first time and referred to the Legislative Council Resolutions Committee.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1273.** A Bill for an Act to amend and reenact section 54-03-20.1 of the North Dakota Century Code, relating to compensation for attending legislators; and declaring an emergency.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1303.** A Bill for an Act to amend and reenact section 29-10.1-10 of the North Dakota Century Code, relating to challenge of selection of grand jurors.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1310.** A Bill for an Act to create and enact section 44-08-04.3 of the North Dakota Century Code, relating to allowances for moving expenses.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1367.** A Bill for an Act to create and enact a new section to chapter 28-14 of the North Dakota Century Code, relating to the size of juries in civil cases.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1370.** A Bill for an Act to amend and reenact section 29-17-12 of the North Dakota Century Code, relating to the size of juries in criminal cases.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1372.** A Bill for an Act to amend and reenact section 6-03-05.1 of the North Dakota Century Code, relating to the authority of mortgagees to advance funds to protect liens.



Senate Bill No. 2493 was declared lost.

#### POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, in regards to the bill that was just decided by this distinguished body, allow me to share with you this observation. The situation that was depicted by my colleague from the 45th District regarding the hearing, I can make no comment nor inference, yet I can sympathize with his sense of frustration. However, I think a little background in this matter, I hope, will lead to a situation where the various communities that are involved in this type of tug of war will try to resolve them by negotiations rather than legislation. Frankly, I agonized this decision out with great and deep reflection. I was impressed by the distinguished chairman of the Education Committee's commentary in that the proposed legislation could mean the end of the West Fargo School District. That would be regrettable. I would hope that we will not be obliged to re-live history from legislative session to legislative session inviting political reprisal after political reprisal. I believe that the legislative process requires the preface of laying the ground work, doing some intense educational work, and adroit salesmanship, not simply introducing a bill and ending up with the results that we have just seen showing on this board. The legislative process is a long term process. I tried to show local solidarity in my vote. I have a great deal of affection for the people in both of our communities and I hope that ultimately that we can launch a new era in which we can come together and join in building a united, cooperating educational district in which there will not be simply one group raiding another group, then raids on top of raids until there is disarray and chaos. May I just share with you one of the burdens of past years. How well can I recall some of our efforts to achieve annexation. I think these efforts must be shared with you, albeit briefly. I can recall those in my area of the state that wanted it both ways. They wanted to be in the Fargo School District and they wanted to stay out of the city of Fargo. Now you see the results. I don't intend to indulge in recriminations what happened in 1973. That is history. We can only draw on its lessons. I can appreciate the effort of my colleague and yet I think all of us can do better to actively promote good will, understanding and cooperation between school districts rather than indulging in endless competition for coveted land. I pledge to this assembly that when I go home, I will continue my efforts to promote understanding and cooperation in the sincere hope that we can have long range cooperation between two great school districts. Mistakes have been made. God only knows we are only human, but I pray that we can settle our problems at home and not burden this assembly every two years or every four years; so I pledge to all my colleagues, the legislative assembly, the municipal officials, school district officials, and the citizens of our two communities and those who are in between those two communities that I will do my best to continue my efforts to bring us together and not to drive us further apart.

#### COMMUNICATION

President Sanstead announced he had received a communication from the Governor's Office and requested the Secretary to read it as follows:

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

February 8, 1977

In my State of the State Message to the Forty-fifth Legislative Assembly I said:

I had hoped to recommend that kindergarten be funded on a statewide basis, but budget constraints have prevented me from doing so. I do believe it to be an important new program we should look at on a statewide basis if the financial picture during the legislative session appears to improve.

I have been advised by the Tax Department that the \$29,400,000 in the Executive Budget for the Personal Property Replacement Program will exceed the need. Current replacement levels indicate that the appropriation should be \$26,000,000. With the \$3,400,000 change in this item, I am now recommending that \$3,500,000 be appropriated for public kindergarten on a statewide basis.

Sincerely yours,

ARTHUR A. LINK, Governor

ANNOUNCEMENT OF GOVERNOR'S APPOINTMENT  
STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

February 4, 1977

The Honorable Wayne Sanstead  
President of the Senate  
North Dakota State Senate  
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that, pursuant to Section 50-06-02 of the North Dakota Century Code, I have appointed Ms. Evadne B. Gillette to a regular six year term on the Social Service Board of North Dakota effective April 6, 1977, and extending to April 6, 1983, subject to Senate confirmation.

Enclosed is a resume of Ms. Gillette.

Sincerely yours,  
ARTHUR A. LINK  
Governor

President Sanstead referred the above appointment to the Committee on Social Welfare and Veterans Affairs.

## POINT OF PERSONAL PRIVILEGE

Senator Nething: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, you have just heard a message from the Governor of North Dakota, which will now be printed in our Journal and become part of the history of this State. I rise to express to you my disappointment in the position that has been taken by our Governor.

Mr. President, ladies and gentlemen of the Senate, without referring specifically to the program to which the Governor now endorses, I would like to point out to you some of the problems with which this Legislature is confronted with which are now going to be compounded. I think all of you have been aware of the financial constraint that has been placed upon us



and of the diligent efforts of each member of the Appropriation Committee and of the membership of the Legislature to tolerate the situation that we have, and to attempt to establish programs and balance the budget with the funds that exist. We know each of us have particular concerns that we would like to see. We would like to see appropriations provided for, they vary from ongoing programs to one-shot type of program that takes funding only for this current biennium. The Governor has recommended to us an ongoing program, which means that in the future, if we adopt this program that it will be with us in our dollar and cents approach. I would like to point out to you that there are several areas where this money might have been categorized as opposed to where it is. For example, the Senate recently made an appropriation of 1.3 million dollars to assist in providing fringe benefits to our state employees. We had building requests before it and the same amount of money could have been used to provide a library on our NDSU campus, or it could have been used to provide a maximum security building for the Jamestown State Hospital, or it could have been used to provide an office facility and classroom laboratory at the University of North Dakota, or it could have been used to provide a physical education activity center at Minot State College, all of which were adopted as part of a program by this Legislature establishing priorities two years ago and which the Governor has now chosen to ignore. Yes, it might have even been used to help in that vital area of assisting and resolving the problems of the teacher's retirement program, or if we wanted to establish another ongoing program, it's not in the budget, perhaps it could have been used to fund a bill which would provide medical assistance for needy children. I point these out to you to show you the options that were open and the one that was chosen. Then, this is in addition, these are examples of additions to the budget over and above the opposite budget recommendation. And then there is another problem that has come up in most recent days that I think is probably more critical than any I have mentioned and that is the conversion of our heating plants at our institutions of higher education, which carry with them a six million dollar price tag to accomplish but when that conversion is accomplished, not only would it save money for the State of North Dakota, but it would also save on the oil that is currently being burned and instead permit us to burn coal. So when I express my disappointment over the Governor's recommendation, I hope that you realize the options that were open and the one that was chosen and I am confident that we'll be able to debate that option that he chose at a later time. Some place along the line we asked the Minority Party in this Senate, and we asked the Democrat Party in the House and we asked the Governor, let's be constant and consistent when we approach fiscal matters and not talk one day in the newspaper about the fiscal conservative policy of your party and the next day another statement that you're going to spend only 10 million dollars more than the Governor's recommended or the following day after that have the Democrat Party in the House spend an additional \$4 million or request the spending of an additional \$4 million dollars for public transportation system, which was not even included in the budget or the \$10 million over and above the budget that was recommended to be spent. I think the people in North Dakota are entitled to know where you are going to be fiscally responsible and I think the Senate welcomes your help in establishing fiscal responsibility for all of the State of North Dakota.

## POINT OF PERSONAL PRIVILEGE

Senator Hoffner: Mr. President, I rise on a point of personal privilege. Mr. President, members of the Senate, in view of the long calendar, I won't take quite as long but I think it's important to point out some additional information to the Chamber that there are definitely the Executive and Legislative branches of government and that the Executive has the responsibility of presenting the budget to this Legislative Assembly, and that budget process is a very long and detailed process over a period of six months. We don't talk enough about this executive budget and how its developed, that the executive analysts has hearings with every department of state government, detailed hearings, into what the needs and what their requests are for the next two year period for that budget. Then the Governor takes and reviews that budget after it's presented to him by the executive budget analyst. This last budget, the requests were \$100 million over the \$538 million that the Governor's executive budget finally arrived at — a \$100 million. Now, if you can imagine having to trim \$100 million off those requests in many of the areas that the Majority Leader was talking about, believe me, I don't envy the executive's position to have to do this. Now, he had to set priorities and what he felt should be a message to this Legislative Assembly. He did that, he presented the budget with a \$100 million reserve and I think that it's a healthy reserve. We, in the Minority, have been working at a number of caucuses, working out what we consider our priorities, and we haven't exactly followed the Governor's executive recommendations. I am sure the Majority Party will do the same. I haven't seen the program that the Majority Party has and we have had considerable time that this program should have been developed and should have been presented. Now, in addition to the \$100 million request, that these agencies are going back to the Appropriations Committee and they're asking that these monies be restored, that the Executive Budget cut back and I don't envy the Appropriations Committee one bit, so it's not an easy job, and I'm sure when it's all over, we're going to be moving around within the Governor's budget, but we're all going to be very thankful that we have this guide that the executive budget has given us, and remembering that there are these branches of government, the executive and the legislative, and that just because we're of the same party that the executive is that we're not going to necessarily follow rubber stamp that executive budget, but we have a caucus position that we're going to stay about \$10 million or not exceed the executive budget by more than \$10 million and that would leave the reserve of \$90 million. I hope they can stick to that and call it what you like, conservatism, fiscal responsibility whatever, but that is my message today.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-SIXTH DAY

Bismarck, February 8, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Eldred Johnson, Pastor, Trinity Lutheran Church, Turtle Lake, N. Dak.

"Be still and know that I am God", is Your exhortation unto us, O Lord. We pause for a moment in this legislative session to call upon You in prayer.

We thank You for this day and the opportunities for service that it presents.

We have chosen, O Lord, these men and women assembled here to represent us. Help us to hold them in our daily prayers.

We pray that they may be mindful of those whom they represent. While they come from the different legislative areas in our state, may they be guided to serve unselfishly for the common good.

Protect, we pray Thee, those liberties of rule by representation which are the cornerstone of our government.

To us, to whom there has been given, among other things, freedom of religion, freedom of speech, freedom of the press, grant us grace to proclaim Your Word and use every opportunity to serve our fellow men. May our actions give proof to our words. Bless, O Lord, the communities from which we come, our State and our Nation.

In Christ our Lord. Amen.

The roll was called and revealed all Senators present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

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

On page 455, line 49, after the figure "4", insert: "line 1,"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2399. A Bill for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the number of big game animals that may be taken in any one year.

Which has been read.

#### ROLL CALL

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

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     |
| BARTH           | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG       |
| BERUBE          | •   |      | KRAUTER    | •   |      | NEHING           | •   | STRAND        |
| CHRISTENSEN     | •   |      | LARSON     | •   |      | ORANGE           | •   | STRANDEN      |
| ERDMAN          | •   | •    | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    |
| FARRINGTON      | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS      |
| FREED           | •   |      | LIPS       | •   |      | RAIT             | •   | THANE         |
| FRITZELL        | •   |      | LODDEN     | •   |      | REDLIN           | •   | VOSPER        |
| GOODMAN         | •   |      | MAHER      | •   |      | REITEN           | •   | WALSH         |
| HANSON          | •   |      | MAU        | •   |      | SANDNESS         | •   | WENSTROM      |
| HOFFNER         | •   |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        |
| HOLMBERG        | •   |      | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT |
| ISZLER          | •   |      | MORGAN     | •   |      | SHABLOW          | •   |               |

Senate Bill No. 2399 was declared lost.

Senate Bill No. 2406. A Bill for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to limitations on licenses to hunt big game.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called

and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUB             |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2413.** A Bill for an Act to amend and reenact section 20.1-08-03 of the North Dakota Century Code, relating to limitations on the governor's proclamation powers for the taking of fur-bearers with traps by nonresidents.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUB             |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • THANE          |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2470.** A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code, relating to restrictions on the use and possession of radio scanners capable of receiving peace officer and ambulance service messages; and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 410) the roll was called and there were ayes, 35; nays, 14; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUB             |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |

|                      |                    |                       |              |
|----------------------|--------------------|-----------------------|--------------|
| ● HOLMBERG<br>ISZLER | ● MILLER<br>MORGAN | ● SCHIRADO<br>SHABLOW | MR PRESIDENT |
|----------------------|--------------------|-----------------------|--------------|

So the bill passed and the title was agreed to.

**Senate Bill No. 2478.** A Bill for an Act to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to the hours of operation of a motorcycle by persons holding only an instruction permit.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     | ●    | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2481.** A Bill for an Act to repeal sections 15-12-11 and 15-12-12 of the North Dakota Century Code, relating to the list of agricultural college publications furnished to county auditors and the publication of the list.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     | ●    | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2484.** A Bill for an Act to create and enact a new chapter of the North Dakota Century Code, relating to the sale of honey and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 37; nays, 12; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     | •    | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2486.** A Bill for an Act to amend and reenact subsection 8 of section 20.1-01-02 and section 20.1-08-03 of the North Dakota Century Code, relating to restricting deer hunting to male deer only.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 46; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     | •    | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2486 was declared lost.

**Senate Bill No. 2539.** A Bill for an Act to amend and reenact subsection 2 of section 39-10-43 of the North Dakota Century Code, relating to certain vehicles being required to stop at railroad grade crossings at which traffic is controlled by a police officer.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     | •    | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.







Senator Mau moved that the rules be suspended, that Senate Bill No. 2202 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

Senate Bill No. 2202. A Bill for an Act to amend and reenact sections 11-18-05, 35-21-05, and 40-50-07, subsection 5 of section 41-09-42, subsection 3 of section 41-09-43, sections 41-09-44 and 41-09-45, subsection 2 of section 41-09-46, and section 47-20.1-08 of the North Dakota Century Code, relating to register of deeds fees for filing and recording instruments; and to repeal section 11-18-05.1 of the North Dakota Century Code, relating to register of deeds fees for recording severed mineral interests.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 428) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2227. A Bill for an Act to repeal subsection 2 of section 12.1-02-02 of the North Dakota Century Code, relating to the requirements of culpability in crimes where culpability is not specified.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON     |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODOEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2227 was declared lost.

Senate Bill No. 2257. A Bill for an Act to amend and reenact section 11-09-02.1 of the North Dakota Century Code, relating to the procedure for an adoption of a form of county managership.

Which has been read.

ROLL CALL

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

page 428) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2261: A Bill for an Act to amend and reenact section 11-15-02 of the North Dakota Century Code, relating to compensation for special deputy sheriffs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 428, 429) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SHYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2282. A Bill for an Act to provide for grants by the Bank of North Dakota in conjunction with state loan moneys and federal moneys for community water facilities; defining community water facility, grant eligibility, limitations, purposes, and approval; and providing for rules and regulations, and a transfer of funds to the community water facility grant fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 32; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SHYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |



board of chiropractic, and provide an appropriation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 430) the roll was called and there were ayes, 42; nays, 5; absent and not voting, 3.

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • ALBERS        |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BARTH         |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • BERUBE        |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • CHRISTENSEN   |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • ERDMAN        | •   |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FARRINGTON    |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FREED         | •   |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • FRITZELL      |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • GOODMAN       |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HANSON        |     |      | • MELAND     |     |      | • SANDS          | •   | • WRIGHT      |
| • HOFFNER       |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • HOLMBERG      |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |
| • ISZLER        |     |      |              |     |      |                  |     |               |

So the bill passed and the title was agreed to.

**MESSAGES TO THE HOUSE**

Senate Chamber

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

- Senate Bill No. 2008
- Senate Bill No. 2016
- Senate Bill No. 2018
- Senate Bill No. 2131
- Senate Bill No. 2218
- Senate Bill No. 2294
- Senate Bill No. 2349
- Senate Bill No. 2356
- Senate Bill No. 2359
- Senate Bill No. 2378
- Senate Bill No. 2398
- Senate Bill No. 2444
- Senate Bill No. 2492
- Senate Concurrent Resolution No. 4031

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE**

House Chamber

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

- House Bill No. 1025
- House Bill No. 1062
- House Bill No. 1147
- House Bill No. 1218
- House Bill No. 1226
- House Bill No. 1321
- House Bill No. 1341
- House Bill No. 1357
- House Bill No. 1363

House Bill No. 1376  
House Bill No. 1389  
House Bill No. 1401  
House Bill No. 1408  
House Bill No. 1426  
House Bill No. 1457  
House Bill No. 1463  
House Bill No. 1476  
House Bill No. 1479  
House Bill No. 1482  
House Bill No. 1539  
House Bill No. 1542

ROY GILBREATH, Chief Clerk

Senator Nothing moved that after the reading of Senate Bills 2006, 2126, 2154, 2155, 2164, 2178, 2198, 2199, 2262, 2319, 2342, 2377, 2403, 2418, 2437, 2442, 2456, 2508, 2509, 2524 and SCR 4027, the Senate recess until Wednesday, February 9, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-SIXTH DAY AFTER RECESS AND  
TWENTY-SEVENTH DAY

Bismarck, February 9, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2006

Senate Bill No. 2126

Senate Bill No. 2164

Senate Bill No. 2178

Senate Bill No. 2198

Senate Bill No. 2262

Senate Bill No. 2292

Senate Bill No. 2329

Senate Bill No. 2418

Senate Bill No. 2442

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2177, 2334, 2338, 2439, 2459, 2462 and 2499 be dispensed with, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2177 as recommended by the Committee on Political Subdivisions as printed on pages 471 and 472 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2334 as recommended by the Committee on State and Federal Government as printed on page 472 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2338 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 472 of the Senate Journal be adopted, and be referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2439 as recommended by the Committee on State and Federal Government as printed on page 473 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2459 as recommended by the Committee on State and Federal Government as printed on page 473 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2462 as recommended by the Committee on Education as printed on page 474 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2499 as recommended by the Committee on Finance and Taxation as printed on page 474 of the Senate Journal be adopted, and recommends that Senate Bill 2499 be indefinitely postponed, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2135 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2135 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2190 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2190 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2252 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2252 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2273 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the words "a new subsection" and insert in lieu thereof the words "two new subsections"

On page 1, line 5, after the word "stations" insert the words "and to employ necessary personnel"

On page 1, line 10, delete the words "A new subsection" and insert in lieu thereof the words "Two new subsections"

On page 1, line 11, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 13, after the word "with" delete the word "eligible"

On page 1, line 15, after the period delete the word "Eligible" and on the same line after the word "applicants" delete the word "are" and insert in lieu thereof the words "may be"

On page 1, after line 21, insert the following new subsection: "To employ personnel necessary to administer this chapter."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2273 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was

referred Senate Bill No. 2288 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2288 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2297 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 27, delete the words "preferred corridor for" and insert in lieu thereof the words "location of"

On page 3, line 29, after the word "years" delete the following: ", the"

On page 3, delete lines 30 through 34

On page 3, line 35, delete the word "public" and insert in lieu thereof the following: "and such other information as may be required by the commission"

On page 6, on line 7, delete the words "regardless of the"

On page 6, line 8, delete the following: "design capability,"

On page 6, delete lines 10 through 12

On page 6, delete lines 16 through 25 and insert in lieu thereof the following:

"Any utility which proposes to construct an energy conversion facility with a design not in excess of one hundred thousand kilowatts or a transmission facility within the state may make an application to the commission for a waiver of any of the procedures set forth in this chapter. The commission, after hearing and upon a finding that the proposed facility is of such length, design, location, or purpose that it will produce minimal adverse effects, may issue an order waiving specified procedures and time schedules required by this chapter. The proposed facility shall thereafter be constructed, operated, and maintained in compliance with this chapter."

On page 7, line 15, insert beginning triple parentheses before the word "statement" and insert ending triple parentheses after the word "of" and insert in lieu thereof the words "comprehensive analysis with supporting data showing"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2297 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2331 has had the same under consideration and recommends that the same be amended as follows:

On page 1, delete all of lines 11 through 17 and insert in lieu thereof the following:

"company, means any of the following:

a. A bank incorporated under the laws of this state, or a national banking association having its main office in this state, more than fifty percent of the voting stock of which is owned by the same owning bank holding company that owns more than fifty percent of the voting stock of such subsidiary trust company.

b. A bank which owns shares of voting stock of such subsidiary trust company."

On page 2, line 23, after the word "company" and before the comma



insert the following: "or by a bank having its main office in this state or by two or more banks each of which has its main office in this state"  
 And renumber the lines and pages and subsections accordingly.  
 And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2331 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2343 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2343 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2346 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, after "(((five)))" delete the word "two" and insert in lieu thereof the word "five"

On page 1, line 17, after the word "of" insert beginning and ending triple parentheses around the word "five" and insert in lieu thereof the word "eight"

On page 3, line 24, after "(((five)))" delete the word "two" and insert in lieu thereof the word "five"

On page 3, line 27, after the word "exceed" insert beginning and ending triple parentheses around the word "five" and insert in lieu thereof the word "eight"

On page 3, line 33, after "(((five)))" delete the word "two" and insert in lieu thereof the word "five"

On page 4, line 1, after the word "of" insert beginning and ending triple parentheses around the word "five" and insert in lieu thereof the word "eight"

On page 5, line 10, after the word "of" delete the following: "\$5,200,000.00" and insert in lieu thereof the following: "\$3,300,000.00"  
 And renumber the lines and pages accordingly.

And when so amended recommends the same do pass and be referred to the Committee on Appropriations.

SENATOR GOODMAN, Chairman

Senate Bill No. 2346 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2357 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2357 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2362 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2362 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2363 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2363 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2370 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "reenact" insert the following new language: "subsection 13 of section 20.1-02-05 and"

On page 1, delete all of line 3, and insert in lieu thereof the following new language: "residency requirements for hunting licenses."

On page 1, delete all of line 4

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

SECTION 1. AMENDMENT.) Subsection 13 of section 20.1-02-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

13. Issue any resident license prescribed by this title to a person who has come to the state with a bona fide intention of becoming a resident, even though he has not been a resident of this state for the required time period immediately preceding the application for the license, or to any person who is a member of the United States armed forces and who is within the state on duty or leave, or to any employee of the United States fish and wildlife service or the conservation department of any state or province of Canada in the state to advise or consult with the department. No license shall be issued under this subsection unless an affidavit of a bona fide resident, setting forth the actual conditions, accompanies the application. **This subsection shall not apply to lottery permits.**

On page 1, line 12, after the word "applicant" delete the beginning triple parentheses

On page 1, line 13, after the word "least" insert beginning triple parentheses

On page 1, line 13, after the ending triple parentheses insert the following new language: "one year" and on the same line delete the following words: "filed a resident"

On page 1, delete all of lines 14-23

On page 1, line 24, delete the word and numerals: "section 12.1-11-02"  
And renumber lines, pages and sections accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2370 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2380 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2, delete the word "regulatory"

On page 1, line 3, delete the words "agencies and boards and the regulatory activities of all"

On page 1, line 9, delete the word "regulatory" and the words "and activities"

On page 1, line 10, delete the words "by the legislative budget analyst and auditor"

On page 1, line 21, delete the semicolon and words "and providing an"

On page 1, line 22, delete the word "appropriation"

On page 3, line 13, delete the word "of" and insert the word "and"; delete the word "regulatory"; and delete the words "in existence at the effective date" and insert "affected by"

On page 3, line 14, delete the word "of"

On page 4, line 6, after the word "auditor" insert the words "and the state auditor"

On page 4, line 12, after the word "auditor" insert the words "and the state auditor"

On page 4, line 17, after the word "auditor" insert the words "and the state auditor"

On page 4, line 30, after the word "auditor" insert the words "or the state auditor, as determined by a schedule jointly recommended by them and approved by the review committee, and within the limits of legislative appropriations,"

On page 4, line 33, delete the words "an outside" and insert the words "a nongovernment"

On page 4, line 34, after the word "auditor" insert the words "or the state auditor"

On page 5, line 14, delete the word "legislative"

On page 5, line 19, after the word "auditor" insert the words and commas ", the state auditor,"

On page 9, line 20, delete the word "regulatory"

On page 9, line 29, delete everything after the numeral "7." and insert the words "Securities commissioner (chapter 10-04)."

On page 9, delete line 30

On page 9, after line 35, insert the following: "11. Legislative council" chapter 54-35).

On page 10, line 1, delete the word "regulatory"

On page 10, line 18, delete the rest of the line after the numeral "8." and insert the words "Ancillary programs of the state tax commissioner (title 57)."

On page 10, delete line 19

On page 10, line 25, delete the word "regulatory"

On page 10, line 31, delete all the words after the number "3." and insert the words "State social service board (title 50)."

On page 10, delete lines 32 through 35

On page 11, delete lines 12 through 19

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2380 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2393 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12, after "citation," insert "and/"

On page 1, line 13, after the comma insert the following: "a total of"

On page 1, line 16, after the word "served" insert the following: "at different locations"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2393 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred

Senate Bill No. 2397 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 12, after the word "be" delete the following: "prepared separately" and insert in lieu thereof the following: "on the regular party ballot"

On page 2, line 15, after the word "so" delete the remainder of the line

On page 2, line 16, after the word "candidates" delete the words "by party" and insert in lieu thereof the following: "are on the regular party ballot"

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2397 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2401 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2401 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2404 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the first word "the" delete the beginning triple parentheses

On page 1, line 16, after the word "a" delete the ending triple parentheses

On page 1, line 18, after the word "trusts" insert the word "if"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2404 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2412 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2412 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2416 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2416 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2432 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2432 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2434 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Bill No. 2434 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2435 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2435 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2436 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2436 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2443 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2443 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2457 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 11, after the word "such" delete the word "powers" and insert in lieu thereof "power."

On page 1, delete all of line 12

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2457 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2471 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 1, after the period delete beginning triple parentheses

On page 2, line 2, after the word "chapter" insert beginning triple parentheses

On page 2, line 3, after the word "or" insert ending triple parentheses

On page 2, line 5, after the period delete ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2471 was placed on the 6th order of business on the calendar for the succeeding legislative day. }

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2474 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2474 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2475 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the word "to" delete the following: "final adoption and"

On page 2, line 17, after the word "to" delete the following: "final adoption and"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass and be referred to the Committee on Appropriations.

SENATOR FREED, Chairman

Senate Bill No. 2475 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2482 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2482 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2485 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2485 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2495 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2495 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution 4030 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, after the word "manufacturers" insert the following: "distributors and dealers"

On page 1, line 7, after "manufacture," insert the following: "as well as the distribution and sale of same;" and delete the remainder of the line

On page 1, delete all of line 8

On page 1, line 9, delete the following: "malpractice insurance coverage;"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Concurrent Resolution 4030 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4033 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4033 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4041 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4041 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Concurrent Resolution 4049 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Concurrent Resolution 4049 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Concurrent Resolution 4055 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Concurrent Resolution 4055 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS AND RESOLUTIONS

Senator Melland introduced:

**Senate Concurrent Resolution No. 4067.** A concurrent resolution directing the Legislative Council to study special assessment obligations at state institutions and procedures for determining special assessments related to state institutions.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senators Lashkowitz, Peterson introduced:

**Senate Concurrent Resolution No. 4068.** A concurrent resolution directing a Legislative Council study of public telecommunications.

Was read the first time and referred to the Legislative Council Resolutions Committee.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1025.** A Bill for an Act to amend and reenact sections 15-60-03, 15-60-04, and subsection 1 of section 57-15-16 of the North Dakota Century Code, relating to limitations on school construction fund expenditures, and allocation of tax levies of school districts which have not been allocated by contract with the state school construction fund; and declaring an emergency.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1062.** A Bill for an Act to amend and reenact section 28-32-19 of the North Dakota Century Code, relating to scope of and procedure on appeal from administrative agency determinations.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1147.** A Bill for an Act to amend and reenact section 20.1-02-25 of the North Dakota Century Code, relating to the months of the year during which advisory board members shall hold public meetings.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1218.** A Bill for an Act to amend and reenact subsection 2 of section 43-28-02 of the North Dakota Century Code, relating to persons exempt for the licensing provisions for dentists.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1226.** A Bill for an Act to amend and reenact sections 12-

53-06, 12-53-07, 12-53-09, 12-53-10, 12-53-14, and 12-53-16 of the North Dakota Century Code, relating to the functions and procedures of the parole board; to amend and reenact sections 12-59-09 and 12-59-15 of the North Dakota Century Code, relating to parole applications and the hearing and parole board procedures following a breach of parole; and to repeal sections 12-53-08 and 12-59-19 of the North Dakota Century Code, relating to the parole board furnishing forms to the court clerk, and reports of the parole board.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1321.** A Bill for an Act to create and enact a new section to chapter 30.1-04, a new subsection to section 30.1-05-02, and a new subsection to section 30.1-14-01 of the North Dakota Century Code, relating to persons related to decedent through two lines, bona fide purchaser, and applicant's submission to jurisdiction; to amend and reenact sections 30.1-04-09 and 30.1-05-02, subsection 1 of section 30.1-05-05, section 30.1-05-06, subsection 1 of section 30.1-05-07, sections 30.1-08-04, 30.1-09-08, 30.1-09-11, 30.1-10-01, subsection 2 of section 30.1-10-02, sections 30.1-12-06, 30.1-14-01, 30.1-15-07, 30.1-19-02, 30.1-19-14, 30.1-20-10, 30.1-21-04, 30.1-31-04, and 30.1-31-06 of the North Dakota Century Code, to provide amendments to the Uniform Probate Code and relating to meaning of child, augmented estate, proceeding for elective share, effect of election on benefits by will or statute, charging spouse with gifts received, self-proved will, nonademption of specific devises in certain cases, construction of generic terms to accord with relationships as defined for intestate succession, renunciation of succession, definition of surviving spouse, proceedings within the exclusive jurisdiction of court, informal probate or appointment proceedings, formal testacy proceedings, statute of limitations, encumbered assets, purchasers from distributees protected, liability of distributees to claimants, right of survivorship, and accounts and transfers nontestamentary.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1341.** A Bill for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to the authority of school bus drivers to turn on flashing lights within city limits.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1357.** A Bill for an Act to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to the power of the highway commissioner to suspend a driver's license for failing to appear in court after signing a promise to do so and for failing to pay a fine or serve a sentence ordered by a court.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1363.** A Bill for an Act to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating to the registration of lobbyists.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1376.** A Bill for an Act to amend and reenact sections 49-



05-05, 49-05-06, and 49-06-07 of the North Dakota Century Code, relating to notice to the public service commission of proposed rate changes, public service commission hearings on proposed public utility rates, and temporary rates prescribed by the commission.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1389.** A Bill for an Act to amend and reenact sections 40-44-01 and 40-44-07 of the North Dakota Century Code, relating to the population requirement of cities which may adopt a civil service system, and eliminating such population requirement.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1401.** A Bill for an Act to amend and reenact subsection 6 of section 57-02-11 of the North Dakota Century Code, relating to the frequency of assessment of real property by cities and counties.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1408.** A Bill for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to contractual agreements for collection of tax by the tax commissioner in behalf of counties and incorporated cities.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1426.** A Bill for an Act to amend and reenact sections 30.1-19-01, 30.1-19-02, and 30.1-19-03, and subsection 1 of section 30.1-19-07 of the North Dakota Century Code, relating to notice to creditors, statutes of limitation, limitations on presentation of claims, and payment of claims.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1457.** A Bill for an Act to amend and reenact subsection 2 of section 39-06-07 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to identification as a donor pursuant to the Uniform Anatomical Gift Act on motor vehicle operator's applications and licenses.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1463.** A Bill for an Act to amend and reenact subsection 2 of section 10-15-25 of the North Dakota Century Code, relating to the number of directors of cooperative associations.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1476.** A Bill for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1479.** A Bill for an Act to provide an income tax credit for the installation of solar or wind energy devices.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1482.** A Bill for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and a new



**Senate Bill No. 2341.** A Bill for an Act to allow pharmacists to dispense generic drugs in lieu of brand name drugs; and to amend subsection 14 of section 19-02.1-02 of the North Dakota Century Code, prohibiting dispensing different drugs than those prescribed or ordered.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 11; nays, 39; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
|                     |     |      | JONES      |     |      | NEILON           |     | SOLBERG       |
|                     |     |      | KRAUTER    |     |      | NEHNING          |     | STRAND        |
|                     |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
|                     |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
|                     |     |      | LIPS       |     |      | RAIT             |     | THANE         |
|                     |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
|                     |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
|                     |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
|                     |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |               |

Senate Bill No. 2341 was declared lost.

#### MOTION

Senator Christensen moved that Senate Bill No. 2164 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2164.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-02-05, 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, 25-02-17, and 25-02-18 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, the establishment, powers, duties, and authority of county mental health boards, and the liability of certain officers for detention of mentally ill persons, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

Which has been read (Amended SJ 450-454)

Senator Solberg moved to amend Senate Bill No. 2164 as follows:

On page 27, line 5, of the engrossed bill delete the following: " ; to visit any such"

Delete lines 6 through 12

Senator Solberg moved that the amendments be adopted, which motion failed.

Senator Solberg moved to amend Senate Bill No. 2164 as follows:

On page 28 of the engrossed bill delete line 14

Senator Solberg moved that the amendments be adopted, which motion failed.

Senator Solberg moved to amend Senate Bill No. 2164 as follows:

On page 28 of the engrossed bill delete lines 18, 19 and 20.

Senator Solberg moved that the amendments be adopted, which motion failed.





| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN    | •   |      | SMYKOWSKI        | •   |      |
| BARTH               | •   |      | JONES      | •   |      | NELSON    | •   |      | SOLBERG          | •   |      |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING   | •   |      | STRAND           | •   |      |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE    | •   |      | STRINDEN         | •   |      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON  | •   |      | TALLACKSON       | •   |      |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON   | •   |      | TENNEFOS         | •   |      |
| FREED               | •   |      | LIPS       | •   |      | RAIT      | •   |      | THANE            | •   |      |
| FRITZELL            | •   |      | LODOEN     | •   |      | REDLIN    | •   |      | VOSPER           | •   |      |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN    | •   |      | WALSH            | •   |      |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS  | •   |      | WENSTROM         | •   |      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS     | •   |      | WRIGHT           | •   |      |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO  | •   |      | MR. PRESIDENT    |     |      |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW   | •   |      |                  |     |      |

Senate Bill No. 2358 was declared lost.

Senate Bill No. 2365. A Bill for an Act to create and enact a new section to chapter 26-13 and a new section to chapter 26-27 of the North Dakota Century Code, relating to discrimination against doctors of podiatry and to participation by doctors of podiatry in nonprofit medical service corporations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called, and there were ayes, 21; nays, 29; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN    | •   |      | SMYKOWSKI        | •   |      |
| BARTH               | •   |      | JONES      | •   |      | NELSON    | •   |      | SOLBERG          | •   |      |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING   | •   |      | STRAND           | •   |      |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE    | •   |      | STRINDEN         | •   |      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON  | •   |      | TALLACKSON       | •   |      |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON   | •   |      | TENNEFOS         | •   |      |
| FREED               | •   |      | LIPS       | •   |      | RAIT      | •   |      | THANE            | •   |      |
| FRITZELL            | •   |      | LODOEN     | •   |      | REDLIN    | •   |      | VOSPER           | •   |      |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN    | •   |      | WALSH            | •   |      |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS  | •   |      | WENSTROM         | •   |      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS     | •   |      | WRIGHT           | •   |      |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO  | •   |      | MR. PRESIDENT    |     |      |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW   | •   |      |                  |     |      |

Senate Bill No. 2365 was declared lost.

Senate Bill No. 2373. A Bill for an Act to amend and reenact section 50-10-01 of the North Dakota Century Code, relating to definitions for aid to crippled children.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 5; nays, 45; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN    | •   |      | SMYKOWSKI        | •   |      |
| BARTH               | •   |      | JONES      | •   |      | NELSON    | •   |      | SOLBERG          | •   |      |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING   | •   |      | STRAND           | •   |      |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE    | •   |      | STRINDEN         | •   |      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON  | •   |      | TALLACKSON       | •   |      |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON   | •   |      | TENNEFOS         | •   |      |
| FREED               | •   |      | LIPS       | •   |      | RAIT      | •   |      | THANE            | •   |      |
| FRITZELL            | •   |      | LODOEN     | •   |      | REDLIN    | •   |      | VOSPER           | •   |      |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN    | •   |      | WALSH            | •   |      |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS  | •   |      | WENSTROM         | •   |      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS     | •   |      | WRIGHT           | •   |      |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO  | •   |      | MR. PRESIDENT    |     |      |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW   | •   |      |                  |     |      |

Senate Bill No. 2373 was declared lost.

Senate Bill No. 2385. A Bill for an Act to establish fees chargeable by licensed pawnbrokers operating in this state.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 28; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |             | •    |           |            | •    |      |          | •    |                  |               | •    |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •         | LODDEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

Senate Bill No. 2385 was declared lost.

Senate Bill No. 2391. A Bill for an Act to amend and reenact section 54-44.1-10 of the North Dakota Century Code, relating to payments made pursuant to law.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •         | LODDEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2392. A Bill for an Act to amend and reenact subdivision b of subsection 3 of section 21-03-07, and sections 21-03-26, 40-04-02, 40-05-1-03, 40-11-04.1, 40-21-02, 40-40-06, 40-48-32, 40-51.2-05, and 48-02-03 of the North Dakota Century Code, all relating to the publication of legal notices in a municipality's official newspaper.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |           |          |      |      |         |      |                  |           |      |
|---------------------|-------------|------|-----------|----------|------|------|---------|------|------------------|-----------|------|
| REGULAR SESSION     |             |      | ROLL CALL |          |      |      |         |      | 1977 LEGISLATURE |           |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V      | NAYS | YEAS | N-V     | NAYS | YEAS             | N-V       | NAYS |
| •                   | ALBERS      |      | •         | JACOBSON |      | •    | NAADEN  |      | •                | SMYKOWSKI |      |
| •                   | BARTH       |      | •         | JONES    |      | •    | NELSON  |      | •                | SOLBERG   |      |
| •                   | BERUBE      |      | •         | KRAUTER  |      | •    | NETHING |      | •                | STRAND    |      |
| •                   | CHRISTENSEN |      | •         | LARSON   |      | •    | ORANGE  |      | •                | STRINDEN  |      |

|              |              |            |               |
|--------------|--------------|------------|---------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED      | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL   | • LODDOEN    | • REDLIN   | • VOSPER      |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH       |
| • HANSON     | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG   | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2408.** A Bill for an Act to amend and reenact section 23-21.1-03 of the North Dakota Century Code, relating to the deposit and the perpetual care fund for maintenance of mausoleums.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2419.** A Bill for an Act to amend and reenact sections 34-06-04, 34-06-08, 34-06-11, and 34-06-14 of the North Dakota Century Code, relating to minimum wages and hours; the power of the labor commissioner to make rules; investigations and hearings by the commissioner; a hearing upon a conference report; and the right of appeal from the commissioner's decision; and providing for all such areas to be in accordance with the Administrative Agencies Practice Act.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2420.** A Bill for an Act to create and enact a new subsection to section 52-04-06 of the North Dakota Century Code, relating to the unemployment compensation trust fund reserve ratio.





|          |   |         |   |          |   |               |   |
|----------|---|---------|---|----------|---|---------------|---|
| GOODMAN  | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON   | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER  | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER   | • | MORGAN  | • | SHABLOW  | • |               |   |

Senate Bill No. 2426 was declared lost.

Senate Bill No. 2427. A Bill for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, relating to property exempt from taxation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 14; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       | •   |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       | •   |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     | •   |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | • LODOEN     | •   |      | • REDLIN   | •   |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            | •   |      | • MAU        |     |      | • SANDNESS | •   |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     | •   |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2447. A Bill for an Act to amend and reenact section 43-27-01, subsection 2 of section 43-27-04, and subsection 4 of section 43-27-07 of the North Dakota Century Code, relating to inclusion of electronic mechanisms in the definition of watchmaking, to raise the per diem and mileage expenses of the board of examiners in watchmaking, and to raise the fee for certificates of watchmaking registration.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2451. A Bill for an Act to require the giving of notice of special school board meetings to interested persons.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 40; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   |     | •    | NAADEN           | •   |      | SMYKOWSKI     |     | •    |
| BARTH               | •   |      | JONES      | •   |      | NELSON           | •   |      | SOLBERG       |     | •    |
| BERUBE              |     |      | KRAUTER    |     | •    | NETHING          |     |      | STRAND        |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE           |     |      | STRINDEN      |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Bill No. 2451 was declared lost.

Senate Bill No. 2452. A Bill for an Act to amend and reenact section 21-03-26 of the North Dakota Century Code, relating to certain municipal bonds and the advertisement of the public sale thereof.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 431) the roll was called and there were ayes, 42; nays, 4; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   |     | •    | NAADEN           | •   |      | SMYKOWSKI     |     | •    |
| BARTH               | •   |      | JONES      | •   |      | NELSON           | •   |      | SOLBERG       |     | •    |
| BERUBE              |     |      | KRAUTER    |     | •    | NETHING          |     |      | STRAND        |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE           |     |      | STRINDEN      |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2453. A Bill for an Act to amend and reenact subsection 6 of section 60-02-16, and sections 60-02-17, 60-02-30, 60-02-31, and 60-02-32 of the North Dakota Century Code, relating to warehouse receipts, warehouse and storage contracts, termination of public grain warehouse storage contracts, notice of termination to the owner of the storage contract, and reissued storage receipts; and providing a storage contract termination date for dry edible beans, a storage charge for dry edible beans, no obligation on a warehouseman to renew a dry edible bean storage contract, and notice to the owner of the intent not to renew a dry edible bean storage contract.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 409, 410) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |     |      |                  |     |      |           |     |      |
|---------------------|-----|------|-----------|-----|------|------------------|-----|------|-----------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |           |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS | YEAS      | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON  |     | •    | NAADEN           | •   |      | SMYKOWSKI |     | •    |
| BARTH               | •   |      | JONES     | •   |      | NELSON           | •   |      | SOLBERG   |     | •    |
| BERUBE              |     |      | KRAUTER   |     | •    | NETHING          |     |      | STRAND    |     | •    |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2454.** A Bill for an Act to create a new section to chapter 40-51.2 of the North Dakota Century Code, relating to taxation of annexed land.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 14; nays, 36; absent and not voting, 0.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
|                 |     |      | •            |     |      | •          |     |      | •                   |     |      |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         | •   |      | • JONES      | •   |      | • NELSON   |     |      | • SOLBERG           |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND            |     | •    |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     | •    |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     | •    |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     | •    |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     | •    |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT       |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |  |  |

Senate Bill No. 2454 was declared lost.

**Senate Bill No. 2487.** A Bill for an Act to amend and reenact subsection 54 of section 39-01-01 and subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to the definition of school bus and to the motor vehicle registration fee for buses used for religious or charitable purposes; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 432) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT       |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |  |  |

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

**Senate Bill No. 2518.** A Bill for an Act to amend and reenact subsection 1 of section 39-12-05 of the North Dakota Century Code, relating to motor vehicle weight limitations.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 432) the roll was called and there were ayes, 47; nays, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                |
|---------------------|-----|------|--------------|-----|------|------------------|-----|----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS           |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND       |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDE      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON   |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS     |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE        |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN         |     | • VOSPER       |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH        |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM     |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT       |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                |

So the bill passed and the title was agreed to.

Senate Bill No. 2523. A Bill for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 15-41-06 of the North Dakota Century Code, relating to foundation payments for public school pupils in kindergarten programs, special education programs for pupils below compulsory age, and regular elementary and secondary education programs approved by the department of public instruction.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 41; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                |
|---------------------|-----|------|--------------|-----|------|------------------|-----|----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS           |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND       |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDE      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON   |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS     |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE        |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER       |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH        |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM     |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT       |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                |

Senate Bill No. 2523 was declared lost.

### MOTIONS

Senator Nothing moved that the House Bills on the 11th Order be placed at the foot of the calendar, which motion prevailed.

Senator Vosper moved that Senate Bill No. 2126 be laid over one legislative day, which motion prevailed.

Senator Thane moved that Senate Bill No. 2155 be placed at the head of the calendar, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2155. A Bill for an Act making a supplemental appropriation for defraying expenses of the North Dakota weather modification board and declaring an emergency.

Which has been read.



|             |            |          |               |
|-------------|------------|----------|---------------|
| CHRISTENSEN | LARSON     | ORANGE   | STRINDEN      |
| ERDMAN      | LASHKOWITZ | PETERSON | TALLACKSON    |
| FARRINGTON  | LEE        | PIETRON  | TENNEFOS      |
| FREED       | LIPS       | RAIT     | THANE         |
| FRITZELL    | LODDER     | REDLIN   | VOSPER        |
| GOODMAN     | MAHER      | REITEN   | WALSH         |
| HANSON      | MAU        | SANDNESS | WENSTROM      |
| HOPFNER     | MELLAND    | SANDS    | WRIGHT        |
| HOLMBERG    | MILLER     | SCHIRADO | MR. PRESIDENT |
| ISZLER      | MORGAN     | SHABLOW  |               |

Subdivision 2 of Senate Bill 2006 passed and the emergency clause so carried.

**Senate Bill No. 2154.** A Bill for an Act to provide death benefits to spouses and dependents of public safety employees killed during the performance of official duty; and providing an appropriation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 30; nays, 16; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |          |            |      |           |     |          |                  |     |               |
|---------------------|-----|------|----------|------------|------|-----------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |          |            |      | ROLL CALL |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS     | N-V        | NAYS | YEAS      | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON |            |      | •         |     |          | •                |     |               |
| •                   |     |      | •        | JONES      |      |           | •   | NAADEN   | •                |     | SMYKOWSKI     |
| •                   |     |      | •        | KRAUTER    |      |           | •   | NELSON   | •                |     | SOLBERG       |
| •                   |     |      | •        | LARSON     | •    |           | •   | NETHING  | •                |     | STRAND        |
| •                   |     |      | •        | LASHKOWITZ | •    |           | •   | ORANGE   | •                |     | STRINDEN      |
| •                   |     |      | •        | LEE        | •    |           | •   | PETERSON | •                |     | TALLACKSON    |
| •                   |     |      | •        | LIPS       | •    |           | •   | PIETRON  | •                |     | TENNEFOS      |
| •                   |     |      | •        | LODDER     | •    |           | •   | RAIT     | •                |     | THANE         |
| •                   |     |      | •        | MAHER      | •    |           | •   | REDLIN   | •                |     | VOSPER        |
| •                   |     |      | •        | MAU        | •    |           | •   | REITEN   | •                |     | WALSH         |
| •                   |     |      | •        | MELLAND    | •    |           | •   | SANDNESS | •                |     | WENSTROM      |
| •                   |     |      | •        | MILLER     | •    |           | •   | SANDS    | •                |     | WRIGHT        |
| •                   |     |      | •        | MORGAN     | •    |           | •   | SCHIRADO | •                |     | MR. PRESIDENT |
| •                   |     |      |          |            | •    |           | •   | SHABLOW  |                  |     |               |

So the bill passed and the title was agreed to.

**MOTION**

Senator Nothing moved that Senate Bill No. 2154 be re-printed, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2178.** A Bill for an Act to establish a judicial nominating committee to submit lists of candidates to the governor from which to fill vacancies on the supreme court and district court pursuant to section 97 of the North Dakota Constitution, and to declare an emergency.

Which has been read. **ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 454) the roll was called and there were ayes, 32; nays, 14; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |          |            |      |           |     |          |                  |     |               |
|---------------------|-----|------|----------|------------|------|-----------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      |          |            |      | ROLL CALL |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS     | N-V        | NAYS | YEAS      | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON |            |      | •         |     |          | •                |     |               |
| •                   |     |      | •        | JONES      |      |           | •   | NAADEN   | •                |     | SMYKOWSKI     |
| •                   |     |      | •        | KRAUTER    |      |           | •   | NETHING  | •                |     | SOLBERG       |
| •                   |     |      | •        | LARSON     | •    |           | •   | ORANGE   | •                |     | STRAND        |
| •                   |     |      | •        | LASHKOWITZ | •    |           | •   | PETERSON | •                |     | STRINDEN      |
| •                   |     |      | •        | LEE        | •    |           | •   | PIETRON  | •                |     | TALLACKSON    |
| •                   |     |      | •        | LIPS       | •    |           | •   | RAIT     | •                |     | TENNEFOS      |
| •                   |     |      | •        | LODDER     | •    |           | •   | REDLIN   | •                |     | THANE         |
| •                   |     |      | •        | MAHER      | •    |           | •   | REITEN   | •                |     | VOSPER        |
| •                   |     |      | •        | MAU        | •    |           | •   | SANDNESS | •                |     | WALSH         |
| •                   |     |      | •        | MELLAND    | •    |           | •   | SANDS    | •                |     | WENSTROM      |
| •                   |     |      | •        | MILLER     | •    |           | •   | SCHIRADO | •                |     | WRIGHT        |
| •                   |     |      | •        | MORGAN     | •    |           | •   | SHABLOW  | •                |     | MR. PRESIDENT |

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

Senate Bill No. 2198. A Bill for an Act to provide for ante-mortem probate of wills.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 454) the roll was called and there were ayes, 45; nays, 3; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        | ●   |      | ● PIETRON  |     | ●    | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     | ●    | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Lips moved that Senate Bill No. 2483 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Lips requested the unanimous consent of the Senate to withdraw Senate Bill No. 2483. There being no objection the request was granted, and Senate Bill No. 2483 was withdrawn.

Senator Sandness moved that Senate Bill No. 2526 be returned to the Senate floor from the Committee on Agriculture, which motion prevailed.

Senator Sandness requested the unanimous consent of the Senate to withdraw Senate Bill No. 2526. There being no objection, the request was granted, and Senate Bill No. 2526 was withdrawn.

**MESSAGE TO THE HOUSE**

**Senate Chamber**

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

- Senate Bill No. 2068
- Senate Bill No. 2092
- Senate Bill No. 2229
- Senate Bill No. 2253
- Senate Bill No. 2285
- Senate Bill No. 2291
- Senate Bill No. 2299
- Senate Bill No. 2324
- Senate Bill No. 2354
- Senate Bill No. 2355

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE**

**House Chamber**

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

- House Bill No. 1110



House Bill No. 1142  
House Bill No. 1162  
House Bill No. 1163  
House Bill No. 1173  
House Bill No. 1177  
House Bill No. 1221  
House Bill No. 1261

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2126, 2135, 2177, 2190, 2252, 2288, 2334, 2343, 2357, 2362, 2363, 2401, 2412, 2416, 2432, 2434, 2435, 2436, 2439, 2443, 2459, 2462, 2474, 2482, 2485, 2495, 2499 and Senate Concurrent Resolution Nos. 4033, 4041, 4049 and 4055, the Senate recess until Thursday, February 10, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

TWENTY-SEVENTH DAY AFTER RECESS AND  
TWENTY-EIGHTH DAY

Bismarck, February 10, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2177  
Senate Bill No. 2334  
Senate Bill No. 2338  
Senate Bill No. 2439  
Senate Bill No. 2459  
Senate Bill No. 2462  
Senate Bill No. 2499

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2002 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 17, delete the numerals "9,008,445" and insert in lieu thereof the numerals "9,279,648"

On page 1, line 18, delete the numerals "1,384,059" and insert in lieu thereof the numerals "1,383,633"

On page 1, line 19, delete the numerals "467,408" and insert in lieu thereof the numerals "469,811"

On page 1, line 20, delete the numerals "152,983" and insert in lieu thereof the numerals "157,233"

On page 1, line 21, delete the numerals "11,012,895" and insert in lieu thereof the numerals "11,290,325"

On page 1, line 22, delete the numerals "7,598,201" and insert in lieu thereof the numerals "7,759,401"

On page 1, line 23, delete the numerals "3,414,694" and insert in lieu thereof the numerals "3,530,924"

On page 2, line 8, delete the numerals "11,839,570" and insert in lieu thereof the numerals "12,483,219"

On page 2, line 9, delete the numerals "1,773,801" and insert in lieu thereof the numerals "1,788,799"

On page 2, line 10, delete the numerals "1,294,354" and insert in lieu thereof the numerals "1,332,726"

On page 2, line 11, delete the numerals "907,496" and insert in lieu thereof the numerals "930,924"

On page 2, line 12, delete the numerals "15,815,221" and insert in lieu thereof the numerals "16,535,668"

On page 2, line 13, delete the numerals "6,250,161" and insert in lieu thereof the numerals "6,732,127"

On page 2, line 14, delete the numerals "9,565,060" and insert in lieu thereof the numerals "9,803,541"

On page 2, line 17, delete the numerals "57,921" and insert in lieu thereof the numerals "56,287"

On page 2, line 18, delete the numerals "138,431" and insert in lieu thereof the numerals "134,531"

On page 2, line 21, delete the numerals "644,758" and insert in lieu thereof the numerals "639,224"

On page 2, line 23, delete the numerals "494,758" and insert in lieu thereof the numerals "489,224"

On page 2, line 26, delete the numerals "22,054" and insert in lieu thereof the numerals "22,470"

On page 2, line 27, delete the numerals "40,421" and insert in lieu thereof the numerals "39,282"

On page 2, line 29, delete the numerals "201,924" and insert in lieu thereof the numerals "201,201"

On page 2, line 30, delete the numerals "90,000" and insert in lieu thereof the numerals "65,000"

On page 2, line 31, delete the numerals "111,924" and insert in lieu thereof the numerals "136,201"

On page 2, line 33, delete the numerals "129,924" and insert in lieu thereof the numerals "154,201"

On page 3, line 1, delete the numerals "17,610" and insert in lieu thereof the numerals "17,111"

On page 3, line 2, delete the numerals "25,184" and insert in lieu thereof the numerals "24,473"

On page 3, line 4, delete the numerals "201,679" and insert in lieu thereof the numerals "200,469"

On page 3, line 6, delete the numerals "161,679" and insert in lieu thereof the numerals "160,469"

On page 3, line 9, delete the numerals "35,130" and insert in lieu thereof the numerals "33,473"

On page 3, line 10, delete the numerals "83,710" and insert in lieu thereof the numerals "81,902"

On page 3, line 12, delete the numerals "343,195" and insert in lieu thereof the numerals "339,730"

On page 3, line 14, delete the numerals "103,195" and insert in lieu thereof the numerals "99,730"

On page 3, line 25, delete the numerals "73,204" and insert in lieu thereof the numerals "71,139"

On page 3, line 28, delete the numerals "569,104" and insert in lieu thereof the numerals "567,039"

On page 3, line 30, delete the numerals "349,104" and insert in lieu thereof the numerals "347,039"

On page 3, line 32, delete the numerals "376,004" and insert in lieu thereof the numerals "373,939"

On page 3, line 35, delete the numerals "29,600" and insert in lieu thereof the numerals "26,863"

On page 4, line 1, delete the numerals "182,300" and insert in lieu thereof the numerals "175,428"

On page 4, line 3, delete the numerals "387,604" and insert in lieu thereof the numerals "377,995"

On page 4, line 5, delete the numerals "407,604" and insert in lieu thereof the numerals "397,995"

On page 4, line 6, delete the numerals "14,509,493" and insert in lieu thereof the numerals "14,876,207"

On page 4, line 7, delete the numerals "15,713,076" and insert in lieu thereof the numerals "16,321,633"

On page 4, line 8, delete the numerals "30,222,569" and insert in lieu thereof the numerals "31,197,840"

On page 5, after line 24, insert the following sections:

"SECTION 4. INTENT.) It is the intent of the legislative assembly that \$40,000.00 of the appropriation to the Extension Division in section 1 of this Act for a resource agent be derived from moneys deposited in such fund as may be designated by the legislative assembly to provide grants to impacted areas affected by coal development.

SECTION 5. INTENT.) It is the intent of the legislative assembly that \$481,966.00 of the appropriation to the main experiment station in section 1 of this Act for coal reclamation research be derived from moneys deposited in such fund as may be designated by the legislative assembly to provide grants to impacted areas affected by coal development.

And renumber the lines and pages accordingly.

STATEMENT OF PURPOSE OF AMENDMENT:

These amendments reflect the following reductions to the fees and services and supplies and materials in certain areas to reflect an estimated rate of five percent annual inflation during the next biennium:

|                            | Fees and<br>Services | Supplies and<br>Materials |
|----------------------------|----------------------|---------------------------|
| Extension Division         | \$13,176             | \$ 3,972                  |
| Main Experiment Station    | 9,082                | 0                         |
| Branch Experiment Stations | 8,176                | 14,430                    |
| Total                      | <u>\$30,434</u>      | <u>\$18,402</u>           |

Other adjustments are discussed in the following paragraphs:

Extension Division

The salaries and wage line item and estimated income is increased by \$121,200 for necessary corrections. This appropriation is also increased as follows for these additional positions:

|                        | Resource Agent<br>(15 months) | Extension<br>Veterinarian | ½ Sugar Beet<br>Specialist<br>and Assistant |
|------------------------|-------------------------------|---------------------------|---|
| Salaries and wages     | \$33,125                      | \$67,378                  | \$49,500                                    |
| Fees and services      | 3,750                         | 6,000                     | 3,000                                       |
| Supplies and materials | 1,875                         | 3,000                     | 1,500                                       |
| Equipment              | 1,250                         | 2,000                     | 1,000                                       |
| Total                  | <u>\$40,000</u>               | <u>\$78,378</u>           | <u>\$55,000</u>                             |

Estimated income is increased \$40,000 and a section of legislative intent added which provides that the funds for the resource agent are to be derived from moneys deposited in the coal development fund.

It is the intent of the Legislative Assembly that funds for one of the

three agronomist positions included in the Extension Division budget may be used for an agricultural specialist position.

Main Experiment Station

The salaries and wages line item is increased a total of \$247,563. This is to provide adequate funds for fringe benefits in the amount of \$114,563, to provide \$40,000 to continue present level of operations for part-time help, and to provide \$93,000 for part-time help salary increases. This appropriation is also increased \$481,966 as follows for coal reclamation research:

|   |                  |
|---|------------------|
| Salaries and wages (4 scientists, 4 agricultural technicians, 2 graduate assistants, and 1 clerk) | \$396,086        |
| Fees and services   | 24,080           |
| Supplies and materials  | 38,372           |
| Equipment   | 23,428           |
| Total   | <u>\$481,966</u> |

Estimated income is also increased \$481,966 and a section of legislative intent added which provides that funds for the coal reclamation research are to be derived from moneys deposited in the coal development fund. Hettinger Experiment Station

Estimated income is reduced \$25,000 to reflect revised estimates for anticipated income.

SENATOR LIPS, Chairman

Senate Bill No. 2002 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2013 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, delete the words "Salaries and wages" and insert in lieu thereof the words "Fees and services"

On page 1, line 23, delete the numerals "2,509,373" and insert in lieu thereof the numerals "2,513,473"

On page 1, delete line 24

On page 2, line 7, delete the numerals "744,000" and insert in lieu thereof the numerals "600,000"

On page 2, line 9, delete the numerals "5,345,561" and insert in lieu thereof the numerals "5,184,854"

On page 2, line 13, delete the numerals "4,682,175" and insert in lieu thereof the numerals "4,763,175"

On page 2, delete line 14

On page 2, line 15, delete the numerals "2,632,178" and insert in lieu thereof the numerals "2,688,778"

On page 2, line 19, delete the numerals "7,748,057" and insert in lieu thereof the numerals "7,851,430"

On page 2, line 21, delete the numerals "13,093,618" and insert in lieu thereof the numerals "13,036,284"

On page 2, line 22, delete the numerals "13,111,268" and insert in lieu thereof the numerals "13,053,934"

On page 3, after line 2, insert the following new section:

"SECTION 4. INTENT.) It is the intent of the legislative assembly that the Bank of North Dakota shall not have a drive-in facility or window depository constructed from funds appropriated by this Act.

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same do pass.

STATEMENT OF PURPOSE OF AMENDMENT:

Salaries and wages of the Bank of North Dakota is increased by \$4,100 for unemployment compensation insurance to be paid to the Department of Accounts and Purchases during the 1977-79 biennium.

Provision for classification change in the amount of \$20,807 is deleted from the Bank of North Dakota appropriation, and in the amount of \$34,227 from the North Dakota Mill and Elevator Association appropriation. Land, structures, and major improvements in the Bank of North Dakota appropriation is decreased \$144,000 due to the removal of drive-up window facilities.

Salaries and wages of the North Dakota Mill and Elevator Association is increased by \$6,000 for unemployment compensation insurance to be paid to the Department of Accounts and Purchases during the 1977-79 biennium.

The total appropriation increase of \$131,600 from the North Dakota Mill and Elevator Association fund is to provide for the costs of a marketing specialist and advisory committee. The funds are intended to provide for the following:

Salaries

|                      |                  |
|----------------------|------------------|
| Marketing Specialist | \$ 60,000        |
| Secretary            | 15,000           |
| Travel               | 20,000           |
| Communication        | 15,000           |
| Advisory Committee   | <u>21,600</u>    |
| 24 meetings @ \$900  |                  |
| Total                | <u>\$131,600</u> |

SENATOR LIPS, Chairman

Senate Bill No. 2013 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2014 has had the same under consideration and recommends that the same be amended as follows:

On page 1, delete line 22

On page 2, line 1, delete the numerals "57,590" and insert in lieu thereof the numerals "77,090"

On page 2, line 3, delete the numerals "1,434,655" and insert in lieu thereof the numerals "1,444,989"

On page 2, delete line 7

On page 2, line 12, delete the numerals "325,347" and insert in lieu thereof the numerals "323,582"

On page 2, line 15, delete the numerals "221,535" and insert in lieu thereof the numerals "216,055"

On page 2, delete line 16

On page 2, line 20, delete the numerals "420,664" and insert in lieu thereof the numerals "413,267"

On page 2, line 21, delete the numerals "1,855,319" and insert in lieu thereof the numerals "1,858,256"

On page 2, line 22, delete the numerals "325,347" and insert in lieu thereof the numerals "323,582"

On page 2, line 23, delete the numerals "2,180,666" and insert in lieu thereof the numerals "2,181,838"

And renumber the lines accordingly.

And, when so amended recommends the same do pass.  
**STATEMENT OF PURPOSE OF AMENDMENT:**

The intent is to delete the classification line items of \$9,166 from the State Laboratories Department appropriation, \$1,765 from the Milk Stabilization Board appropriation, and \$1,917 from the Livestock Sanitary Board appropriation. The intent of this amendment is also to add \$19,500 for crime detection equipment to the State Laboratories appropriation and to reduce the salaries and wages line item of the Livestock Sanitary Board by \$5,480 to adjust fringe benefits to reflect actual amounts necessary for fringe benefits.

**SENATOR LIPS, Chairman**

Senate Bill No. 2014 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2027 has had the same under consideration and recommends that the same be amended as follows:

On page 3, delete lines 15 through 26

And renumber the lines accordingly.

And when so amended recommends the same be re-referred to the Committee on Finance and Taxation.

**Statement of the Purpose of the Amendment:**

It is the intent of this amendment that the appropriation shall not come out of the general fund.

**SENATOR LIPS, Chairman**

Senate Bill No. 2027 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2062 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2, after the numerals "04-01.2," insert the numerals "61-04-02.1, 61-04-04.1," and on the same line, after the numerals "61-04-06.3," insert the numerals "61-04-15.1," and on the same line, after the numerals "61-04-29," delete the word "and"

On page 1, line 3, after the numerals "04-30" insert the following: "and 61-04-31"

On page 1, line 6, after the second comma, delete the words "to the right to appeal the" and insert in lieu thereof the following new language: "to emergency or temporary authorization, to fees, to change in point of diversion or purpose of use, to reservations of waters"

On page 1, line 7, delete the words: "denial of a water permit"

On page 1, line 10, after the numerals "61-04-07," delete the numerals: "61-04-07.1,"

On page 1, line 11, after the word "and" delete the numerals: "61-04-25" and insert in lieu thereof "61-04-26"

On page 1, line 15, after the word "permits," delete the word "and" and following the word "the" insert the following new language: "filing of documents affecting water rights, and to the"

On page 1, line 17, after the numerals "01-02," insert the following: "Subsection 1 of section 61-03-05, 61-04-07.1"

On page 1, line 18, after the word "rights," insert the following new language: "to the attachment of conditions on a water permit,"

On page 4, line 12, after the word "uses" insert the following new language: "or unless otherwise provided by law"

On page 4, line 26, after the word "date" insert the following new language: "; the state engineer may provide by regulation for the wiaver of any fee or hearing for such applications"

On page 4, after line 27, insert the following new section:

"SECTION 5.) Section 61-04-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

61-04-02.1 EMERGENCY OR TEMPORARY AUTHORIZATION.) The state engineer may authorize emergency or temporary use of water for periods not to exceed six months if he determines such use will not be to the detriment of existing rights. The state engineer shall establish by regulation a separate procedure for the processing of applications for emergency or temporary use. No prescriptive or other rights to the use of water shall be acquired by use of water as authorized herein."

On page 6, after line 25, insert the following new section:

"SECTION 8.) Section 61-04-04.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

61-04-04.1 APPLICATION FEES.) The following fees shall accompany an application and shall be paid by the state engineer into the general fund of the state treasury:

- 1. For municipal use in municipalities of 2500 population or over according to the latest federal census .....\$250
- 2. For municipal use in municipalities of less than 2500 population according to the latest federal census .....\$150
- 3. For irrigation .....\$100
- 4. For industrial use of one C.F.S. or less .....\$150
- 5. For industrial use in excess of one C.F.S. ....\$500
- 6. For recreation .....\$50
- 7. For commercial recreation .....\$100"

On page 8, line 26, insert beginning triple parentheses before the word "which" and after the word "become" insert ending triple parentheses and the words "and the state engineer shall issue"

On page 8, line 29, following the period, delete the words: "Provided, however, the commission may by its rules and regulations reserve unto itself final approval authority over any or over certain categories of water permit applications."

On page 8, after line 32, insert the following:

"The state engineer may cause a certified transcript to be prepared for any hearing conducted pursuant to this section. The costs for the original and up to seven copies of the transcript shall be paid by the applicant."

On page 9, line 19, following the word "to" insert the following: "fees for water use,"

On page 10, line 10, after the word "APPLICATIONS" delete the beginning triple parentheses

On page 10, line 11, after the word "COURT" delete the ending triple parentheses

On page 10, line 24, after the word "jurisdiction." insert ending triple parentheses

On page 10, line 30, after the word "final." delete the ending triple parentheses

On page 10, delete all of lines 31-35



On page 11, delete all of lines 1-20

On page 13, line 33, delete the beginning triple parentheses

On page 13, line 34, after the word "such" delete the ending triple parentheses and the words "appeal the"

On page 13, line 35, after the word "decision" delete the words and numerals: "in accordance with section 61-04-07.1"

On page 14, after line 6, insert the following new section:

"SECTION 18.) Section 61-04-15.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**61-04-15.1 CHANGE IN POINT OF DIVERSION OR USE.)**

1. A permit holder may change the point of diversion or purpose of use without affecting the priority date if approved by the state engineer.

2. The state engineer may approve the proposed change if he determines that the proposed change will not adversely affect the rights of other appropriators. Applications for a change in the point of diversion or any purpose of use shall be processed in the same manner as an application for a water permit.

3. A change in the purpose of use may be authorized only for a superior use as determined by the order of priorities contained in section 61-04-06.1."

On page 16, line 33, delete the beginning and ending triple parentheses and the numerals "61-04-07.1"

On page 17, after line 33, insert the following new section:

"SECTION 23. AMENDMENT.) Section 61-04-26 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**61-04-26. REGISTER OF DEEDS TO RECORD WATER PERMIT OR ORDER ((CANCELING))) AFFECTING WATER RIGHT.)** A water permit may be recorded as any other instrument affecting the title to real property without acknowledgment or further proof. A copy of any order declaring any water right, or portion thereof, forfeited, canceled or abandoned shall be filed by the state engineer in the office of the register of deeds in the county or counties where the affected land (((to which the affected water right is appurtenant))) is located, and it shall be recorded as any other instrument affecting the title to real property without acknowledgment or further proof. Any document filed under this section shall be listed in the index of the property affected as provided in section 11-18-07."

On page 18, delete all of lines 1-35.

On page 19, after line 30, insert the following new section:

"SECTION 26.) Section 61-04-31 of the North Dakota Century Code is hereby created and enacted to read as follows:

**61-04-31. RESERVATION OF WATERS — PUBLIC HEARING — NOTICE.)**

1. Whenever it appears necessary to the state engineer, or when so directed by the commission, he may by regulation:

a. Reserve and set aside waters for beneficial utilization in the future, and

b. When sufficient information and data are lacking to allow for the making of sound decisions, withdraw various waters of the state from additional appropriations until such data and information are available.

2. Prior to the adoption of a regulation under this section, the state engineer shall conduct a public hearing in each county in which waters relating to the regulation are located. The public hearing shall be

preceded by a notice placed on a newspaper of general circulation published within each of the counties

3. Regulations adopted hereunder shall be subject to chapter 28-32.

On page 19, line 31, after the word "REPEAL.)" insert the following new language: "Subsection 1 of section 61-03-05 and", and on the same line, delete the capital "S" on the word "Sections" and insert in lieu thereof a lower case "s"

On page 19, line 32, after the numerals "61-01-01.1" delete the word "and" and insert in lieu thereof a "comma"

On page 19, line 33, after the numerals "01-02" insert the following: ", and 61-04-07.1"

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2062 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2069 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2069 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2106 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 16 of the engrossed bill, delete the beginning and ending triple parentheses around the word "eighty" and on the same line delete the words "sixty-five"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2106 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2234 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2234 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2274 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2274 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2283 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2283 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was

referred Senate Bill No. 2302 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2302 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2328 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 26, delete the following: "shall otherwise violate this Act" and insert in lieu thereof the words "has general supervisory responsibility and fails to designate a nonsmoking area"

On page 2, line 26, after the word "be" delete the following: "guilty of an"

On page 2, line 27, delete the word "infraction" and insert in lieu thereof the following: "subject to fine not to exceed one hundred dollars"

And renumber the lines and pages accordingly.

And when so amended recommends the same be placed on calendar without recommendation.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2328 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2340 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2340 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill no. 2352 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2352 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2353 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2353 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2369 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 19, delete the word "medical" and insert in lieu thereof the words "health care"

On page 4, line 16, delete the word "this" and insert in lieu thereof the word "that"

On page 9, line 27, after the word "health" add the word "care", and after the word "facilities" add the words "or health care services"

On page 10, line 15, delete the word "institutions" in both places and after the word "proposed" insert the words "health care facilities or services"

On page 11, line 20, delete the comma after the word "person" and delete the hyphenated word "partner" and insert in lieu thereof the words "or public body"

On page 11, line 21, delete the words "ship, association, or corporation"

On page 11, line 28, delete the comma after the word "person" and delete the words "partnership, association, or corporation" and insert the words "or public body"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2369 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2376 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2376 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2379 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2379 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2382 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2382 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2383 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2383 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2384 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 6, after the first semicolon, delete the words "to provide an appropriation" and insert in lieu thereof the words "and to provide authorization for a loan from the Bank of North Dakota"

On page 2, after line 5, insert the following new subsection:

"5. That portion of land owned by the board in the southwest quarter of section twenty-nine, township one hundred forty north, range ninety-six west, and the northwest quarter, the southwest quarter, and the southeast quarter, all in section 32, township one hundred forty north, range ninety-six west."

On page 2, line 9, delete everything after the word "education" and insert in lieu thereof the following: "; the vice president for agriculture at North Dakota state university; the director of the main experiment station; one member of the"

On page 2, delete lines 10 and 11

On page 2, line 13, after the semicolon insert the word "and"

On page 2, delete line 14

On page 3, delete lines 18 and 19

On page 3, line 20, delete the following: "not otherwise appropriated" and insert in lieu thereof the following: "SECTION 5. AUTHORIZATION.) The Bank of North Dakota is hereby authorized to loan to the nonprofit corporation described in Section 2"

On page 3, line 21, after the comma insert the following: "and the loan proceeds are hereby appropriated"

On page 3, line 25, after the period insert the following: "The loan from the Bank of North Dakota is to be repaid, including applicable interest, from first proceeds of sale of land by the nonprofit corporation."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of this amendment is to give authority to the Board of Higher Education to relocate the entire Experiment Station if they deem it advisable and provide for the purchase of the new property without using general fund dollars.

SENATOR LIPS, Chairman

Senate Bill No. 2384 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2387 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

Senate Bill No. 2387 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2395 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2395 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2405 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2405 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2411 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "Act" delete the remainder of the line

On page 1, delete all of lines 2 through 4

On page 1, line 5, delete the following: "defenses by being a holder in due course; and"

On page 1, delete all of lines 13 through 22

On page 2, line 1, after the word "SECTION" delete the numeral "2" and insert in lieu thereof the numeral "1"

On page 2, delete all of lines 28-35 and insert in lieu thereof the following new language: "d. Any notice required to be given to the buyer pursuant to 16 C.F.R. part 433."

And renumber the lines, pages and sections accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2411 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2414 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2414 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2429 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 21, after the "comma" insert the following new language: "or any zone thereof,"

On page 1, line 21, after the first word "or" insert the following new language: "an additional well on"

On page 1, line 21, delete the second word "or"

On page 1, line 21, insert beginning and ending triple parentheses around the word "zone"

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2429 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2461 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

Senate Bill No. 2461 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2467 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, delete the word "subsections" and insert in lieu thereof the word "subsection"; and delete the word and numeral "and 68."

On page 1, line 7, delete the word "definitions" and insert the word "definition"; and delete the word "and"

On page 1, line 8, delete the word and quotation marks " "trailer" "

On page 1, delete lines 19 through 24 and insert in lieu thereof the following: " "Farm trailer" shall include those trailers and semitrailers towed by a bona fide resident farmer hauling his own agricultural, horticultural, dairy, and other farm products if the gross weight, not including the towing vehicle, does not exceed twenty-four thousand pounds."

On page 2, delete lines 1 through 18

On page 2, line 24, after the ending triple parentheses insert the words "truck or"

On page 2, line 26, after the ending triple parentheses insert the words "truck or"

On page 2, delete lines 30 through 35

On page 3, delete lines 1 through 8

On page 3, line 17, after the word "a" insert the words "truck or"

On page 4, line 15, delete the words "The fee for" and insert in lieu thereof the following new sentence and subdivisions:

**"The fee for registration of a farm trailer shall be:**

- a. Ten dollars for a farm trailer having one axle.
- b. Twenty dollars for a farm trailer having two axles.
- c. Thirty dollars for a farm trailer having three or more axles."

On page 4, delete lines 16 through 23

On page 5, line 6, delete the beginning triple parentheses before the word "his"; delete the ending triple parentheses following the word "own"; and delete the beginning triple parentheses following the word "property"

On page 5, line 7, delete the ending triple parentheses following the word "places"

On page 5, line 8, after the word "any" insert the word "farm"

On page 5, line 9, delete the words and comma ", provided the gross weight is less than twenty-four"

On page 5, delete lines 10 through 23

On page 6, line 26, delete the word "goose-neck" and insert in lieu thereof the word "farm"

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2467 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2477 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2477 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2501 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 14, insert triple parentheses around the word "fifty"

On page 2, line 21, delete the word "twenty"

On page 2, line 22, delete the word "five"

On page 2, line 24, delete the word "forty-five" and insert in lieu thereof "twenty"

On page 2, line 31, delete the following: "one hundred twenty-" and insert in lieu thereof "seventy-five"

On page 2, line 32, delete the word "five"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2501 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2504 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2504 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2512 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

Senate Bill No. 2512 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2536 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 16, delete the word "semitrailers," and insert in lieu thereof the words "mobile homes"

On page 1, line 18, delete the word "semitrailers", and insert in lieu thereof the words "mobile homes"

On page 2, line 8, delete triple parentheses where they first and last appear

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

Senate Bill No. 2536 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1155 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1155 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1156 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 17, after the word "in" delete the following "an automobile or any other motor" and insert in lieu thereof the words "any contrivance"

On page 1, line 18 delete the word "vehicle"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1156 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1234 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1234 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2273, 2297, 2331, 2346, 2370, 2380, 2393, 2397, 2404, 2457, 2471, 2475 and Senate Concurrent Resolution 4030 be dispensed with, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2273 as recommended by the Committee on Education as printed on page 494 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2297 as recommended by the Committee on Natural Resources as printed on page 495 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2331 as recommended by the Committee on Industry, Business and Labor as



printed on pages 495 and 496 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2346 as recommended by the Committee on Finance and Taxation as printed on page 496 of the Senate Journal be adopted, and Senate Bill 2346 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2370 as recommended by the Committee on Natural Resources as printed on page 497 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2380 as recommended by the Committee on State and Federal Government as printed on pages 497 and 498 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2393 as recommended by the Committee on Judiciary as printed on page 498 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2397 as recommended by the Committee on Judiciary as printed on page 499 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2404 as recommended by the Committee on State and Federal Government as printed on page 499 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2457 as recommended by the Committee on Judiciary as printed on page 500 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2471 as recommended by the Committee on Industry, Business and Labor as printed on page 500 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2475 as recommended by the Committee on Judiciary as printed on pages 500 and 501 of the Senate Journal be adopted, and Senate Bill No. 2475 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Freed moved that the amendments to Senate Concurrent Resolution No. 4030 as recommended by the Committee on Judiciary as printed on page 501 of the Senate Journal be adopted, and that Senate Concurrent Resolution No. 4030 be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1110.** A Bill for an Act to amend and reenact sections 15-04-09, 15-06-25, and 15-07-05 of the North Dakota Century Code, relating to notices of school land sales and leases.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1142.** A Bill for an Act to amend and reenact subsection 2 of section 20.1-02-07 of the North Dakota Century Code, relating to the number of district deputy game wardens the commissioner may appoint.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1162.** A Bill for an Act to provide for supplementary benefits to persons receiving workmen's compensation benefits under previous benefit allowances, payment of supplementary benefits,

establishment of a supplementary benefit fund within the workmen's compensation fund, and providing an appropriation.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1163.** A Bill for an Act to create and enact a new section to chapter 24-17 of the North Dakota Century Code, relating to limitations of outdoor advertising; to amend and reenact section 24-17-03 of the North Dakota Century Code, relating to limitations of outdoor advertising.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1173.** A Bill for an Act to provide an appropriation to the North Dakota state department of health for the purpose of supplementing all local health services' resources, and the distribution of such moneys.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1177.** A Bill for an Act to create a new section in Chapter 20.1-08 of the North Dakota Century Code, relating to designation of a moose hunting season and providing that recipients of a moose hunting license shall not be eligible to apply for another such license.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1221.** A Bill for an Act to provide for a solvency contribution to the unemployment compensation fund and declaring an emergency.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1261.** A Bill for an Act to amend and reenact section 15-38-17 of the North Dakota Century Code, to assure that public employees shall not lose their regular salary or commission compensation while serving on official business of the teachers' professional practices commission.

Which was read the first time and referred to the Committee on Education.

#### MOTIONS

Senator Erdman moved that the Senate reconsider its action whereby Senate Bill No. 2365 lost, which motion prevailed.

Senator Erdman moved that Senate Bill No. 2365 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2365.** A Bill for an Act to create and enact a new section to chapter 26-13 and a new section to chapter 26-27 of the North Dakota Century Code, relating to discrimination against doctors of podiatry and to participation by doctors of podiatry in nonprofit medical service corporations.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 23; nays, 27; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2365 was declared lost.

Senate Bill No. 2199. A Bill for an Act to amend and reenact section 20.1-03-10 and subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, 21, 22, of section 20.1-03-12 of the North Dakota Century Code; and relating to the period of time the nonresident short-term fishing license is valid and declaring a date of enactment and certain license and permit fees.

Which has been read (Amended SJ 428)

Senator Nelson moved that Senate Bill No. 2199 be amended as follows:

On page 1, line 2 of the engrossed bill, delete the following: "21," and insert in lieu thereof "and" and following the numeral "22" delete the ","

On page 2, line 14 delete the following: "21,"

On page 3, line 11, delete the following: "21." and insert in lieu thereof "22."

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

Senator Nelson moved that the rules be suspended, that Senate Bill No. 2199 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

Senate Bill No. 2199. A Bill for an Act to amend and reenact section 20.1-03-10 and subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, 21, 22, of section 20.1-03-12 of the North Dakota Century Code; and relating to the period of time the nonresident short-term fishing license is valid and declaring a date of enactment and certain license and permit fees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 428) the roll was called and there were ayes, 38; nays, 12; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2262. A Bill for an Act to create and enact a new section

to chapter 11-15 of the North Dakota Century Code, relating to qualifications for the office of sheriff.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 455) the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2319.** A Bill for an Act to amend and reenact subsection 27 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for solar energy installations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 41; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2319 was declared lost.

**Senate Bill No. 2342.** A Bill for an Act to amend and reenact sections 12-48-03.1 and 12-48-06 of the North Dakota Century Code, relating to the director of institutions establishing and engaging in new prison industries and the sale of prison products; and to repeal sections 12-48-12, 12-48-13, and 12-48-23 of the North Dakota Century Code, relating to the manufacture and sale of license plates and road signs, and employment of penitentiary inmates in book salvage.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING        | •   | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2377.** A Bill for an Act to provide authorization for the use of laetrile, limit disciplinary actions, and to provide for public hearings on the use of laetrile.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 29; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING        | •   | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2377 was declared lost.

Senator Nothing moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

#### TWENTY-EIGHTH DAY

Bismarck, February 10, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

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

"Let us pray. Our Father, we thank you for the privilege of bowing our heads in prayer, and being able to know that we can come before you in confidence and know that you listen and hear. I want to thank you for the good day, thank you for the sunshine, I want to thank you for the many good things that you are doing for the State of North Dakota. Thank you for the people, thank you for these Senators. I thank you Father that you always smile upon us with your loving care. Now, Lord, today we ask your wisdom and blessings upon these men, upon the ladies, upon their families, and bless them where they are. I ask, Father, your wisdom that the Senators would be able to separate the important from the unimportant, be able to understand the things that would help the State of North Dakota to become a better place to live. Lord, I want to thank you

for listening and being able to give us wisdom when we asked. In Jesus' name I pray. Amen."

The roll was called and all members were present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-sixth day after recess and Twenty-seventh day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2403. A Bill for an Act to amend and reenact Section 1-03-04 of the North Dakota Century Code, to provide for a ten day notice on the part of a bank to remain closed on a business day and to provide for closing in event of an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |                  |      |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| ●                   |             |      | ●         | JACOBSON   |      | ●    | NAADEN   |                  | ●    | SMYKOWSKI     |      |
| ●                   | BARTH       | ●    | ●         | JONES      |      | ●    | NELSON   |                  | ●    | SOLBERG       |      |
| ●                   | BERUBE      |      | ●         | KRAUTER    |      | ●    | NETHING  |                  | ●    | STRAND        |      |
| ●                   | CHRISTENSEN |      | ●         | LARSON     |      | ●    | ORANGE   |                  | ●    | STRINDEN      |      |
| ●                   | ERDMAN      |      | ●         | LASHKOWITZ |      | ●    | PETERSON |                  | ●    | TALLACKSON    |      |
| ●                   | FARRINGTON  |      | ●         | LEE        |      | ●    | PIETRON  |                  | ●    | TENNEFOS      |      |
| ●                   | FREED       |      | ●         | LIPS       |      | ●    | RAIT     |                  | ●    | THANE         |      |
| ●                   | FRITZELL    |      | ●         | LODOEN     |      | ●    | REDLIN   |                  | ●    | VOSPER        |      |
| ●                   | GODDAMAN    |      | ●         | MAHER      |      | ●    | REIFEN   |                  | ●    | WALSH         |      |
| ●                   | HANSON      |      | ●         | MAU        |      | ●    | SANDNESS |                  | ●    | WENSTROM      |      |
| ●                   | HOFFNER     |      | ●         | MELAND     |      | ●    | SANDS    |                  | ●    | WRIGHT        |      |
| ●                   | HOLMBERG    |      | ●         | MILLER     |      | ●    | SCHIRADO |                  |      | MR. PRESIDENT |      |
| ●                   | ISZLER      |      | ●         | MORGAN     |      | ●    | SHABLOW  |                  |      |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2418. A Bill for an Act establishing minimum educational requirements for certain insurance agents and providing certain exceptions for these requirements.

Which has been read (Amended SJ 457)

Senator Lodoen moved that Senate Bill No. 2418 be amended as follows:

On page 1, line 13 of the engrossed bill, delete "TWENTY" and insert in lieu thereof "TEN"

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

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2418 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

Senate Bill No. 2418. A Bill for an Act establishing minimum educational requirements for certain insurance agents and providing certain exceptions for these requirements.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 457) the roll was called and there were ayes, 42; nays, 7; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

EXPLANATION OF VOTE

Senator Lips: Mr. President, I rise on a point of personal privilege to explain my vote on Senate Bill No. 2418. I have been in the insurance business for about thirty years and what we really did here, you will notice I voted "no", we're turning over the condition of a license to a private organization, and if you're going to make this a condition of licensing insurance agents, then it should be in the Insurance Department and those examinations should be conducted by the Insurance Commissioner, and not by some private organization.

RECOGNITION

Senator Nething announced that Miss North Dakota, Donna Grotberg, from Valley City, was in the chamber and moved that the President appoint a committee of one to escort her to the rostrum. The motion prevailed and the President appointed Senator Strinden, who escorted Miss Grotberg to the rostrum, whereupon she entertained the members of the Senate with vocal solos accompanied by Kevin Sorenson from Mandan.

MOTION

Senator Goodman moved that Senate Bill No. 2437 be re-referred to the Committee on Finance and Taxation, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2442. A Bill for an Act to amend and reenact section 15-35-14 of the North Dakota Century Code, relating to the use of school buildings for other than school purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 458) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |













| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2190. A Bill for an Act to amend and reenact subsection 21 of section 57-38-01 of the North Dakota Century Code, relating to the federalization of the North Dakota income tax law through December 31, 1976; and providing for an effective date.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2252. A Bill for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the water conservation commission.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 29; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

Senate Bill No. 2252 was declared lost.

Senate Bill No. 2288. A Bill for an Act to create and enact a new sub-



WHEREAS, he has distinguished himself in all facets of his professional activities in addition to serving as a leader in civic and state affairs; and

WHEREAS, he is a longtime member of The Society of Professional Journalists — Sigma Delta Chi, and the North Dakota Newspaper Association, and was honored by the North Dakota Associated Press Association for a half century of distinguished service; and

WHEREAS, Hal Davies and The Minot Daily News have been at the forefront of those promoting good government through open meetings and open records; and

WHEREAS, in a rarity in union-management relations, the Minot local of the International Typesetters Union made Hal Davies a lifetime member, thus showing the esteem in which he is held by those concerned with the production of The Minot Daily News; and

WHEREAS, he has throughout his career been a constant and most articulate proponent of the proper use of North Dakota's water resources, and was one of the originators of the Garrison Diversion movement; and

WHEREAS, his high quality work in the field of water development has earned him awards from the Garrison Conservancy District, the State Water Commission, the North Dakota Water Users' Association, and the North Dakota Irrigation Districts Association; and

WHEREAS, he is the recipient of one of the federal governments' highest awards to citizens, the Bureau of Reclamation's Citizen's Award, for his work with Garrison Diversion; and

WHEREAS, his work with state water resources also led to his commissioning as a Commodore in North Dakota's Mythical Navy; and

WHEREAS, he has devoted a lifetime of service to the YMCA in Minot, having served as its president, as the chairman of its board, as a leader in its various fund drives, and generally as one of its guiding lights throughout its years in Minot; and

WHEREAS, he has recognized throughout his career the importance of highway transportation in North Dakota and has been an ardent supporter of the state's highway system, including service as president of the Highway Two Association; and

WHEREAS, he has held a host of civic offices in Minot, including president of the Minot Rotary Club and president of the Minot Chamber of Commerce; and

WHEREAS, he has long been interested in North Dakota's cattle industry, and is a past president of the Mouse River Cattlemen's Association and is a charter member of the National Cowboy Hall of Fame; and

WHEREAS, the North Dakota Bar Association, when it instituted its prestigious Liberty Bell Award to honor the contributions of outstanding North Dakotans, chose Hal Davies as the initial recipient in 1972;

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

That the Senate of the Forty-fifth Legislative Assembly officially uses this means to pause and take note of the truly unique and outstanding career of Hal S. Davies, a career that has been built not only on professional excellence in the newspaper field, but on singular achievements in civic and state matters such as water resources, highway transportation, the YMCA, and the cattle industry, a record which certainly qualifies Hal S. Davies for the richly deserved plaudits of his fellow citizens as well as congratulations of the Forty-fifth Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to The Minot Daily News, to Mr. Hal S. Davies, to the North Dakota Newspaper Association, and to the North Dakota chapter of Sigma Delta Chi.

SECOND READING OF A SENATE RESOLUTION

Senate Resolution No. 8. A resolution recognizing the many years of distinguished service Hal Davies has given to the newspaper profession in North Dakota and extending congratulations to him on the overall excellence of all facets of his career.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Lashkowitz moved that the resolution be adopted, which motion prevailed and Senate Resolution No. 8 was adopted.

POINT OF PERSONAL PRIVILEGE.

Senator Walsh: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, I just want to state my support for the Resolution just read and feel that North Dakota is fortunate indeed to have such a man as Hal Davies as Editor-in-Chief of the Minot Daily News and as a proud citizen of this state. Mr. Davies is living proof that the vitality that comes from rigorous and active life. He is a true sportsman and a believer in all aspects of the greatness of our state. Hal Davies is not only a great newsman, but also a sportsman and a statesman. I for one am proud to be from the same city as this great man.

SECOND READING OF SENATE BILLS

Senate Bill No. 2334. A Bill for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to open governmental meetings, and providing a penalty for violation by governing body members.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 472) the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |     |               |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|-----|---------------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |     |               |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V | NAYS          |
| •                   |     |      | •    |            |      | •    |          |                  | •    |     |               |
| •                   |     |      | •    | JACOBSON   |      | •    | NAADEN   | •                | •    |     | SMYKOWSKI     |
| •                   |     |      | •    | JONES      |      | •    | NELSON   |                  | •    |     | SOLBERG       |
| •                   |     |      | •    | KRAUTER    |      | •    | NETHING  |                  | •    |     | STRAND        |
| •                   |     |      | •    | LARSON     |      | •    | ORANGE   |                  | •    |     | STRINDEN      |
| •                   |     |      | •    | LASHKOWITZ |      | •    | PETERSON |                  | •    |     | TALLACKSON    |
| •                   |     |      | •    | LEE        |      | •    | PIETRON  |                  | •    |     | TENNEFOS      |
| •                   |     |      | •    | LIPS       |      | •    | RAIT     |                  | •    |     | THANE         |
| •                   |     |      | •    | LODOEN     |      | •    | REDLIN   |                  | •    |     | VOSPER        |
| •                   |     |      | •    | MAHER      |      | •    | REITEN   |                  | •    |     | WALSH         |
| •                   |     |      | •    | MAU        |      | •    | SANDNESS |                  | •    |     | WENSTROM      |
| •                   |     |      | •    | MELLAND    |      | •    | SANDS    |                  | •    |     | WRIGHT        |
| •                   |     |      | •    | MILLER     |      | •    | SCHIRADO |                  | •    |     | MR. PRESIDENT |
| •                   |     |      | •    | MORGAN     |      | •    | SHABLOW  |                  |      |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2343. A Bill for an Act to amend and reenact subsection 2 of section 57-60-04 and subsections 1 and 3 of section 57-60-15 of the North Dakota Century Code, relating to the payment of the coal conversion facilities tax by coal gasification plants and to provisions of the distribution formula for coal conversion facilities taxes.

Which has been read.







Senate Bill No. 2287  
Senate Bill No. 2304  
Senate Bill No. 2344  
Senate Bill No. 2389  
Senate Bill No. 2406  
Senate Bill No. 2413  
Senate Bill No. 2470  
Senate Bill No. 2478  
Senate Bill No. 2481  
Senate Bill No. 2484  
Senate Bill No. 2539

LEO LEIDHOLM, Secretary  
MESSAGE FROM THE HOUSE  
House Chamber

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

House Bill No. 1176  
House Bill No. 1179  
House Bill No. 1225  
House Bill No. 1291  
House Bill No. 1306  
House Bill No. 1307  
House Bill No. 1342  
House Bill No. 1350  
House Bill No. 1359  
House Bill No. 1375  
House Bill No. 1414  
House Bill No. 1416  
House Bill No. 1428  
House Bill No. 1437  
House Bill No. 1440  
House Bill No. 1442  
House Bill No. 1474

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2069, 2234, 2273, 2274, 2283, 2297, 2302, 2331, 2340, 2352, 2353, 2357, 2370, 2376, 2379, 2380, 2382, 2383, 2387, 2393, 2395, 2397, 2404, 2405, 2414, 2457, 2461, 2471, 2477, 2504, 2512 and House Bills 1155 and 1234, the Senate recess until Friday, February 11, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## TWENTY-EIGHTH DAY AFTER RECESS AND TWENTY-NINTH DAY

Bismarck, February 11, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2273

Senate Bill No. 2297

Senate Bill No. 2331

Senate Bill No. 2346

Senate Bill No. 2370

Senate Bill No. 2380

Senate Bill No. 2393

Senate Bill No. 2397

Senate Bill No. 2404

Senate Bill No. 2457

Senate Bill No. 2471

Senate Bill No. 2475

Senate Concurrent Resolution 4030

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2064 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2064 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2263 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the word "be" delete beginning triple parentheses

On page 1, line 15, after the word "county" insert triple parentheses around the word "in"

On page 1, line 16, insert beginning triple parentheses before the word "three"

On page 1, line 16, delete "provided a uniform allowance as follows:" and renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2263 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2279 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, after the word "sections" delete the numerals "23-26-05."

On page 1, line 5 after the word "and" delete the numerals "49-22-10" and insert in lieu thereof the following: "subsection 19 of section 61-28-04"

On page one, line 6, after the word "pollution," delete the word "water"

On page 1, line 7, delete the words "treatment or discharge,"

On page 1, line 8, after the first word "and" delete the words "energy conversion and transmission" and insert in lieu thereof "water pollution."

On page 1, delete all of line 9

On page 2, delete all of lines 3-21

On page 4, delete all of lines 10-35

On page 5, delete all of lines 1-13

On page 5, line 21 after the word "application" insert the following new language: "from the main stem Missouri River, Lake Sakakawea, and Lake Oahe"

On page 5, after line 22 insert the following new section:

"SECTION 5. AMENDMENT.) Subsection 19 of section 61-28-04 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

19. Make rules governing the issuance, denial, modification, or revocation of permits. The department shall take final action on any permit application, by either granting or denying the permit, within one hundred and eighty days of the receipt of a completed application. However, the rules and regulations of the department may prescribe a lesser time period for action."

And renumber lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2279 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2360 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 5, delete the words "or small game"

On page 2, after line 5, insert "Small game.....20 cents" and renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2360 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2368 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2368 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2372 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 11, delete the word "FUND" and insert in lieu thereof the word "PLAN"

On page 1, line 15, after the word "mills" insert the following: "when such levy is approved by sixty percent of the qualified voters"

On page 1, line 16, delete the word "fund" and insert in lieu thereof the word "plan"

On page 1, line 16, delete "Any pension system"

On page 1, delete all of lines 17 and 18

and renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2372 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2424 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2424 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2428 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2428 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2440 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 10, following the word "exceed" delete the words "one hundred" and insert in lieu thereof the word "thirty"

On page 4, line 15, following the word "exceed" delete the words "one hundred" and insert in lieu thereof the word "thirty"

On page 5, line 2, following the word "exceed" delete the words "one hundred" and insert in lieu thereof the word "thirty"

On page 5, line 17, following the word "remain" insert the word "in" and following the word "the" insert triple parentheses around the word "property" and insert in lieu thereof the word "custody"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2440 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2441 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2441 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2465 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2465 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Bill No. 2468 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

Senate Bill No. 2468 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2498 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2498 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred Senate Bill No. 2503 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2503 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2506 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2506 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2515 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5, after the word "reenact" insert "subsection 1 of section 61-21-01 and"; after the word "sections" insert "61-21-25,"; and insert a comma after the numbers "61-21-45"

On page 1, line 6, after the word "to" insert "definitions of a drain, to situations where no acceptable bids are received, to allowing drain boards to contract with the county or private contractors to construct drains, to"

On page 1, line 7, insert a comma after the word "projects"

On page 1, line 19, after the period delete the words "The board may then purchase such" and insert in lieu thereof the following: "A board may utilize bids for such materials received by the county within which the board has jurisdiction and may accept one or more low bids. The board may then purchase materials from the accepted low bidder or bidders for a period of one year from the date of the original acceptance of the bids."

On page 1, delete lines 20 through 22

On page 2, delete lines 1 through 26

On page 2, line 32, after the period delete the words "The board may then purchase such" and insert in lieu thereof the following: "A board may utilize bids for such materials received by the county within which

the board has jurisdiction and may accept one or more low bids. The board may then purchase materials from the accepted low bidder or bidders for a period of one year from the date of the original acceptance of the bids."

On page 2, delete lines 33 through 35 and insert in lieu thereof the following:

"(SECTION 3. AMENDMENT.) Subsection 1 of section 61-21-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The word "drain" shall include any natural watercourse opened, or proposed to be opened, and improved for the purpose of drainage and any artificial drains of any nature or description constructed for such purpose, including dikes and appurtenant works. This definition may include more than one watercourse or artificial channel constructed for the aforementioned purpose when the watercourses or channels drain land within a practical drainage area as determined by the written petition called for in section 61-21-10 and the survey and examination called for in section 61-21-12;

SECTION 4. AMENDMENT.) Section 61-21-25 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-21-25. LETTING OF CONTRACTS FOR DRAINS.) The board shall let contracts for the construction of the drain, culverts, bridges and appurtenances thereto, or portions thereof at the appointed time and place to the lowest and best bidder. Any person receiving a contract for the construction of a drain or portions thereof shall give a performance bond in an amount set by the board for the proper construction of the work within the time specified in the contract. The board shall reserve the right to reject any and all bids and may postpone the letting of contracts for the construction of such drain or parts thereof from time to time or to such other time and place as the board may publicly announce. Any parties who are to be assessed for the construction of such drain may be bidders on construction contracts and, if equal bidders with other parties and equally well qualified, shall be preferred in awarding construction contracts. Any contracts for the construction of portions of a drain which are not let at the original contract letting may be let at a later time by the board after due notice as provided in section 61-21-24 and in accordance with the provisions of this section. If the board does not receive any acceptable bids after having advertised for the same upon two separate occasions, it may, at its sole and absolute discretion, negotiate a contract acceptable to it with the board of county commissioners of its county or any other party."

On page 3, line 17, after the period insert the following: "The competitive bid requirement of this section shall be waived, upon the determination of the board of commissioners that an emergency situation exists requiring the prompt repair of a project, and a contract may be made for the prompt repair of the project without seeking bids."

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2515 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was



referred Senate Bill No. 2532 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2532 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Bill No. 2535 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 2535 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred Senate Concurrent Resolution No. 4035 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Concurrent Resolution No. 4035 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution 4040 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the words "the United" and insert in lieu thereof the words "federal agencies"

On page 1, line 2, delete the words "States Fish and Wildlife Service"; and in the same line delete the words "acquired for" and insert in lieu thereof the words "under their control"

On page 1, line 3, delete the words "wildlife purposes"

On page 1, line 7, delete the words "the United States Fish and" and insert in lieu thereof the words "federal agencies"

On page 1, line 8, delete the words "Wildlife Service"; and in the same line delete the words "the National Wildlife" and insert in lieu thereof the words "lands under their control in North Dakota"

On page 1, line 9, delete the words "Refuge System"

On page 1, line 17, delete the word "wildlife"

On page 1, line 21, delete the word "wildlife"

On page 2, line 4, after the word "require" delete the word "the" and insert in lieu thereof the words "federal agencies"

On page 2, line 5, delete the words "United States Fish and Wildlife Service"

On page 2, line 6, delete the words "acquired for wildlife purposes" and insert in lieu thereof the words "under their control"

On page 2, line 10, delete the words "Merchant Marine and" and insert in lieu thereof the word "Speaker"

On page 2, line 11, delete the words "Fisheries Committee"

On page 2, line 12, delete the words "Commerce Committee" and insert in lieu thereof the word "President"

On page 2, line 13, after the following: "Interior," insert the following: "Secretary of Agriculture, and Secretary of Defense,"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Concurrent Resolution 4040 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred

Senate Concurrent Resolution 4042 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the words "North Dakota Wheat" and insert in lieu thereof the following words: "Commodity Futures Trading"

On page 1, line 2, after the word "and" insert the following: "/or"

On page 1, line 3, after the word "the" insert the words "speculating and"; and on the same line after the word "contracts" insert the words "by foreign governments and nonproducers"

On page 1, line 17, after the word "contracts" insert the following words: "by foreign governments"

On page 2, line 1, delete the word "North" and insert in lieu thereof the words: "Commodity Futures Trading"

On page 2, line 2, delete "Dakota Wheat" and on the same line, after the word "and" insert the following: "/or"

On page 2, line 2, after the word "ban" insert the words "speculating and"

On page 2, line 7, after the following: "Delegation," insert the following: "the Commodity Futures Trading Commission,"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Concurrent Resolution 4042 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Concurrent Resolution No. 4044 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

Senate Concurrent Resolution No. 4044 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution 4045 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 20, after the word "rise" delete the words "to a"

On page 1, line 21, delete the words "price of one dollar per gallon"

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

Senate Bill No. 4045 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution 4057 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

Senate Concurrent Resolution 4057 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1113 has had the same under consideration and recommends that the same do pass.

SEANTOR SOLBERG, Chairman

House Bill No. 1113 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1127 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

House Bill No. 1127 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1157 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1157 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1199 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1199 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2002, 2013, 2014, 2027, 2062, 2106, 2328, 2369, 2384, 2411, 2429, 2467, 2501, 2536, and House Bill 1156 be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2002 as recommended by the Committee on Appropriations as printed on pages 521-524 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2013 as recommended by the Committee on Appropriations as printed on pages 524 and 525 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2014 as recommended by the Committee on Appropriations as printed on pages 525 and 526 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2027 as recommended by the Committee on Appropriations as printed on page 526 of the Senate Journal be adopted, and that Senate Bill 2027 be referred to the Committee on Finance and Taxation, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2062 as recommended by the Committee on Natural Resources as printed on pages 526-529 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2106 as recommended by the Committee on Industry, Business and Labor as printed on page 529 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2328 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 530 of the Senate Journal be adopted, and recommends Senate Bill 2328 be placed on the calendar without recommendation, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2369 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on pages 530 and 531 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2384 as recommended by the Committee on Appropriations as printed on pages 531 and 532 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2411 as recommended by the Committee on Industry, Business and Labor as

printed on page 532 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2429 as recommended by the Committee on Natural Resources as printed on page 533 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2467 as recommended by the Committee on Agriculture as printed on pages 533 and 534 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2501 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 534 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to Senate Bill No. 2536 as recommended by the Committee on Transportation as printed on page 535 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1156 as recommended by the Committee on Transportation as printed on page 535 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills introduced:

**Senate Resolution No. 9.** A resolution commending Mr. Rudy Hoefs on being the only charter member still playing with the official band of the American Legion's Department of North Dakota.

Was read the first time.

Senator Morgan moved that the rules be suspended, that Senate Resolution No. 9 not be printed as a bill, not referred to a committee, but 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. 9.

Introduced by Committee on Delayed Bills.

A resolution commending Mr. Rudy Hoefs on being the only charter member still playing with the official band of the American Legion's Department of North Dakota.

WHEREAS, the official band of the American Legion's Department of North Dakota was organized in 1924; and

WHEREAS, Mr. Rudy Hoefs was a charter member of that official band and has been playing with it for the last fifty-three years; and

WHEREAS, Mr. Rudy Hoefs has played at twenty national conventions, fifty-two state conventions, and in forty-eight states and Canada; and

WHEREAS, during his fifty-three years with the American Legion Department band, Mr. Hoefs has played the baritone, trombone, and saxophone; and

WHEREAS, Mr. Hoefs was the chairman of the Republican Party for twenty-four years in Richland County, North Dakota;

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

That the Senate commends Mr. Rudy Hoefs for his fifty-three years with the American Legion Department band and for being the only charter member still playing with that official band; and

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to Mr. Rudy Hoefs in Hankinson, North Dakota.



SECOND READING OF SENATE BILLS

Senate Bill No. 2435. A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for park and recreation program charges.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 6; nays, 43; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |   |               |
|-----------------|-----|------|-----------|------------|------|------------------|----------|------|---|---------------|
| YEAS            | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |   |               |
|                 | •   |      | •         | JACOBSON   | •    | •                | NAADEN   | •    | • | SMYKOWSKI     |
|                 | •   |      | •         | JONES      | •    | •                | NELSON   | •    | • | SOLBERG       |
|                 | •   |      | •         | KRAUTER    | •    | •                | NETHING  | •    | • | STRAND        |
| •               |     |      | •         | LARSON     | •    | •                | ORANGE   | •    | • | STRINDEN      |
|                 | •   |      | •         | LASHKOWITZ | •    | •                | PETERSON | •    | • | TALLACKSON    |
|                 | •   |      | •         | LEE        | •    | •                | PIETRON  | •    | • | TENNEFOS      |
| •               |     |      | •         | LIPS       | •    | •                | RAIT     | •    | • | THANE         |
| •               |     |      | •         | LODOEN     | •    | •                | REDLIN   | •    | • | VOSPER        |
|                 | •   |      | •         | MAHER      | •    | •                | REITEN   | •    | • | WALSH         |
|                 | •   |      | •         | MAU        | •    | •                | SANDNESS | •    | • | WENSTROM      |
|                 | •   |      | •         | MELLAND    | •    | •                | SANDS    | •    | • | WRIGHT        |
|                 | •   |      | •         | MILLER     | •    | •                | SCHIRADO | •    | • | MR. PRESIDENT |
|                 | •   |      | •         | MORGAN     | •    | •                | SHABLOW  | •    |   |               |

Senate Bill No. 2435 was declared lost.

Senate Bill No. 2436. A Bill for an Act to amend and reenact section 29-28-07 of the North Dakota Century Code, relating to criminal appeals which may be taken by the state, and changing an order quashing an information to an order dismissing an information.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 5; absent and not voting, 0.

| REGULAR SESSION |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |   |               |
|-----------------|-----|------|-----------|------------|------|------------------|----------|------|---|---------------|
| YEAS            | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |   |               |
| •               |     |      | •         | JACOBSON   | •    | •                | NAADEN   | •    | • | SMYKOWSKI     |
|                 | •   |      | •         | JONES      | •    | •                | NELSON   | •    | • | SOLBERG       |
| •               |     |      | •         | KRAUTER    | •    | •                | NETHING  | •    | • | STRAND        |
| •               |     |      | •         | LARSON     | •    | •                | ORANGE   | •    | • | STRINDEN      |
| •               |     |      | •         | LASHKOWITZ | •    | •                | PETERSON | •    | • | TALLACKSON    |
| •               |     |      | •         | LEE        | •    | •                | PIETRON  | •    | • | TENNEFOS      |
| •               |     |      | •         | LIPS       | •    | •                | RAIT     | •    | • | THANE         |
| •               |     |      | •         | LODOEN     | •    | •                | REDLIN   | •    | • | VOSPER        |
| •               |     |      | •         | MAHER      | •    | •                | REITEN   | •    | • | WALSH         |
| •               |     |      | •         | MAU        | •    | •                | SANDNESS | •    | • | WENSTROM      |
| •               |     |      | •         | MELLAND    | •    | •                | SANDS    | •    | • | WRIGHT        |
| •               |     |      | •         | MILLER     | •    | •                | SCHIRADO | •    | • | MR. PRESIDENT |
| •               |     |      | •         | MORGAN     | •    | •                | SHABLOW  | •    |   |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2439. A Bill for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking privileges for the physically handicapped; and to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to designating with blue paint the parking spaces reserved for the physically handicapped.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 473) the roll was called and there were ayes, 49; nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • FROMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2443.** A Bill for an Act to amend and reenact subsection 2 of section 11-15-07 of the North Dakota Century Code, relating to the fees chargeable by a sheriff for serving certain documents.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 13; nays, 37; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • FROMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2443 was declared lost.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

#### TWENTY-NINTH DAY

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Blaine R. Cook, Pastor, Corpus Christi Church, Bismarck.

"O, almighty God we stand here with heads bare, but unbowed — as we ask that your will may be done in our lawmaking.

May we see our legislative acts as the process of guiding the change that must take place in changeable people.

Please provide us with our daily bread of courage to find new ways to deal with the flood of bills in their complexity and in their opposition; to find different means to become more knowledgeable about the content of the measures; to find new procedures to slow down the rush — to give more time to sometimes shortsighted caucuses — so that the deliberations may be more objective and with more understanding.

Lead us away from the temptations of political horse-trading and compromise for the sheer sake of affirmation.

May we always be guided by the principle that "good legislation must

be concerned primarily about the common good, and not just personal or vested good. Amen”.

The roll was called and all Senators were present except Wenstrom. A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

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

On page 521, line 39, delete the first number “2” and insert in lieu thereof the number “1”

On page 531, line 41 delete “apge” and insert in lieu thereof the word “page”

On page 547, delete lines 20 through 38 and insert them on page 546 under line 21

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2459. A Bill for an Act to provide for registered agents of mineral exploration organizations and to provide for service of process on the secretary of state; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 473) the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|---------------------|-----|------|------------------|-----|---------------|
| ROLL CALL       |     |      |                     |     |      |                  |     |               |
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH         |     |      | • JONES             |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON       |     | • TALLECKSON  |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED         |     |      | • LIPS              |     |      | • RAIT           |     | • THANE       |
| • FRITZELL      |     |      | • LODOEN            |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN         |     | • WALSH       |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW        |     |               |

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

Senate Bill No. 2462. A Bill for an Act amend and reenact section 15-39.2-05 of the North Dakota Century Code, relating to the method for calculating retirement annuity of teachers retired under the teachers' insurance and annuity association of America—college retirement equities fund.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 474) the roll was called and there were ayes, 47; nays, 1; absent and not voting, 2.



| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADER         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

#### EXPLANATION OF VOTE

Senator Strinden: Mr. President, I would like to explain my vote. Mr. President, members of the Senate, I don't know the limits of the bill that we just passed. I am aware, however, that this State of North Dakota, and this Legislative body has gotten in to serious trouble by passing legislation affecting the teachers retirement fund by not having sound actuarial advice. We have taken actuaries' advice at various times and we still have gotten into problems. We are talking now of the teachers retirement fund of as much as a \$64 million deficit that is going to have to be made up. I voted "no" because there was no actuarial accounting of what might happen. I am fearful of any retirement fund without a sound basis of change.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2474.** A Bill for an Act to amend and reenact section 25-09-09 of the North Dakota Century Code, relating to the statute of limitations on the right of recovery for the expense incurred by the state for care and treatment at the state hospital or state school.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 20; nays, 26; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADER         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2474 was declared lost.

**Senate Bill No. 2482.** A Bill for an Act to amend and reenact section 57-37.1-12 of the North Dakota Century Code, relating to denial of access to safe deposit box without order of county court.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2485.** A Bill for an Act to amend and reenact subsection 6 of section 20.1-01-02 of the North Dakota Century Code, relating to definitions of game birds to include mourning doves.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 25; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON     |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2485 was declared lost.

Senator Lee moved that the vote by which Senate Bill No. 2485 was lost be reconsidered and the motion to reconsider be laid on the table.

Which motion lost.

**Senate Bill No. 2495.** A Bill for an Act to amend and reenact section 16-01-11 of the North Dakota Century Code, relating to removing the requirement that all initiative, referendum, or recall petitions submitted to the secretary of state be accompanied by a typed or printed list of the names of the signers of the petition; or in the alternative, to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code as created by section 1 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the removal of the requirement that all initiative, referendum, or recall petitions submitted to the secretary of state be accompanied by a typed or printed list of the names of the signers of the petitions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 5; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2499. A Bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to withholding sums for income tax withholding purposes from wages of an employee who voluntarily elects withholding.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 474) the roll was called and there were ayes, 17; nays, 33; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2499 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4033. A concurrent resolution urging the North Dakota Congressional Delegation to introduce legislation in the Congress to make federal aid matching formulas for the states more responsive to current economic conditions of the states.

Which has been read.

The question being on the adoption of the resolution.

Senator Mau moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution 4033 was adopted.

Senate Concurrent Resolution No. 4041. A concurrent resolution urging Congress and the President to permit states to have flexibility in establishing standards and solving local problems.

Which has been read.

The question being on the adoption of the resolution.

Senator Albers moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution 4041 was adopted.

Senate Concurrent Resolution No. 4049. A concurrent resolution urging Congress to retain Section 14(b) of the Taft-Hartley Act.

Which has been read.

The question being on the adoption of the resolution.

Senator Tennefos requested a roll call vote, which request was granted.

**ROLL CALL**

the roll was called and there were ayes, 36; nays, 12; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |                 |

Senate Concurrent Resolution 4049 was adopted.

**MOTION**

Senator Nething moved that Senate Concurrent Resolution 4055 be referred to the Legislative Council Resolutions Committee, which motion prevailed.

**SECOND READING OF SENATE BILLS.**

**Senate Bill No. 2069.** A Bill for an Act to create and enact section 25-02-11.1 of the North Dakota Century Code, relating to the appointment of multicounty mental health boards; and to amend and reenact sections 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, and 25-02-17 of the North Dakota Century Code, relating to the oaths, appointment, meetings, duties, procedures, powers, and compensation of county mental health boards.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |                 |

Senate Bill 2069 was declared lost.

**Senate Bill No. 2234.** A Bill for an Act to amend and reenact sections 57-52-04 and 57-54-08 of the North Dakota Century Code, relating to a tax increase on motor vehicle fuel and special fuel used on motor vehicles.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**Senate Bill No. 2274.** A Bill for an Act to amend and reenact sections 21-04-03, 21-04-05, 21-04-06, 21-04-07, 21-04-08, 21-04-09, 21-04-10, 21-04-12, 21-04-13, 21-04-14, 21-04-15, 21-04-16, 21-04-17, 21-04-18, and 21-04-21 of the North Dakota Century Code, to include savings and loan associations within class of depositories for public funds.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 10; nays, 40; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2274 was declared lost.

#### MOTION

Senator Jones moved that Senate Bill No. 2126 be re-printed, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2283.** A Bill for an Act to create and enact two new sections to chapter 11-11 of the North Dakota Century Code, relating to a survey and record of water well locations by the board of county commissioners, and the form in which the information is to be submitted, to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to the responsibility of the county register of deeds to maintain a record of water well locations, and to create and enact a new subsection to section 61-02-14 of the North Dakota Century Code, relating to the responsibility of the state water conservation commission to maintain a record of water well locations; and to amend and reenact sections 43-35-19 and 61-20-05 of the North Dakota Century Code, relating to information provided to the state board of water well contractors and the listing of all artesian wells in the county by county and township assessors.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 15; nays, 34; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          | •   |      | • NAADEN   | •   |      | • SMYKOWSKI      | •   |      |
| • BARTH         |     |      | • JONES             | •   |      | • NELSON   | •   |      | • SOLBERG        | •   |      |
| • BERUBE        |     |      | • KRAUTER           | •   |      | • NETHING  | •   |      | • STRAND         | •   |      |
| • CHRISTENSEN   | •   |      | • LARSON            | •   |      | • ORANGE   | •   |      | • STRINDEN       | •   |      |
| • ERDMAN        | •   |      | • LASHKOWITZ        | •   |      | • PETERSON | •   |      | • TALLACKSON     | •   |      |
| • FARRINGTON    | •   |      | • LEE               | •   |      | • PIETRON  | •   |      | • TENNEFOS       | •   |      |
| • FREED         | •   |      | • LIPS              | •   |      | • RAIT     | •   |      | • THANE          | •   |      |
| • FRITZELL      | •   |      | • LODDEN            | •   |      | • REDLIN   | •   |      | • VOSPER         | •   |      |
| • GOODMAN       | •   |      | • MAHER             | •   |      | • REITEN   | •   |      | • WALSH          | •   |      |
| • HANSON        | •   |      | • MAU               | •   |      | • SANDNESS | •   |      | • WENSTROM       | •   |      |
| • HOFFNER       | •   |      | • MELLAND           | •   |      | • SANDS    | •   |      | • WRIGHT         | •   |      |
| • HOLMBERG      | •   |      | • MILLER            | •   |      | • SCHIRADO | •   |      | • MR. PRESIDENT  |     |      |
| • ISZLER        | •   |      | • MORGAN            | •   |      | • SHABLOW  | •   |      |                  |     |      |

Senate Bill No. 2283 was declared lost.

Senate Bill No. 2297. A Bill for an Act to create and enact sections 49-22-05.1, 49-22-07.1, 49-22-07.2, 49-22-12.1, and 49-22-14.1 of the North Dakota Century Code, relating to inventory of exclusion areas, letters of intent prior to construction of energy conversion or transmission facilities, waiver of procedures and time schedules, emergency certification, and cooperation with state and federal agencies; to amend and reenact subsections 8, 10, 11, and 12 of section 49-22-03, sections 49-22-04, 49-22-07, 49-22-08, 49-22-10, 49-22-11, 49-22-13, 49-22-19, 49-22-21, and subsections 1 and 2 of section 49-22-22 of the North Dakota Century Code, relating to definitions, ten-year plans of utilities, certificates of site compatibility, application for a certificate of site compatibility, designation of sites and corridors, approval of routes within corridors, public hearings, requests for rehearings, penalties, and application fees; to repeal sections 49-22-05, 49-22-06, and 49-22-12, relating to inventory of potential sites, energy conversion and transmission facility development plans, and emergency certification.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 495) the roll was called and there were ayes, 43; nays, 0; absent and not voting, 7.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          | •   |      | • NAADEN   | •   |      | • SMYKOWSKI      | •   |      |
| • BARTH         |     |      | • JONES             | •   |      | • NELSON   | •   |      | • SOLBERG        | •   |      |
| • BERUBE        |     |      | • KRAUTER           | •   |      | • NETHING  | •   |      | • STRAND         | •   |      |
| • CHRISTENSEN   | •   |      | • LARSON            | •   |      | • ORANGE   | •   |      | • STRINDEN       | •   |      |
| • ERDMAN        | •   |      | • LASHKOWITZ        | •   |      | • PETERSON | •   |      | • TALLACKSON     | •   |      |
| • FARRINGTON    | •   |      | • LEE               | •   |      | • PIETRON  | •   |      | • TENNEFOS       | •   |      |
| • FREED         | •   |      | • LIPS              | •   |      | • RAIT     | •   |      | • THANE          | •   |      |
| • FRITZELL      | •   |      | • LODDEN            | •   |      | • REDLIN   | •   |      | • VOSPER         | •   |      |
| • GOODMAN       | •   |      | • MAHER             | •   |      | • REITEN   | •   |      | • WALSH          | •   |      |
| • HANSON        | •   |      | • MAU               | •   |      | • SANDNESS | •   |      | • WENSTROM       | •   |      |
| • HOFFNER       | •   |      | • MELLAND           | •   |      | • SANDS    | •   |      | • WRIGHT         | •   |      |
| • HOLMBERG      | •   |      | • MILLER            | •   |      | • SCHIRADO | •   |      | • MR. PRESIDENT  |     |      |
| • ISZLER        | •   |      | • MORGAN            | •   |      | • SHABLOW  | •   |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2302. A Bill for an Act to amend and reenact section 18-07-03 of the North Dakota Century Code, relating to the appointment of fire wardens.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2331. A Bill for an Act to provide for the establishment of separate and independent trust companies with respect to holding company banks.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 495, 496) the roll was called and there were ayes, 37; nays, 4; absent and not voting, 9.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senate Bill No. 2340. A Bill for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the power of a city to levy and collect a sales tax on transient lodging.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 13; nays, 32; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON     |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2340 was declared lost.

Senate Bill No. 2352. A Bill for an Act abolishing the collateral source rule of evidence relating to personal injury or wrongful death actions. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 37; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |            |                  |                 |             |
|---------------------|-----|------|--------------|-----|------------|------------------|-----------------|-------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |            | 1977 LEGISLATURE |                 |             |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS       | YEAS             | N-V             | NAYS        |
| • ALBERS            |     |      | JACOBSON     |     |            | • NAADEN         |                 | • SMYKOWSKI |
| • BARTH             | •   |      | • JONES      | •   | • NELSON   |                  | • SOLBERG       | •           |
| • BERUBE            |     |      | • KRAUTER    |     | • NETHING  | •                | • STRAND        | •           |
| • CHRISTENSEN       |     |      | • LARSON     | •   | • ORANGE   |                  | • STRINDEN      | •           |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   | • PETERSON | •                | • TALLACKSON    | •           |
| • FARRINGTON        |     |      | • LEE        | •   | • PIETRON  |                  | • TENNEFOS      | •           |
| • FREED             | •   |      | • LIPS       |     | • RAIT     |                  | • THANE         | •           |
| • FRITZELL          |     |      | • LODDEN     |     | • REDLIN   |                  | • VOSPER        | •           |
| • GOODMAN           | •   |      | • MAHER      | •   | • REITEN   | •                | • WALSH         | •           |
| • HANSON            |     |      | • MAU        |     | • SANDNESS | •                | • WENSTROM      | •           |
| • HOFFNER           | •   |      | • MELLAND    | •   | • SANDS    |                  | • WRIGHT        | •           |
| • HOLMBERG          | •   |      | • MILLER     | •   | • SCHIRADO | •                | • MR. PRESIDENT |             |
| • ISZLER            | •   |      | • MORGAN     | •   | • SHABLOW  |                  |                 |             |

Senate Bill No. 2352 was declared lost.

Senate Bill No. 2353. A Bill for an Act to provide limitations on product liability civil actions. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 6; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |            |                  |                 |             |
|---------------------|-----|------|--------------|-----|------------|------------------|-----------------|-------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |            | 1977 LEGISLATURE |                 |             |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS       | YEAS             | N-V             | NAYS        |
| • ALBERS            |     |      | • JACOBSON   |     |            | • NAADEN         |                 | • SMYKOWSKI |
| • BARTH             |     |      | • JONES      |     |            | • NELSON         |                 | • SOLBERG   |
| • BERUBE            |     |      | • KRAUTER    |     |            | • NETHING        |                 | • STRAND    |
| • CHRISTENSEN       |     |      | • LARSON     | •   | • ORANGE   |                  | • STRINDEN      | •           |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   | • PETERSON | •                | • TALLACKSON    | •           |
| • FARRINGTON        |     |      | • LEE        | •   | • PIETRON  |                  | • TENNEFOS      | •           |
| • FREED             | •   |      | • LIPS       |     | • RAIT     |                  | • THANE         | •           |
| • FRITZELL          |     |      | • LODDEN     |     | • REDLIN   | •                | • VOSPER        | •           |
| • GOODMAN           | •   |      | • MAHER      | •   | • REITEN   |                  | • WALSH         | •           |
| • HANSON            |     |      | • MAU        |     | • SANDNESS | •                | • WENSTROM      | •           |
| • HOFFNER           | •   |      | • MELLAND    | •   | • SANDS    |                  | • WRIGHT        | •           |
| • HOLMBERG          | •   |      | • MILLER     | •   | • SCHIRADO | •                | • MR. PRESIDENT |             |
| • ISZLER            | •   |      | • MORGAN     | •   | • SHABLOW  |                  |                 |             |

So the bill passed and the title was agreed to.

Senate Bill No. 2357. A Bill for an Act to amend and reenact sections 6-03-13.1, 6-03-13.2 and 6-03-13.3 of the North Dakota Century Code, relating to separate drive-in facilities. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 36; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |            |                  |              |             |
|---------------------|-----|------|--------------|-----|------------|------------------|--------------|-------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |            | 1977 LEGISLATURE |              |             |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS       | YEAS             | N-V          | NAYS        |
| • ALBERS            |     |      | JACOBSON     |     |            | • NAADEN         |              | • SMYKOWSKI |
| • BARTH             | •   |      | • JONES      | •   | • NELSON   |                  | • SOLBERG    | •           |
| • BERUBE            |     |      | • KRAUTER    |     | • NETHING  | •                | • STRAND     | •           |
| • CHRISTENSEN       |     |      | • LARSON     | •   | • ORANGE   |                  | • STRINDEN   | •           |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   | • PETERSON | •                | • TALLACKSON | •           |
| • FARRINGTON        |     |      | • LEE        | •   | • PIETRON  |                  | • TENNEFOS   | •           |
| • FREED             | •   |      | • LIPS       |     | • RAIT     |                  | • THANE      | •           |
| • FRITZELL          |     |      | • LODDEN     |     | • REDLIN   |                  | • VOSPER     | •           |
| • GOODMAN           | •   |      | • MAHER      | •   | • REITEN   | •                | • WALSH      | •           |



|          |         |          |               |
|----------|---------|----------|---------------|
| HANSON   | MAU     | SANDNESS | WENSTROM      |
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

Senate Bill No. 2357 was declared lost.

Senate Bill No. 2370. A Bill for an Act to amend and reenact subsection 13 of section 20.1-02-05 and subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to residency requirements for hunting licenses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 497) the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       | •    |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

MOTION

Senator Nothing moved that Senate Bill No. 2370 be re-printed, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2376. A Bill for an Act to amend and reenact section 40-27-13, subsection 4 of section 40-36-05, and subsection 3 of section 40-36-13 of the North Dakota Century Code, relating to refunding callable bonds issued to purchase outstanding special assessment warrants of a municipality, what the resolution of the municipality's governing body may provide in issuing revenue bond refunding bonds, and what the governing body must determine to sell or exchange revenue bond refunding bonds.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 5; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   | •    | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   | •    | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO | •    | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Lodoen moved that Senate Bill No. 2379 be re-referred to the Committee on Political Subdivisions, which motion prevailed.

Senator Jones moved that Senate Bill No. 2380 be laid over one legislative day, which motion prevailed.

Senator Jones moved that the Senate reconsider the action by which Senate Bill No. 2485 lost. President Sanstead ruled the motion out of order.

Senator Jones moved that Senate Bill No. 2382 be placed at the foot of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2383. A Bill for an Act to amend and reenact section 40-55-09 of the North Dakota Century Code, relating to the mill levy authorized for public recreation systems.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 2; nays, 44; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
|                     |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2383 was declared lost.

Senate Bill No. 2387. A Bill for an Act to restrict the location of haul roads.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
|                     |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2387 was declared lost.

**POINT OF PERSONAL PRIVILEGE**

Senator Albers: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, this body has just

indefinitely postponed Senate Bill 2387, which I introduced. While I accept the indefinite postponement, I feel I must take a few minutes to comment about the bill.

First, Senate Bill 2387 was introduced on behalf of a group of my constituents. I was proud to introduce it because these people and I were sincerely concerned about potential noise and dust problems associated with mining activities.

Secondly, I feel I must thank Senator Solberg, the distinguished Chairman, and the other members of the Transportation Committee who were most understanding and courteous to the sponsor and my constituents. I feel certain each of them — Senator Iszler, Senator Lashkowitz, Senator Schirado, Senator Strand and Senator Tennesfos — gave us and the bill the sincerity and attention we wanted.

Yesterday, the committee was indulgent enough to reopen their discussion of this bill, and Chairman Solberg invited Mr. Gene Christianson of the State Health Department, Mr. Ray Walton of the Public Service Commission and Mr. John Smith of the North Dakota Lignite Council to discuss the concerns which caused this bill to be introduced.

Mr. President, ladies and gentlemen of the Senate, during this most informative discussion, we learned:

1. That the State Health Department, by law, must monitor and control dust emissions;
2. That the federal mine safety regulations establish maximum dust emission standards and noise levels;
3. That amendments proposed to the present reclamation law — which amendments are now in the House — will give the Public Service Commission authority over the siting, construction and reclamation of haul roads.

So, Mr. President, ladies and gentlemen of the Senate, it seems apparent that for the moment at least, the dust problems can be minimized or even eliminated.

With respect to noise, I am informed that the law has for some time directed the State Health Department to develop standards for control of noise levels, but that the legislature has never funded such a program. Further, that the House has killed such an appropriation during the present session. This is unfortunate.

I am satisfied that Senate Bill 2387 is probably not necessary at this time. But I would put the Senate on notice that my district and I will be watching the situation closely during the near future. If we are not satisfied, this type of legislation will be introduced again.

Thank you.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2393. A Bill for an Act to amend and reenact subsection 2 of section 11-15-07 of the North Dakota Century Code, relating to fees for service of process.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 498) the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2395. A Bill for an Act to amend and reenact section 38-08-09.9 of the North Dakota Century Code, relating to the enlargement of a unit area or the amendment of a plan of unitization.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2397. A Bill for an Act to provide for the conduct of presidential preference primary elections in presidential election years when the primary election is held before state party conventions to select national convention delegates.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 499) the roll was called and there were ayes, 37; nays, 10; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2404. A Bill for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the establishment and operation of a state employee health insurance trust fund; and to amend and reenact subsection 7 of section 54-52-04 of the North Dakota Century Code, relating to the duties of the public employees retirement board as trustee for a state employee health insurance trust fund.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 499) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBI            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the tile was agreed to.

### POINT OF PERSONAL PRIVILEGE

Senator Christensen: Mr. President, I rise on a point of personal privilege:

I would like to explain my vote on Senate Bill 2377, the bill to legalize Laetrile. Many sincere people feel that the legislature is simply being stubborn and unresponsive to the wishes of their constituents. They honestly believe Laetrile is effective against cancer and their government is trying to stop its use.

Most of the patients who claim that Laetrile is keeping them alive have already had surgery, cobalt, or chemotherapy or all three...yet they give the credit to Laetrile. Cancer remissions come for many reasons—some totally unexplainable. Many attribute their recovery to divine healing. I personally believe the Lord is a more effective healer than Laetrile is.

Most of us respect modern medicine as well. I suppose half of us are here today because at some time in our life we had an operation or had need of some modern drug. This progress has come from the research lab. That is not the route taken by Laetrile.

There are thousands of drugs that are either harmful or ineffective or both. If we approve Laetrile, which one will be next? The patient is in no position to prescribe for himself. The practicing physician also is involved in a practice and not research. Which brings us to the Food and Drug Administration...which has been pictured as an arbitrary bureaucracy which is determined to keep a valuable drug from being used to save lives. It was the Food and Drug Administration which kept thalidomide out of this country. It originated in Germany where they began selling it over the counter in 1958. Canada made it available for prescription in 1961.

The Food and Drug Administration confined the drug to medical

researchers for investigational research only. However, some American women bootlegged the drug in from foreign countries. At one time Thalidomide was suggested as the reason for the remission of cancer in a patient in Israel. Thalidomide caused babies to be born with flippers rather than arms and legs. Before Thalidomide was withdrawn from the market in the early 1960's, it is estimated to have caused 2,500 birth defects in West Germany, 430 in Britain, 200 in Japan, and 5,000 elsewhere. What if some state had decided to legalize Thalidomide?

Legislation by us on a specific drug is rather strange procedure in any case...and if we did pass the bill, Laetrile would still be an illegal drug in the United States including North Dakota...and we would seem to be encouraging the violation of Federal Law. These are the reasons why, Mr. President, I felt I should vote against Senate Bill 2377.

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2006  
 Senate Bill No. 2154  
 Senate Bill No. 2164  
 Senate Bill No. 2178  
 Senate Bill No. 2198  
 Senate Bill No. 2350  
 Senate Bill No. 2391  
 Senate Bill No. 2392  
 Senate Bill No. 2408  
 Senate Bill No. 2419  
 Senate Bill No. 2420  
 Senate Bill No. 2421  
 Senate Bill No. 2427  
 Senate Bill No. 2447  
 Senate Bill No. 2452  
 Senate Bill No. 2453  
 Senate Bill No. 2487  
 Senate Bill No. 2518

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

House Bill No. 1002  
 House Bill No. 1017  
 House Bill No. 1018  
 House Bill No. 1190  
 House Bill No. 1497  
 House Bill No. 1503  
 House Bill No. 1525  
 House Bill No. 1532

ROY GILBREATH, Chief Clerk

POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal

privilege, and request my remarks be printed in the Journal. Mr. President, ladies and gentlemen of the Senate, yesterday this Assembly may have made history. A cursory check of the records of past legislative assemblies has indicated that a constitutional officer was challenged in the exercise of his constitutional and statutory duties. I would like to state that our Lieutenant Governor has passed through a difficult week and he has emerged with renewed and enhanced stature. He has firmly and courageously exercised his duties under the Constitution and the statutes of the State of North Dakota. In regard to Senate Bill 2135, he had previously obtained the Attorney General's opinion; thereby following Article 82 and Article 83 of the North Dakota Constitution and the sections of the Code adopted pursuant to the Constitution of the State of North Dakota or particularly Section Section 54-12-01 of Chapter 54-12, that portion of our Code dealing with the duties of the Attorney General and his powers. I would like to cite Subsection 6 which provides that the Attorney General shall consult with and advise the Governor and all the state officers and when requested, give written opinions on all legal or constitutional questions relating to the duties of such officers respectively. Sub Section 8 the Attorney General shall therein, "give written opinions, when requested by either branch of the legislative assembly upon legal questions." In short the Attorney General is the legal advisor of the State of North Dakota. This has been re-affirmed by the Supreme Court of North Dakota many many times, but most impressively in a case entitled State vs Baker cite as 21 N.W. 2d 355, decided on May 26, 1945 by the Supreme Court. I would like to quote for this body's consideration page 364 of that opinion in part. "Thus the attorney general is made the legal adviser of both the legislative assembly and the state officers and it is particularly to be noted that he shall give written opinions to the legislative assembly upon legal questions and shall consult with and advise the governor and all other state officers and, when requested, give opinions not only on all legal questions but also on all constitutional questions relating to the duties of such officers. And the opinions so written must be recorded in a book which must be delivered to his successors in office. Reading this statute we can reach no other conclusion than that the legislature, thus imposing these duties upon the attorney general, made him the chief law officer of the state — the responsible legal adviser for the state auditor as well as for the other state officers, whose opinions shall guide these officers until superseded by judicial decision; that it took note of the fact that these officers are not required to be learned in the law and contemplated that when any constitutional or other legal question arises regarding the performance of an official act their duty is to consult with the attorney general and be guided by the opinion that officer, if requested to do so, must give them. If they follow this course they will perform their duty, and even though the opinion thus given them be later held to be erroneous, they will be protected by it. If they do not follow this course, they will be derelict to their duty and act at their peril."

Members of the Senate, the Lieutenant Governor of North Dakota had no other choice than to cast his vote, either "aye" or "nay" because this was his duty to so act, and may I state further, it is my considered judgment that on an appeal of the Chair on a substantive matter that the Chair cannot abrogate his right to cast his vote. That the only portion of the rules of this Senate that relate to appeal of the Chair is contained in

Rule 11 which relates to procedural matters concerned with order and decorum.

There is absolutely nothing in the rules of this body that the President of the Senate can abrogate or abandon his right to cast his vote because it is his constitutional duty to break a tie when it exists; therefore I would raise the question that the action taken yesterday when the Lieutenant Governor, as presiding officer of this Senate cast his vote, he thereby relieved this body of its responsibility in regard to 2135 unless they move for reconsideration on some other basis. I do not believe that reconsideration would be necessary to fortify the Lieutenant Governor in his decision as the 26th vote in that decision. Therefore members of the Senate I believe that the question is moot unless the Senator wishes to have the matter further considered; because as I understand decisions of the State of North Dakota as promulgated by the Supreme Court in interpreting the Constitution of this state and the statutes of the State of North Dakota, mandate the Lieutenant Governor to act as a deciding vote on substantive matters and that that matter should be properly be dispatched to the House of Representatives for their attention and consideration. Thank you.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1176.** A Bill for an Act to create and enact five new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions; to amend and reenact subsection 9 of section 20.1-01-02 and subsection 16 of section 20.1-02-05 of the North Dakota Century Code, relating to a definition, the power of the state game and fish commissioner to protect endangered species, and the creation of a penalty; and to repeal subsection 29 of section 20.1-01-02 of the North Dakota Century Code, relating to a definition.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1179.** A Bill for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the recovery of medical costs incurred by the social service board on behalf of medical assistance recipients; and to amend and reenact section 50-24.1-02 of the North Dakota Century Code, relating to eligibility for medical assistance and to provide for the application of proceeds received from accident and health care coverage to the costs of medical care and to the assignment of rights accruing under health care coverage to the social service board by applicants or recipients of medical assistance.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1225.** A Bill for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the disclosure of information contained in social service board records and providing a penalty; and to repeal sections 50-06.1-11 and 50-09-13, relating to the disclosure of information contained in vocational rehabilitation records and aid to dependent children records.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1291.** A Bill for an Act to amend and reenact sections 55-08-05 and 55-08-06 of the North Dakota Century Code, relating to charges for services within state parks, and permits for motor vehicles entering state parks.



Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1306.** A Bill for an Act to provide for a mill levy for the rental of buildings, property or classroom space by school districts.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1307.** A Bill for an Act to amend and reenact sections 36-11-07 and 36-11-10 of the North Dakota Century Code, to prevent the owner or possessor of livestock in a grazing area from being liable for property damage or trespass caused by such livestock, to provide establishment of a grazing area by petition to the board of county commissioners, to provide for release of wrongfully distrained livestock in grazing areas and for damages; and to repeal section 36-11-08 of the North Dakota Century Code.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1342.** A Bill for an Act to create and enact a new subsection to section 12.1-30-02 and a new subsection to section 12.1-30-03 of the North Dakota Century Code, relating to the sale of horses on Sunday.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1350.** A Bill for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the authorization of special alcoholic beverage permits; and to amend and reenact sections 53-02-05 and 53-02-09 of the North Dakota Century Code, relating to applications for permits and the refusal and revocation of permits for cause; and declaring an emergency.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1359.** A Bill for an Act to create and enact a new section to chapter 26-21 of the North Dakota Century Code and to create and enact subsection 6 to section 26-21-09 of the North Dakota Century Code, relating to the handling of claims against and the assets of insolvent insurance companies.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1375.** A Bill for an Act to create and enact the Uniform Marriage and Divorce Act, providing procedures for the solemnization and registration of marriage, promoting the amicable settlement of disputes between parties to a marriage, providing for the invalidation of certain marriages and for the dissolution of others, providing for the division of property of the parties, and making reasonable provision for the spouse and minor children during and after litigation, making irretrievable breakdown of the marriage relationship the sole basis for dissolution; to repeal sections 14-03-01, 14-03-02, 14-03-03, 14-03-06, 14-03-07, 14-03-08, 14-03-09, 14-03-17, 14-03-18, 14-03-19, 14-03-21, 14-03-22, 14-06-05, and chapters 14-04, 14-05, 14-06, and 27-05.1 of the North Dakota Century Code, relating to the marital relationship and family court; providing a penalty; and providing an effective date.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1414.** A Bill for an Act to create and enact a new section

to the North Dakota Century Code, relating to the requirement that generic or brand names of drugs or medicines be printed on prescription labels.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1416.** A Bill for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to the powers of township electors, and authorizing expenditure of funds for membership in county, state, and national associations of township government.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1428.** A Bill for an Act to amend and reenact sections 58-03-05, 58-03-10, 58-04-01, 58-04-03, 58-04-19, and 58-07-01 of the North Dakota Century Code, relating to the posting of certain meeting notices by township clerks and to provide instead for publication; and to repeal section 58-03-09 of the North Dakota Century Code, relating to township electors annually designating public places for posting notices.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1437.** A Bill for an Act to amend and reenact sections 32-21-01 and 32-21-05 of the North Dakota Century Code, relating to when action for death by wrongful act maintainable and action not abated by death.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1440.** A Bill for an Act to create and enact a new section to Chapter 6-09 of the North Dakota Century Code, relating to the Bank of North Dakota making bank stock loans.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1442.** A Bill for an Act to create and enact five new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessment of points on driving records for various motorcycle offenses; to amend and reenact section 39-06.1-09, subsection 1 of section 39-10.2-06, and section 39-10.2-07 of the North Dakota Century Code, relating to defining motorcycle offenses as moving violations, clarifying the use of motorcycle helmets, and clarifying penalties; and providing penalties.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1474.** a Bill for an Act to provide for the deferral of certain payments received for crop disasters and proceeds from livestock sold because of drought; to provide an effective date; and declaring an emergency.

Which was read the first time and referred to the Committee on Agriculture.

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

Senator Nething moved that at the conclusion of the 13th Order of Business and after the reading of Senate Bills Nos. 2002, 2013, 2014, 2062, 2064, 2106, 2273, 2277, 2328, 2368, 2369, 2380, 2384, 2411, 2424, 2428, 2429, 2434, 2441, 2465, 2467, 2468, 2498, 2501, 2503, 2506, 2532, 2535, 2536, 2135, 2382,

SCR's 4035, 4044, 4057, and House Bills 1113, 1127, 1156, 1157 and 1199, the Senate adjourn until Monday, February 14, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## THIRTIETH DAY

Bismarck, February 14, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Lionel P.A. Muthiah, United Methodist Church, Bismarck.

"Our Father God, at yet another beginning of this Senate session, we acknowledge you as Lord above all, there is none other but you to whom we owe ultimate responsibility. Indeed this very moment we once again submit ourselves to you.

We thank you for our heritage as Americans and especially for the freedom of expression.

Guide us as we deliberate over the affairs of this State. Help us to be sensitive to one another and to those who elected us above others as their Senators.

Enable us to be courageous in our convictions and yet sympathetic enough to listen to those with whom we disagree. May our human concerns find us rising above our political inclinations.

May time not govern us and prod us to hasty conclusions, but rather may we be slow to arrive at our conclusions and if needs be, lengthy in our discussions.

May we intelligently weigh the pros and cons of each issue, that we might be aware of the wide moral, ethical and physical impact our decisions will have upon our citizens of this state, the State of North Dakota, to which some of us were born into, and to which others of us have chosen to live in.

Help us to be above self and filled with integrity to the higher claims you have placed upon us of honest and sincere service.

Let us see each child, youth, young adult, middle aged, Senior Citizen, male and female, as people who have rights, as people for whom you are concerned, as people whom you have entrusted to our particular care as elected representatives involved in the legislative process. May we always be conscious of the lives which will be affected by our vote. May our minds be at ease in the knowledge that we have done our best.

Receive, O Lord, this prayer and may it rise above mere verbiage and find fulfillment even as your Spirit sensitises us. We ask this in the name of Him who has given all of us dignity, Jesus the Christ. Amen."

The roll was called and all Senators were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-eighth day after recess and twenty-ninth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

#### REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2002

Senate Bill No. 2013

Senate Bill No. 2014

Senate Bill No. 2027

Senate Bill No. 2062

Senate Bill No. 2328

Senate Bill No. 2369

Senate Bill No. 2384

Senate Bill No. 2411

Senate Bill No. 2429

Senate Bill No. 2467

Senate Bill No. 2501

Senate Bill No. 2536

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2106

And find the same correctly Re-engrossed.

SENATOR STRAND, Chairman

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

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2027 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2027 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2141 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 23, delete "except" and insert in lieu thereof the following: "However, if the decedent was a real property owner in a city or county for at least twenty-five years as an adult, that situs for intangible personal property may be maintained for estate tax purposes."

On page 1, delete line 24

On page 2, delete lines 1 through 3

On page 2, line 14, delete "If the decedent specified" and insert in lieu thereof the following: "The location certificate shall reflect the situs of real property as provided by the twenty-five year clause of subsection 6 of section 57-37.1-01 should that situs be selected."

On page 2, delete lines 15 through 18

And renumber the lines and pages accordingly.

And when so amended, recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2141 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2301 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR FREED, Chairman

Senate Bill No. 2301 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2308 has had the same under consideration and recommends that the same be amended as follows:

On page 1 line 10, after the word "more" insert "not presently served by an existing ambulance service"

and renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2308 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2394 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2394 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2417 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2417 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2425 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 17, after "resolution," insert "or any amendment thereto"

On page 2, line 17, delete "twenty-five" and insert in lieu thereof the word "thirty"

On page 2, line 27, after the word "shall" remove beginning triple parentheses.

On page 2, line 30, after the word "thereon" remove ending triple parentheses and delete the words "reconsider such resolution or amendment"

and renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2425 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2469 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2469 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2473 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 4, after the word "personally" insert "or by certified mail

and renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2473 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2496 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 19, after the semicolon delete "or for the leasing or purchase of lands, either within or without the limits of the recreation service district, for the purpose of providing airports or landing fields or for the construction of buildings thereon or the procuring of equipment therefor;

On page 3, line 29, delete "and cemeteries,"

and renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2496 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2497 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2497 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2502 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2502 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2505 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 1, delete the words "the county in"

Renumber the lines, accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

Senate Bill No. 2505 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2507 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2507 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred

Senate Bill No. 2510 has had the same, under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2510 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2517 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 2, after the word "described" insert the following: " , if one of the conditions of either subsections a, e, or i is also alleged"

On page 3, after line 2, insert the following subsections:

i. The defendant is about to remove his residence from the county where he resides with the intention of permanently changing the same, and fails or neglects on demand to give security for the debt upon which the action is commenced.

j. The action is against the owner of any motor vehicle for damages alleged to have been caused by the negligence of such owner or his duly authorized agent, the motor vehicle alleged to have been driven, occupied, or owned by a negligent driver or owner thereof, at the time of such accident, may be attached, if one of the conditions of either subsection a or e is also alleged."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2517 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2519 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2519 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2520 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the remainder of the line after "A BILL" and insert in lieu thereof the following: "for an Act to amend and reenact section 40-45-03 of the North Dakota Century Code, relating to city ordinances regarding police pensions.

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

SECTION 1. AMENDMENT.) Section 40-45-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows: 40-45-03. (((BOARD OF TRUSTEES — OFFICERS — BOND OF TREASURER — COMPENSATION))) ORDINANCES.) The governing body of the city may adopt ordinances relating to the composition of and membership in police pension systems subject to the provisions of this chapter. (((The board of trustees for management of the police pension fund shall consist of the chief of police, the city auditor, the city attorney ex officio, and two persons elected by and from the members of the police department who are currently being assessed. No member shall be eligible for election until he or she has eight years' service. The election shall be held on the second Tuesday in June of each



year. Each elected member shall serve for a term of two years. The terms of elected members shall commence on July first of each year. The chief of police shall be the president and the city auditor shall be the treasurer of the board. The faithful performance of the duties of the treasurer shall be secured by his official bond as the city auditor. Such trustees shall receive no compensation for their services as members of the board.)))

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2520 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4032 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4032 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4034 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4034 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4046 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 19, after the word "technical" delete the word "assitance" and insert in lieu thereof the word "assistance"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4046 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4047 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4047 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4048 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4048 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Concurrent Resolution No. 4050 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

Senate Concurrent Resolution No. 4050 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4052 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 2, after the word "practices" delete the word "or" and insert in lieu thereof the word "of"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4052 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4058 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 30, after the word "and" insert the following new language: "that the Secretary of State forward copies of this resolution to the State Board of Higher Education, the board of county commissioners of each county, and the governing body of each city in the state; and"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4058 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1210 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1210 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2263, 2279, 2360, 2372, 2440, 2515, SCR's 4040, 4042 and 4045 be dispensed with, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2263 as recommended by the Committee on Political Subdivisions as printed on page 555 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the amendments to Senate Bill No. 2279 as recommended by the Committee on Natural Resources as printed on page 556 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2360 as recommended by the Committee on Political Subdivisions as printed on page 556 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2372 as recommended by the Committee on Political Subdivisions as printed on page 557 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2440 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 557 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Bill No. 2515 as recommended by the Committee on Agriculture as printed on pages 558 and 559 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Concurrent Resolution 4040 as recommended by the Committee on Agriculture as printed on page 560 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Concurrent Resolution 4042 as recommended by the Committee on Agriculture as printed on page 561 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to Senate Concurrent Resolution 4045 as recommended by the Committee on Agriculture as printed on page 561 of the Senate Journal be adopted, which motion prevailed.

#### RECOGNITION

Senator Nething announced that the Senate is honored today to have in the chamber the Honorable Milton R. Young, and moved that the President appoint a committee of one to escort the Honorable Milton R. Young to the rostrum to receive his message. The motion prevailed and the President appointed Senator Sandness. Senator Young was escorted to the rostrum and addressed the Senate.

Senator Nething moved that the remarks of the Honorable Milton R. Young be printed in the Journal, which motion prevailed.

#### REMARKS BEFORE NORTH DAKOTA SENATE

SENATOR MILTON R. YOUNG

February 14, 1977

It is a pleasure to be with you again today. Although all the members here are new since my time here in the Senate, I still feel a close friendship with you.

I have been following your proceedings very closely and especially those involving Garrison Diversion. You have been going a good job handling this and other difficult problems. I have a feeling there has even been some improvement here since I left!

Your strong support of Garrison Diversion, as well as that of all of our public officials and almost every organization in the whole state—and especially the press, has greatly strengthened our position. Keep it up.

I need not tell you that we are in deep trouble with the Garrison Diversion Project. Most of the opposition is coming from a small minority of environmental extremists who are well financed and well organized. It is alarming to me that such a minority can be so powerful and have so much influence both here and in Canada. This is not to say that environmentalists haven't done some good—they have. It is the extremists that are so unreasonable and it is they who have been quite effective in arousing unjustified opposition.

Garrison Diversion isn't the only major Federal project in trouble. At least 16 other major water and power projects throughout the United States have either been stopped entirely or have had construction held up by court injunctions sponsored by these same environmentalists.

Only two weeks ago, on February 1, construction on a TVA Dam in Tennessee was halted by court action. This \$116 million Tellico Dam near Knoxville was all but completed when all work on it was halted by court injunction. Just the power generation from this dam alone would be sufficient to heat a city of 20,000 homes.

What happened was that environmentalists recently found a little three-inch Snail Darter Fish in this river. This little fish wasn't listed as

an endangered species until recently when the construction of the dam was almost completed. TVA even offered to relocate these little fish, but that wasn't enough. The court imposed injunction has been appealed to the Supreme Court. I cite this case, because it is so similar to the problems of Garrison Diversion and most water projects all over the United States.

The list of endangered species of much similar fish, snails and shrimp, has now grown to over 120. Thus, a great many more water projects that people want so badly and on which a considerable amount of money has already been spent, will face the same court injunctions.

Until recent years—and long after large amounts of money had been spent for investigations and construction, we encountered practically no opposition to Garrison Diversion. Only recently have some environmental extremists decided it didn't meet their own brand of standards, and as you know, they are now seeking a court injunction to stop construction of the project. If they should succeed, we will have no alternative but to appeal to a higher court. This project has long been a hope and dream of our people and the most important in the history of our state. We will continue our fight no matter what it takes.

The long delays and slowdown in construction have already added at least \$150 million to the cost of this project. Our most serious problem of all is to reconcile our differences with Canada. Our own environmentalists have been presenting an inaccurate and distorted picture of Garrison Diversion to our friends in Canada for years. Far too many supporters of Garrison Diversion didn't realize the damage these environmentalists were doing to our project in Canada. We must do a better job from now on. I can't help but feel that once the Canadians have all the facts, most of our problems with them will be resolved.

Nationally, our most serious problem now is energy and we have made very little progress in solving it. The severe shortages of natural gas and other energy sources of the last few months ought to, and I believe have, instilled in our people a greater determination to do more to become self-sufficient in energy.

As serious as the energy problem has been, some good may come from it. Maybe some of these environmental extremists won't be as effective in the future in blocking the development of new sources of energy.

It wouldn't be too difficult to solve our energy problems if it weren't for the unreasonable obstacles placed in the way of almost every attempt undertaken to find new energy sources and to make present energy reserves available.

We have huge natural gas reserves in Alaska, but we need a means of getting it to our people in the lower 48 states. Japan is now getting practically all of the natural gas now being produced in Alaska.

It took four years to get the Alaska Oil Pipeline approved by Congress and to overcome all the roadblocks placed in its way by environmentalists. After nearly ten years, we will finally be getting oil from Alaska later this year.

Congress has authorized a pipeline to get the huge Alaskan gas reserves to the lower 48 states, but it may take another three years or more before this pipeline even gets under construction because of the same opposition that held up construction of the oil pipeline. We wouldn't have had the serious energy problem now if the Alaska reserves had been available.

We have huge reserves of oil shale. Again, mostly because of the environmental requirements, this energy source may not be used for years to come.

Almost every nuclear power plant has been involved in long drawn out court action. Some have been stopped entirely and especially on the East Coast where they are most needed.

Only last Friday the Virginia Power and Light Company stopped work on two of its eight nuclear plants. They stated in this country that sired the nuclear industry, it takes eleven years to build a nuclear power generating station. They said in other countries it takes half that time at no sacrifice in safety. This is another example of how environmental sponsored requirements have caused long and unnecessary delays, and greatly increased the cost of power.

If we were permitted to go ahead with the so-called fast breeder reactor process in using waste atomic fuels, we would have an almost inexhaustible supply of energy. Some of the objections to this new process have merit, but I can't help but feel that they can be overcome.

We have enormous supplies of coal that could be converted into almost any kind of energy. No one knows better than you in this legislature the problems of expanding use of this energy resource North Dakota has passed one of the best strip mining laws of any state. We have made reasonable progress but we haven't broken any speed records!

I could go on and on in discussing this energy problem and possible solutions. I haven't even mentioned solar power — one of the greatest potential sources of all. We will continue to be at the mercy of a few oil rich countries and environmental extremists unless we do much more than we have to solve our energy problems. North Dakota and the surrounding area is most fortunate in having an abundant supply of cheap power. One of the great sources of power is from the five big hydroelectric dams on the Missouri River.

The construction of these dams, too, has ended the almost yearly destructive floods all along the Missouri River. They have many other benefits such as water for irrigation, municipalities, recreation and navigation. There was strong opposition to the construction of these dams, too. I was right in the middle of all the many problems and objections to the Garrison Dam. Some of these objections were justified. Many lost their land—both Indian and White. Regardless of the great benefits of these dams, they could never be constructed today under present environmental requirements.

We are fortunate, too, in having considerable oil and even some gas production in North Dakota. Even though we in North Dakota have few energy problems, we do have an obligation to help solve this critical national problem.

In closing, I would be remiss if I didn't give just a little recognition to some of my old friends among the environmental extremists. My association with them began several years ago when I succeeded in getting an Omega Navigational System installation located near my home town of LaMoure. This Omega Station is one of eight located throughout the world and part of a very important new navigation system. These same extremists did everything they could to stop this project.

They were able to get a great amount of statewide publicity charging, among other things, that this 1200 foot Omega tower could cause a

massive bird kill. They even tried to get the Canadians to oppose this project claiming that it violated some bird agreement we have with Canada.

After considerable investigation by some of the best authorities on bird migrations, they came to the conclusion that this little tower was not the menace they claimed. The birds and all the waterfowl had more sense than they were given credit for. They have been avoiding this tower ever since—but the environmental extremists are still in my hair!

Thank you for permitting me to be your guest again today.

#### POINT OF PERSONAL PRIVILEGE

Senator Larson:

Mr. President: I rise on a point, of personal privilege, and request that my remarks be printed on the Journal. In my 20 years of service in the legislature I have rarely taken the time of the Assembly on a personal statement but, I am very much concerned about the fact that we are not getting a decision on whether the Lt. Governor has a Constitutional duty to vote in this Assembly or not. It's now been over two weeks since this case was argued before the Supreme Court. Last week we had a tie vote in this assembly, causing a question to be raised whether a bill has passed or not, this could happen time and time again during the remainder of this session or even today.

I am concerned for the people of the State of North Dakota — whom we represent. My concern is that some very important legislation, could well be defeated on a tie vote. I firmly believe that the Supreme Court should disqualify themselves in this case due to the vested interest they now have in pending legislation such as their ten thousand dollar salary increase and the proposed Supreme Court building.

We need a decision now on whether the Lt. Governor must follow the Attorney General's Opinion and vote, or the rules of the Senate and not vote. We don't need this decision after this session is over. Thank you.

#### FIRST READING OF SENATE BILLS AND RESOLUTIONS

Committee on Delayed Bills introduced:

Senate Bill No. 2547. A Bill for an Act to amend and reenact subdivision a of subsection 4 and subdivision b of subsection 5 of section 65-01-02 of the North Dakota Century Code, relating to the definition of hazardous employment and the exclusions from the definition of employee; and providing for an effective date.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Delayed Bills introduced:

Senate Bill No. 2548. A Bill for an Act making an appropriation to the North Dakota state water commission for the purpose of the investigation, design, and development of a plan for the supplementation of the water resources of Dickinson and southwestern North Dakota with water from the Missouri River.

Was read the first time and referred to the committee on Appropriations.

Committee on Delayed Bills introduced:

Senate Concurrent Resolution No. 4069. A concurrent resolution congratulating the Doris Nelson Rink of Devils Lake, the Ken Kistner Rink of Fargo, and the Don Barcome, Jr., Rink of Grand Forks for their recent curling championships and wishing them well in their upcoming national and international competition.

Was read the first time.

Senator Jones moved that the rules be suspended, that Senate Concurrent Resolution No. 4069 not be printed as a bill, not referred to a committee, but 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. 4069**

Introduced by Committee on Delayed Bills.

A concurrent resolution congratulating the Doris Nelson Rink of Devils Lake, the Ken Kistner Rink of Fargo, and the Don Barcome, Jr., Rink of Grand Forks for their recent curling championships and wishing them well in their upcoming national and international competition.

WHEREAS, curling is one of the fastest growing and most popular winter sports in North Dakota among persons of all ages; and

WHEREAS, North Dakota rinks have done exceedingly well in national and international competition the past few years, including national championships in men's and junior competition; and

WHEREAS, the Doris Nelson Rink of Devils Lake took top honors in the North Dakota Women's Curling Championship held in January in Grafton, and now goes on to the national bonspiel at Wilmette, Illinois, February 21-24, 1977; and

WHEREAS, members of the Doris Nelson Rink are Doris Nelson, who is a sister of Senator Harvey Tallackson, Lois Storsteen, Jan Olson, and Linda Schmaltz; and

WHEREAS, the Don Barcome, Jr., Rink of Grand Forks captured its second straight National Junior Curling Championship in Detroit, Michigan, February 6, and now advances to the World Curling Championships beginning February 28, 1977, in Quebec City, Canada; and

WHEREAS, members of the Don Barcome, Jr., Rink are Don Barcome, Jr., Dale and Gary Mueller, and Earl Barcome; and

WHEREAS, the Ken Kistner Rink of Fargo captured the North Dakota Curling Championship February 21 at Rolla and now advances to the national championships starting February 28 at Northbrook, Illinois; and

WHEREAS, members of the Ken Kistner Rink are Ken Kistner, Larry Budish, Darrell Trautman, and Mark Bohn;

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

That the Forty-fifth Legislative Assembly extends its sincere congratulations to the Doris Nelson, Don Barcome, Jr., and Ken Kistner Rinks for winning their respective curling championships, and that the Assembly joins with all North Dakotans in wishing these excellent curlers the very best of luck in their national and international competition, knowing full well that these teams will uphold the fine athletic and curling traditions of past North Dakota champions; and

**BE IT FURTHER RESOLVED,** that the Secretary of State send copies of this resolution to the Grand Forks Curling Club, the Fargo Curling Club, the Devils Lake Curling Club, and to each member of the three rinks listed herein.

**SECOND READING OF SENATE RESOLUTIONS**

Senate Concurrent Resolution No. 4069. A concurrent resolution congratulating the Doris Nelson Rink of Devils Lake, the Ken Kistner Rink of Fargo, and the Don Barcome, Jr., Rink of Grand Forks for their

recent curling championships and wishing them well in their upcoming national and international competition.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Jones moved that the resolution be adopted, which motion prevailed and Senate Concurrent Resolution No. 4069 was adopted.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1002. Budgets — Department of Accounts and Purchases** — A Bill for an Act making an appropriation for defraying the expenses of various divisions thereof of the state of North Dakota and which are under the supervision of the director of accounts and purchases.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1017. Deficiency Appropriations** — A Bill for an Act making an appropriation for defraying expenses of the various departments of the government of the state of North Dakota and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1018. A Bill for an Act to provide for community water facility loans through the Bank of North Dakota in conjunction with federal moneys; defining community water facility; and providing for a transfer of funds to a revolving fund, loan application approval, fund supervision and administration, fund purposes, loan terms, loan eligibility, project service area alternatives, rules and regulations, and powers of the Bank of North Dakota in relation to loans.**

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1190. A Bill for an Act to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to the provision of family planning services and the treatment of minors for alcoholism without their parents' permission.**

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1497. A Bill for an Act to reduce the danger of rangeland and cropland fire during dry conditions by regulating, restricting, and prohibiting certain activities in certain areas by proclamation; and providing penalties.**

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1503. A Bill for an Act to amend and reenact sections 11-11-18 and 24-05-04 of the North Dakota Century Code, relating to lease-purchase agreements for the purchase of county road machinery and voting by the electorate on extraordinary outlays of money by a county; and declaring an emergency.**

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1525. A Bill for an Act to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of district courts; and to amend and reenact sections 20.1-10-01 and 27-07-02 of the North Dakota Century Code, relating to confiscation of material by game and fish officials and jurisdiction of county courts.**



Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1532.** A Bill for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to the confidentiality of toxicological or chemical analysis by the office of state toxicologist under certain circumstances.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2405.** A Bill for an Act to amend and reenact section 57-22-02.1 of the North Dakota Century Code, relating to the county auditor publishing a list and maintaining a record of delinquent personal property taxes; and eliminating the requirement of publication in the official county newspaper.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |             |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|-------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL   |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON  |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES     |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER   |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON    |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE       |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS      |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU       |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND   |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN    |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2414.** A Bill for an Act to amend and reenact section 7-02-14 of the North Dakota Century Code, relating to extending powers granted federally chartered savings and loan associations to state-chartered associations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 39; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |             |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|-------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL   |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON  |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES     |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER   |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON    |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE       |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS      |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU       |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND   |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN    |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2414 was declared lost.

**Senate Bill No. 2457.** A Bill for an Act to provide power in trustee to convey and transfer real estate.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 500) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2461. A Bill for an Act to create and enact a new section to chapter 38-08.1 of the North Dakota Century Code, relating to the inspection of drill holes and costs for same.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 41; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2461 was declared lost.

Senate Bill No. 2471. A Bill for an Act to amend and reenact Section 13-04-01 of the North Dakota Century Code, relating to installment loan bank charges.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 500) the roll was called and there were ayes, 37; nays, 8; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**Senate Bill No. 2477.** A Bill for an Act to create and enact a new section to chapter 26-21 of the North Dakota Century Code, relating to the handling of claims against and the assets of insolvent insurance companies; and to create and enact subsection 6 to section 26-21-09 of the North Dakota Century Code, relating to powers and duties of commissioner of insurance and his deputies in receivership proceedings.

Which has been read. MOTION

Senator Lips requested the unanimous consent of the Senate to withdraw Senate Bill 2477. There being no objection, the request was granted, and Senate Bill 2477 was withdrawn.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2504.** A Bill for an Act to provide medical expense payments through the state social service board on behalf of certain qualified children for catastrophic illness, and to provide an appropriation.

Which has been read.

MOTION

Senator Lashkowitz moved that Senate Bill 2504 be re-referred to the Committee on Appropriations, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2512.** A Bill for an Act to amend and reenact section 39-12-03 of the North Dakota Century Code, relating to weight limitations for vehicles on highways and charges for extraordinary use of highways.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 13; nays, 33; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |      |          |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------|----------|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |      |          |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS |
| •                   |     | •    | JACOBSON   | •   |      | •    | NAADEN   | •    | SMYKOWSKI        | •   | •    |
| •                   |     |      | JONES      | •   |      | •    | NELSON   | •    | SOLBERG          | •   |      |
|                     | •   |      | KRAUTER    | •   |      | •    | NETHING  | •    | STRAND           | •   |      |
|                     |     | •    | LARSON     | •   |      | •    | ORANGE   | •    | STRINDEN         | •   |      |
| •                   |     |      | LASHKOWITZ | •   |      | •    | PETERSON | •    | TALLACKSON       | •   |      |
|                     | •   |      | LEE        | •   |      | •    | PIETRON  | •    | TENNEFOS         | •   |      |
|                     |     | •    | LIPS       | •   |      | •    | RAIT     | •    | THANE            | •   |      |
| •                   |     |      | LODOEN     | •   |      | •    | REDLIN   | •    | VOSPER           | •   |      |
|                     | •   |      | MAHER      | •   |      | •    | REITEN   | •    | WALSH            | •   |      |
|                     |     | •    | MAU        | •   |      | •    | SANDNESS | •    | WENSTROM         | •   |      |
|                     | •   |      | MELLAND    | •   |      | •    | SANDS    | •    | WRIGHT           | •   |      |
|                     |     | •    | MILLER     | •   |      | •    | SCHIRADO | •    | MR. PRESIDENT    |     |      |
|                     | •   |      | MORGAN     | •   |      | •    | SHABLOW  |      |                  |     |      |

Senate Bill No. 2512 was declared lost.

**CONFIRMATION SESSION**

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

**REPORT OF STANDING COMMITTEES  
CONCERNING GOVERNOR'S APPOINTMENTS**

Mr. President:

Your Committee on State & Federal Government recommends that the Senate do advise and consent to the following Governor's appointment:

Director of Institutions  
Edward J. Klecker

SENATOR JONES, Chairman

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

Mr. President:

Your Committee on State & Federal Government recommends that the Senate do advise and consent to the following Governor's appointment:  
State Social Services Board

Marvin Mutzenberger

SENATOR JONES, Chairman

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

Mr. President:

Your Committee on Education recommends that the Senate do advise and consent to the following Governor's appointments:

Higher Education Facilities Commission

Dr. J. Kenneth Galloway July 1, 1975 - July 1, 1978

Mr. Kenneth Urdahl, Sr. July 1, 1976 - July 1, 1979

Mr. Richard P. Rausch July 1, 1977 - July 1, 1980

SENATOR SANDNESS, Chairman

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

Mr. President:

Your Committee on Education recommends that the Senate do advise and consent to the following Governor's appointments:

State Board of Public School Education

Mr. Richard Hilborn July 1, 1976 - July 1, 1982

Mr. Donald J. Lange July 1, 1976 - July 1, 1982

SENATOR SANDNESS, Chairman

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

Mr. President:

Your Committee on Education recommends that the Senate do advise and consent to the following Governor's appointment:

State Board of Higher Education

Mr. Milton Hertz July 1, 1976 - July 1, 1983

SENATOR SANDNESS, CHAIRMAN

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

Mr. President:

Your Committee on Education recommends that the Senate do advise and consent to the following Governor's appointments:

Council on the Arts and Humanities

Mr. Richard H. Smith July 1, 1977 - July 1, 1982

Ms. Nancy P. Swenson July 1, 1977 - July 1, 1982

Mrs. Winifred Stump July 1, 1977 - July 1, 1982

Ms. Kay Cann July 1, 1977 - July 1, 1982

Mr. John H. Rogers July 1, 1977 - July 1, 1982

Mrs. Leo (Alma) Studness July 2, 1975 - July 1, 1978

SENATOR SANDNESS, CHAIRMAN

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

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

MOTION

Senator Jones moved that Senate Bill No. 2380 be re-referred to the Committee on State and Federal Government, which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2126  
 Senate Bill No. 2177  
 Senate Bill No. 2190  
 Senate Bill No. 2199  
 Senate Bill No. 2262  
 Senate Bill No. 2334  
 Senate Bill No. 2342  
 Senate Bill No. 2343  
 Senate Bill No. 2401  
 Senate Bill No. 2403  
 Senate Bill No. 2412  
 Senate Bill No. 2418  
 Senate Bill No. 2442  
 Senate Bill No. 2456  
 Senate Bill No. 2509

LEO LEIDHOLM, Secretary

Senator Nething moved that after the reading of Senate Bills 2027, 2263, 2279, 2301, 2360, 2372, 2394, 2417, 2440, 2469, 2497, 2502, 2507, 2510, 2515, 2519, SCR's 4032, 4034, 4040, 4042, 4045, 4047, 4048 4050 and House Bill 1210, the Senate recess until Tuesday, February 15, 1977 at 12:30 P. M., which motion prevailed.

LEO LEIDHOLM, Secretary

## THIRTIETH DAY AFTER RECESS AND THIRTY-FIRST DAY

Bismarck, February 15, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2263

Senate Bill No. 2279

Senate Bill No. 2360

Senate Bill No. 2372

Senate Bill No. 2440

Senate Bill No. 2515

Senate Concurrent Resolution No. 4040

Senate Concurrent Resolution No. 4042

Senate Concurrent Resolution No. 4045

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## MOTIONS

Senator Nething moved that Senate Bill No. 2273 be placed ahead of Senate Bill No. 2434 on the calendar, which motion prevailed.

Senator Nething moved that Senate Bills Nos. 2273 and 2434 be laid over two legislative days, which motion prevailed.

## MOTIONS

Senator Sandness moved that Senate Concurrent Resolution No. 4051 be returned from the Committee on Education, which motion prevailed.

Senator Sandness moved that Senate Concurrent Resolution No. 4051 be re-referred to the Committee on Constitutional Revision, which motion prevailed.

Senator Lodoen moved that Senate Bill No. 2489 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

Senator Lodoen requested the unanimous consent of the Senate to withdraw Senate Bill No. 2489. There being no objection the request was granted, and Senate Bill No. 2489 was withdrawn.

Senator Lee moved that Senate Bills 2423, 2144, 2124, 2142, 2143 and 2254 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed. Senator Lee requested the unanimous consent of the Senate to withdraw Senate Bills 2423, 2144, 2124, 2142, 2143 and 2254. There being no objection, the request was granted and these bills were withdrawn.

Senator Jones moved that Senate Bill No. 2380 be returned to the Senate

floor from the Committee on State and Federal Government which motion prevailed.

Senator Jones moved that Senate Bill No. 2380 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that the Senate reconsider the action whereby Senate Bill No. 2485 lost, which motion prevailed on a division vote.

Senator Nething moved that Senate Bill No. 2485 be placed at the foot of the calendar, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

Senator Mau: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, this morning in our State and Federal Government Committee, action was taken, as a result of earlier action, we passed out Senate Bill 2380 which was unanimous coming out of committee. As amended, the bill was introduced and there were changes made in committee. The changes that were made in committee improved the bill. The committee and the reflection of the changes that were made in that State and Federal government committee are often reflections on the integrity of that committee. After this bill was passed out, and for what reasons I don't know and it is probably immaterial, but for any caucus to impose itself on the judgment of a committee after that judgment has been amended is a breach in the legislative process of this Senate and be it the Republican Caucus, the Democratic Caucus, or any other caucus, the stand that after a bill has come out of committee unanimous, to force that bill back into committee to be amended back to its original form is not in the best interests of the people of this state and this is my own personal feeling as a member of that committee and I would feel the same had it been my bill or had it been Senator Jone's bill, which it was.

#### COMMUNICATION

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

February 11, 1977

The Honorable Wayne Sanstead  
President of the Senate  
North Dakota State Senate  
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that, pursuant to Section 15-10-02 of the North Dakota Century Code, I have appointed Mr. S. Bryce Streibel, Fessenden, North Dakota, to a regular seven year term on the State Board of Higher Education effective July 1, 1977, and extending to July 1, 1984, subject to Senate confirmation.

Enclosed is a resume of Mr. Streibel.

Sincerely yours,  
ARTHUR A. LINK  
Governor

The President referred the above appointment to the Committee on Education.

#### FIRST READING OF SENATE BILLS AND RESOLUTIONS

Senator Thane introduced:

Senate Concurrent Resolution No. 4070. A concurrent resolution

directing the Legislative Council to study the feasibility of and necessity for a Midwestern Regional Education Compact.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senator Orange introduced:

**Senate Concurrent Resolution No. 4071.** A concurrent resolution directing the Legislative Council to study the alternative methods of providing an equitable means of airport financing.

Was read the first time and referred to the Legislative Council Resolutions Committee.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2135.** A Bill for an Act to create and enact two new sections to chapter 50-01 of the North Dakota Century Code, relating to reimbursement to counties by the social service board of North Dakota for county general assistance payments, and social service board financial participation in the costs of county social services; and to create and enact a new section to chapter 50-18 of the North Dakota Century Code, relating to establishing reasonable rates payable to boarding homes for the aged and infirm for the care of recipients of general assistance.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 25; nays, 25; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |           |      |      |     |                  |      |     |               |
|---------------------|-----|------|------------|-----------|------|------|-----|------------------|------|-----|---------------|
| REGULAR SESSION     |     |      |            | ROLL CALL |      |      |     | 1977 LEGISLATURE |      |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS | N-V | NAYS             | YEAS | N-V | NAYS          |
| •                   |     | •    |            |           | •    |      |     | •                |      |     | •             |
| •                   |     |      | JACOBSON   |           | •    |      |     | NAADEN           |      |     | SMYKOWSKI     |
| •                   |     |      | JONES      |           | •    |      |     | NELSON           |      |     | SOLBERG       |
| •                   |     |      | KRAUTER    |           |      |      |     | NETHING          |      |     | STRAND        |
| •                   |     |      | LARSON     |           |      |      |     | ORANGE           |      |     | STRINDEN      |
| •                   |     |      | LASHKOWITZ |           | •    |      |     | PETERSON         |      |     | TALLACKSON    |
| •                   |     |      | LEE        |           |      |      |     | PIETRON          |      |     | TENNEFOS      |
| •                   |     |      | LIPS       |           | •    |      |     | RAIT             |      |     | THANE         |
| •                   |     |      | LODOEN     |           | •    |      |     | REDLIN           |      |     | VOSPER        |
| •                   |     |      | MAHER      |           |      |      |     | REITEN           |      |     | WALSH         |
| •                   |     |      | MAD        |           |      |      |     | SANDNESS         |      |     | WENSTROM      |
| •                   |     |      | MELLAND    |           | •    |      |     | SANDS            |      |     | WRIGHT        |
| •                   |     |      | MILLER     |           |      |      |     | SCHIRADO         |      |     | MR. PRESIDENT |
| •                   |     |      | MORGAN     |           | •    |      |     | SHABLOW          |      |     |               |
| •                   |     |      |            |           |      |      |     |                  |      |     |               |

President Sanstead announced he was voting to cast the 26th "aye" vote, thus passing Senate Bill No. 2135.

Senator Nothing challenged the decision of the Chair to cast his vote.

President Sanstead refused to accept the motion to challenge the decision of the Chair.

Senator Strinden challenged the right of the Lt. Governor to vote, listing the Attorney General's opinion where he has conflicting opinions of his own. He cites that the office had occasion to comment on the same issue, Feb. 19, 1945. He stated that the Lieutenant Governor is not a member-elect of the Senate. At that time there were no appellate court decisions squarely on the issue presented. I would cite, Mr. President, members of the Senate that in changing the Attorney General's ruling, he cited cases of Delaware and Montana. We have not had a case decided on the Constitution of the State of North Dakota. That issue is still before the Supreme Court of our great state. Until such time as the Supreme Court, State of North Dakota should rule, I would certainly challenge the right of the Lieutenant Governor to cast a vote.



## MOTION

Senator Nething moved that the Senate recess until 1:45 P.M., which motion prevailed.

The Senate reconvened, President Sanstead presiding.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2001 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 22, delete the numerals "32,708,070" and insert in lieu thereof the numerals "32,783,634"

On page 1, line 23, delete the numerals "3,801,730" and insert in lieu thereof the numerals "3,748,152"

On page 1, line 24, delete the numerals "4,543,891" and insert in lieu thereof the numerals "4,470,579"

On page 2, line 4, delete the numerals "42,903,380" and insert in lieu thereof the numerals "42,852,054"

On page 2, line 5, delete the numerals "10,657,448" and insert in lieu thereof the numerals "10,416,893"

On page 2, line 6, delete the numerals "32,245,932" and insert in lieu thereof the numerals "32,435,161"

On page 2, line 8, delete the numerals "34,458,932" and insert in lieu thereof the numerals "34,648,161"

On page 2, line 10, delete the numerals "6,786,694" and insert in lieu thereof the numerals "7,115,786"

On page 2, delete line 11

On page 2, line 12, delete the numerals "1,865,415" and insert in lieu thereof the numerals "1,842,159"

On page 2, line 13, delete the numerals "374,776" and insert in lieu thereof the numerals "366,395"

On page 2, line 15, delete the numerals "1,662,534" and insert in lieu thereof the numerals "2,240,000"

On page 2, line 16, delete the numerals "10,846,914" and insert in lieu thereof the numerals "11,719,704"

On page 2, line 18, delete the numerals "8,257,914" and insert in lieu thereof the numerals "9,130,704"

On page 2, line 22, delete the numerals "3,568,668" and insert in lieu thereof the numerals "3,407,144"

On page 2, line 23, delete the numerals "3,808,297" and insert in lieu thereof the numerals "4,105,582"

On page 2, line 27, delete the numerals "36,082,908" and insert in lieu thereof the numerals "36,308,669"

On page 2, line 29, delete the numerals "28,029,059" and insert in lieu thereof the numerals "28,254,820"

On page 2, line 31, delete the numerals "29,700,959" and insert in lieu thereof the numerals "29,926,720"

On page 2, line 34, delete the numerals "1,356,321" and insert in lieu thereof the numerals "1,359,767"

On page 2, line 35, delete the numerals "84,186" and insert in lieu thereof the numerals "81,817"

On page 3, line 1, delete the numerals "273,099" and insert in lieu thereof the numerals "269,379"

On page 3, line 5, delete the numerals "1,864,736" and insert in lieu thereof the numerals "1,862,093"

On page 3, line 7, delete the numerals "1,348,646" and insert in lieu thereof the numerals "1,346,003"

On page 3, line 8, delete the numerals "50,042" and insert in lieu thereof the numerals "70,042"

On page 3, line 10, delete the numerals "1,398,688" and insert in lieu thereof the numerals "1,416,045"

On page 3, line 12, delete the numerals "603,495" and insert in lieu thereof the numerals "606,118"

On page 3, line 13, delete the numerals "94,834" and insert in lieu thereof the numerals "92,164"

On page 3, line 14, delete the numerals "107,786" and insert in lieu thereof the numerals "104,751"

On page 3, line 15, delete the numerals "107,846" and insert in lieu thereof the numerals "121,846"

On page 3, line 16, delete the numerals "913,961" and insert in lieu thereof the numerals "924,879"

On page 3, line 18, delete the numerals "552,085" and insert in lieu thereof the numerals "563,003"

On page 3, line 21, delete the numerals "601,185" and insert in lieu thereof the numerals "612,103"

On page 3, line 23, delete the numerals "1,999,873" and insert in lieu thereof the numerals "2,028,148"

On page 3, line 27, delete the numerals "10,443,000" and insert in lieu thereof the numerals "10,470,739"

On page 3, line 28, delete the numerals "1,180,036" and insert in lieu thereof the numerals "1,161,208"

On page 3, line 29, delete the numerals "1,851,354" and insert in lieu thereof the numerals "1,817,953"

On page 3, line 32, delete the numerals "14,123,948" and insert in lieu thereof the numerals "14,099,548"

On page 3, line 34, delete the numerals "11,459,528" and insert in lieu thereof the numerals "11,435,038"

On page 4, line 1, delete the numerals "11,997,523" and insert in lieu thereof the numerals "11,973,033"

On page 4, line 3, delete the numerals "3,975,496" and insert in lieu thereof the numerals "4,100,967"

On page 4, line 4, delete the numerals "811,014" and insert in lieu thereof the numerals "823,878"

On page 4, line 5, delete the numerals "331,073" and insert in lieu thereof the numerals "324,542"

On page 4, line 9, delete the numerals "5,496,077" and insert in lieu thereof the numerals "5,627,881"

On page 4, line 11, delete the numerals "4,561,077" and insert in lieu thereof the numerals "4,692,881"

On page 4, line 13, delete the numerals "4,793,277" and insert in lieu thereof the numerals "4,925,081"

On page 4, line 15, delete the numerals "8,138,634" and insert in lieu thereof the numerals "8,158,888"

On page 4, line 16, delete the numerals "1,037,349" and insert in lieu thereof the numerals "1,024,018"

On page 4, line 17, delete the numerals "433,579" and insert in lieu thereof the numerals "443,488"

On page 4, line 21, delete the numerals "10,109,041" and insert in lieu thereof the numerals "10,125,873"

On page 4, line 23, delete the numerals "8,122,384" and insert in lieu thereof the numerals "8,139,216"

On page 4, line 25, delete the numerals "8,703,384" and insert in lieu thereof the numerals "8,720,216"

On page 4, line 27, delete the numerals "2,790,156" and insert in lieu thereof the numerals "2,940,335"

On page 4, line 28, delete the numerals "384,309" and insert in lieu thereof the numerals "385,340"

On page 4, line 29, delete the numerals "523,534" and insert in lieu thereof the numerals "518,361"

On page 4, line 33, delete the numerals "3,976,171" and insert in lieu thereof the numerals "4,122,208"

On page 4, line 34, delete the numerals "725,473" and insert in lieu thereof the numerals "708,102"

On page 4, line 35, delete the numerals "3,250,698" and insert in lieu thereof the numerals "3,414,106"

On page 5, line 2, delete the numerals "3,439,569" and insert in lieu thereof the numerals "3,602,977"

On page 5, line 4, delete the numerals "3,903,025" and insert in lieu thereof the numerals "4,033,899"

On page 5, line 5, delete the numerals "619,050" and insert in lieu thereof the numerals "610,924"

On page 5, line 6, delete the numerals "311,942" and insert in lieu thereof the numerals "317,779"

On page 5, line 10, delete the numerals "5,180,864" and insert in lieu thereof the numerals "5,309,449"

On page 5, line 12, delete the numerals "4,415,900" and insert in lieu thereof the numerals "4,544,485"

On page 5, line 14, delete the numerals "4,632,400" and insert in lieu thereof the numerals "4,760,985"

On page 5, line 23, delete the numerals "5,454,065" and insert in lieu thereof the numerals "6,747,183"

On page 5, delete line 24

On page 5, line 25, delete the numerals "1,809,850" and insert in lieu thereof the numerals "1,872,735"

On page 5, line 26, delete the numerals "980,206" and insert in lieu thereof the numerals "1,140,525"

On page 5, line 28, delete the numerals "8,332,543" and insert in lieu thereof the numerals "9,828,751"

On page 6, line 2, delete the numerals "108,117,562" and insert in lieu thereof the numerals "116,091,836"

On page 6, line 3, delete the numerals "37,756,803" and insert in lieu thereof the numerals "38,995,085"

On page 6, line 4, delete the numerals "145,874,365" and insert in lieu thereof the numerals "155,086,921"

On page 6, line 27, delete the word "forty-fourth" and insert in lieu thereof the word "forty-fifth"

On page 7, after line 11, insert the following section:

"SECTION 6. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,242,080.00, or so much thereof as may be necessary, to the state board of higher education for the purpose of installing power plant emission control systems at the University of North

Dakota, North Dakota State University, North Dakota State School of Science, and Valley City State College during the biennium beginning July 1, 1977, and ending June 30, 1979."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

**STATEMENT OF PURPOSE OF AMENDMENTS:**

These amendments reflect the following reductions made to the fees and services and supplies and materials in certain areas to reflect an estimated rate of five percent annual inflation during the next biennium.

|                                 | Fees and<br>Services | Supplies and<br>Materials |
|---------------------------------|----------------------|---------------------------|
| Institution                     |                      |                           |
| University of North Dakota      | \$ 53,578            | \$ 73,312                 |
| North Dakota State University   | 71,524               | 68,715                    |
| NDSU — Bottineau                | 2,369                | 3,720                     |
| Forest Service                  | 2,670                | 3,035                     |
| State School of Science         | 18,828               | 33,401                    |
| Dickinson State College         | 11,136               | 6,531                     |
| Valley City State College       | 8,126                | 9,313                     |
| Mayville State College          | 6,969                | 5,173                     |
| Minot State College             | 13,331               | 11,842                    |
| UND — Medical Center            | 23,256               | 8,381                     |
| Total Reductions for 5 per cent | <u>\$211,787</u>     | <u>\$223,423</u>          |
| Annual Inflation Guidelines     |                      |                           |

Other adjustments are discussed in the following paragraphs:

University of North Dakota

The University of North Dakota salary and wage appropriation is increased by \$75,564 to provide adequate physical plant staff for additional facilities. The estimated income at UND is reduced by \$240,555 to reflect revised estimates for the beginning estimated income balance on July 1, 1977.

UND-Medical Center

The Medical Center salary and wage appropriation is increased \$329,092 to provide adequate funds for fringe benefits and authorized positions. The Medical Center residency program appropriation is increased by \$577,466 to continue the following residency programs:

Family Medicine

Minot

Bismarck

Fargo

Grand Forks

Medicine

Pediatrics

Obstetrics/Gynecology

The classification change line item of \$2,131 is deleted

North Dakota State University

The NDSU supplies and materials appropriation is increased by \$366,000 for expected increases for fuel oil during the next biennium.

NDSU-Bottineau

The NDSU-Bottineau salary and wage appropriation is increased by \$3,446 to provide adequate funds for fringe benefits. The land, structures, and major improvements appropriation is increased \$20,000 for remodeling of Thatcher Hall.

#### Forest Service

The Forest Service salary and wage appropriation is increased by \$2,623 to provide adequate funds for fringe benefits. The equipment appropriation is increased \$14,000 for a tree lifter.

#### State School of Science

The State School of Science salary and wage appropriation is increased by \$27,739 for adequate fringe benefits.

#### Dickinson State College

The Dickinson salary and wage appropriation is increased by \$115,000 to correct salary and wage expenditure estimates for the next biennium. The salary and wage appropriation is also increased \$10,471 to provide adequate funds for fringe benefits. The fees and services appropriation is increased \$24,000 for equipment repairs related to the highway transportation program.

#### Minot State College

The Minot State College salary and wage appropriation is increased by \$20,254 to provide adequate funds for fringe benefits. The amount of \$21,751 is added to the supplies and materials appropriation to correct estimates for the next biennium.

#### Mayville State College

The Mayville State College salary and wage appropriation is increased by \$142,455 to provide adequate funds for present positions and \$7,724 to provide adequate funds for fringe benefits. The estimated income line item for Mayville State College is reduced by \$17,371 to reflect revised estimates for the beginning income balance on July 1, 1977. The amount of \$8,000 is added to fees and services to correct estimates for the next biennium.

#### Valley City State College

The Valley City State College salary and wage appropriation is increased \$130,874 to provide adequate funds for fringe benefits. The amount of \$15,150 is added to fees and services to correct estimates for the next biennium.

#### Rehabilitation Hospital

The Rehabilitation Hospital salary and wage appropriation is increased by \$1,293,118; fees and services by \$62,885; and supplies and materials by \$160,319 based on increased estimated patient collections during the next biennium because of expected increased patient use. The classification line item of \$20,114 is deleted.

#### Emission Controls

This amendment also adds another section to Senate Bill No. 2001 which appropriates \$6,242,080 for installation of power plant emission control systems at the University of North Dakota, North Dakota State University, North Dakota State School of Science, and Valley City State College.

#### Electricity and Heating Fuel

The appropriations in this bill contain the following amounts for electricity and heating costs as estimated by the institutions:

| Institution                   | Electricity | Heating     |
|-------------------------------|-------------|-------------|
|                               |             | Fuel        |
| University of North Dakota    | \$ 715,607  | \$1,574,950 |
| North Dakota State University | 1,018,007   | 1,289,000   |
| State School of Science       | 407,754     | 665,548     |
| Minot State College           | 143,640     | 373,344     |

|                           |                    |                    |
|---------------------------|--------------------|--------------------|
| Dickinson State College   | 125,545            | 171,570            |
| Valley City State College | 95,400             | 224,900            |
| Mayville State College    | 72,280             | 340,000            |
| NDSU-Bottineau            | 15,065             | 137,295            |
| Total                     | <u>\$2,593,298</u> | <u>\$4,776,607</u> |

SENATOR LIPS, Chairman

Senate Bill No. 2001 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2011 has had the same under consideration and recommends that the same be amended as follows:

On page 1, delete line 22

On page 2, line 3, delete the numerals "654,882" and insert in lieu thereof the numerals "651,987"

On page 2, line 5, delete the numerals "579,882" and insert in lieu thereof the numerals "576,987"

On page 2, line 8, delete the numerals "291,138" and insert in lieu thereof the numerals "291,538"

On page 2, delete line 9

On page 2, line 18, delete the numerals "1,386,950" and insert in lieu thereof the numerals "1,385,185"

On page 2, delete line 22

On page 2, line 28, delete the numerals "1,297,374" and insert in lieu thereof the numerals "1,296,638"

On page 2, line 29, delete the numerals "1,152,374" and insert in lieu thereof the numerals "1,051,638"

On page 2, line 30, delete the numerals "145,000" and insert in lieu thereof the numerals "245,000"

On page 2, delete line 35

On page 3, line 4, delete the numerals "368,105" and insert in lieu thereof the numerals "366,791"

On page 3, line 6, delete the numerals "176,655" and insert in lieu thereof the numerals "175,341"

On page 3, line 9, delete the numerals "901,537" and insert in lieu thereof the numerals "997,328"

On page 3, line 10, delete the numerals "2,805,774" and insert in lieu thereof the numerals "2,703,273"

On page 3, line 11, delete the numerals "3,707,311" and insert in lieu thereof the numerals "3,700,601"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

STATEMENT OF PURPOSE OF AMENDMENT:

Classification change is deleted from the following departments in the following amounts:

|   |         |
|---|---------|
| Business and Industrial Development         | \$2,895 |
| Wheat Commission                            | 2,165   |
| State Fair Association                      | 736     |
| Upper Great Plains Transportation Institute | 1,314   |

The Wheat Commission salaries and wages appropriation is increased by \$400 to provide for unemployment compensation insurance.

The State Fair Association estimated income is decreased by \$100,000 to correct a calculation in the Governor's budget.

SENATOR LIPS, Chairman

Senate Bill No. 2011 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2012 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 21, delete the numerals "2,627,096" and insert in lieu thereof the numerals "2,631,571"

On page 1, delete line 22

On page 2, line 4, delete the numerals "3,755,163" and insert in lieu thereof the numerals "3,656,252"

On page 2, line 6, delete the numerals "2,066,606" and insert in lieu thereof the numerals "2,070,441"

On page 2, after line 10, insert the following line:

"Intergovernmental grants 14,500,000"

On page 2, after line 11, insert the following line:

"Area human service centers 3,845,713"

On page 2, line 12, delete the numerals "32,867,386" and insert in lieu thereof the numerals "32,829,802"

On page 2, line 13, delete the numerals "77,508,479" and insert in lieu thereof the numerals "77,385,920"

On page 2, line 14, delete the numerals "113,574,493" and insert in lieu thereof the numerals "131,763,898"

On page 2, line 16, delete the numerals "192,574" and insert in lieu thereof the numerals "193,000"

On page 2, after line 19, insert the following line:

"Grants 235,358"

On page 2, line 21, delete the numerals "1,146,896" and insert in lieu thereof the numerals "1,382,680"

On page 2, line 23, delete the numerals "3,343,138" and insert in lieu thereof the numerals "3,349,105"

On page 2, line 32, delete the numerals "9,687,901" and insert in lieu thereof the numerals "9,693,868"

On page 2, line 33, delete the numerals "128,164,453" and insert in lieu thereof the numerals "146,496,698"

On page 2, line 34, delete the numerals "68,098,252" and insert in lieu thereof the numerals "85,389,128"

On page 2, line 35, delete the numerals "9,059,324" and insert in lieu thereof the numerals "9,178,688"

On page 3, line 1, delete the numerals "51,006,877" and insert in lieu thereof the numerals "51,928,882"

On page 3, line 4, delete the numerals "3,695,760" and insert in lieu thereof the numerals "3,702,366"

On page 3, line 11, delete the numerals "10,056,761" and insert in lieu thereof the numerals "10,063,367"

On page 3, line 12, delete the numerals "8,431,978" and insert in lieu thereof the numerals "8,437,262"

On page 3, line 13, delete the numerals "1,624,783" and insert in lieu thereof the numerals "1,626,105"

On page 3, line 14, delete the numerals "52,631,660" and insert in lieu thereof the numerals "53,554,987"

On page 3, line 15, delete the numerals "85,589,554" and insert in lieu thereof the numerals "103,005,078"

On page 3, line 16, delete the following: "S.B. 2012"; and delete the

numerals "138,221,214" and insert in lieu thereof the numerals "156,560,065"

On page 4, after line 6, insert the following section:

"SECTION 6. APPROPRIATION.) There is hereby appropriated to the social service board the sum of \$1,667,413.00 in federal funds and \$714,606.00 to be contributed by individuals, organizations, governmental units, or other sources, for purposes determined to be eligible for funding as provided by state and federal law during the biennium beginning July 1, 1977, and ending June 30, 1979.

Should the social service board initiate purchase of service agreements between individuals, organizations, governmental units, or other sources which are determined to be eligible for funding as provided by state and federal law during the biennium beginning July 1, 1977, and ending June 30, 1979, area social service centers shall submit to the social service board proposal requests from their jurisdictional area.

The social service board shall make no expenditure pursuant to this appropriation for any function or activity that has not first been approved by the legislative council's committee on budget. The social service board utilizing the funds appropriated from the general fund will audit, supervise, and monitor all projects approved under this section. The social service board shall present all requests for program approval to the legislative council's committee on budget in such form as may be prescribed by the committee."

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The classification change of \$103,386 is deleted from the Social Service Board appropriation. The wage and salary increases in all departments reflect the cost of unemployment compensation insurance to be paid to the Department of Accounts and Purchases. The \$14,500,000 appropriation for intergovernmental grants is an appropriation of federal moneys to assist county social service board activities.

The \$3,845,713 appropriation is added to include area human service centers in the appropriation and consists of the following fund sources:

|                  | Badlands Human<br>Service Center | Northwest Human<br>Resources Center | Lake Region<br>Human Service Center |
|------------------|----------------------------------|-------------------------------------|-------------------------------------|
| Federal          | \$ 974,181                       | \$ 847,782                          | \$507,581                           |
| General Fund     | 259,280                          | 207,420                             | 204,046                             |
| County and Other | 394,484                          | 300,359                             | 150,580                             |
| Total            | <u>\$1,627,945</u>               | <u>\$1,355,561</u>                  | <u>\$862,207</u>                    |

The \$235,358 appropriation for grants provides for federal grants available under the child enforcement program. Various adjustments provide for sufficient funds for the levels of activity recommended by the Governor's budget in the areas of medical assistance and AFDC. It is the intent of the committee that AFDC standards be \$383 per month for the first year and \$399 per month for the second year for a family of four. This is based on an estimated caseload of 4,733 cases.

The \$14,831,641 made available for intermediate care in this appropriation is based upon an average caseload of 1473 persons at average costs of \$407 the first year and \$431 the second year of the biennium. The \$26,115,349 made available for nursing care in this appropriation is based upon an average caseload of 1880 persons at an average cost of \$559 the



first year of the biennium and \$598 the second year of the biennium.

SENATOR LIPS, Chairman

Senate Bill No. 2012 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2044 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2044 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2196 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "reenact" insert "subsection 1 of section 53-02-01 and"

On page 1, line 2, after the first word "to" insert "the definition of a music festival and to"

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

"(SECTION 1. AMENDMENT.) Subsection 1 of section 53-02-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A "music festival" shall mean a musical performance by one or more groups held out of doors, whether or not an admission fee is charged, except that it shall not include a musical performance sponsored by any educational, charitable, fraternal or religious nonprofit organizations)).

on page 1, line 18, delete the word "may" and insert in lieu thereof the word "shall"

And renumber the sections, pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2196 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2233 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2233 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2264 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

Senate Bill No. 2264 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2292 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2292 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2325 has had the same under con-

sideration and recommends that the same be amended as follows:

On page 1, line 13, after the word "voluntarily" delete "and" and on the same line insert beginning and ending triple parentheses around the word "good"

On page 1, line 14, delete the following: ", or to pursue marital or"

On page 1, line 15, delete the following: "family responsibilities,"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2325 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2326 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2326 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2329 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

Senate Bill No. 2329 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2361 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the word "section" and insert in lieu thereof the word "sections"; and after the numerals "57-60-14" insert the following: "and 57-60-15"

On page 1, line 3, delete the word "formula" and insert in lieu thereof the word "formulas"

On page 1, line 22, delete the word "forty" and insert in lieu thereof the word "thirty"

On page 2, line 5, delete the word "sixty" and insert in lieu thereof the word "seventy"

On page 2, after line 24, insert the following new section:

"SECTION 2. AMENDMENT.) Section 57-60-15 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-60-15. DUTY OF COUNTY TREASURER—ALLOCATION TO POLITICAL SUBDIVISIONS.) Moneys received by counties under the provisions of section 57-60-14 shall be apportioned as follows:

1. (((Fifteen))) Thirty-five percent of all revenues allocated to any county shall be paid by the county treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official (((decennial))) regular or special federal census (((;))) or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

2. (((Forty))) Thirty-five percent of the revenues allocated to any county shall be deposited by the county treasurer in the county general fund to be used for general governmental purposes (((; and))).

3. (((Forty-five))) Thirty percent of all revenues allocated to any county shall be apportioned by the county treasurer to school districts

within the county on the average daily (((attendance distribution))) membership basis, as certified to him by the county superintendent of schools."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2361 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2367 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 7, after the word "chapter" insert the following: "but not to exceed the amount of fifty dollars"

On page 3, line 32, after the comma insert the following: "but not to exceed the amount of one hundred dollars."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2367 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2388 has had the same under consideration and recommends that the same be amended as follows:

On page 1, delete all of lines 23 and 24

On page 2, delete all of lines 1 through 8

On page 2, line 10, after the word "store" delete the following: "operate, erect, maintain, move,"

On page 2, line 11, delete the word "transport" and insert in lieu thereof the word "erect"

On page 2, delete all of lines 23 through 35

On page 3, delete all of lines 1 through 4

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2388 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2422 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2422 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2449 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 19, after the "(((twenty-two)))" delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three" and on the same line after the word "thousand" delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

On page 2, line 3, after the "(((twenty-two)))" delete the words "thirty-eight" and insert in lieu thereof the words "thirty-four"

On page 2, line 15, after the "(((twenty-two)))" delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three" and on

the same line after the word "thousand" delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

On page 2, line 31, after the word "of" delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three"

On page 2, line 32, after the word "thousand" insert the words "five hundred"

On page 3, line 3, after the "(((twenty-two)))" delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three"

On page 3, line 4, delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

On page 3, line 15, after the "(((twenty-seven)))" delete the word "fifty" and insert in lieu thereof the words "forty-seven"

On page 3, line 31, delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three" and on the same line after the word "thousand" delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

On page 4, line 2, after the "(((twenty-two)))" delete the word "thirty" and insert in lieu thereof the words "thirty-three"

On page 4, line 3, delete the word "seven" and on the same line after the word "thousand" delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

On page 4, line 10, delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three" and on the same line after the word "thousand" delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

On page 4, line 17, delete the words "forty-two" and insert in lieu thereof the words "thirty-eight"

On page 4, line 23, after the "(((twenty-two)))" delete the words "thirty-seven" and insert in lieu thereof the words "thirty-three"

On page 4, line 24, after the word "thousand" delete the beginning triple parentheses and after the word "hundred" delete the ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2449 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State & Federal Government to whom was referred Senate Bill No. 2450 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 20, after the ending triple parentheses delete the words "thirty-seven" and insert in lieu thereof the following: "thirty-three"

On page 2, line 20, after the word "thousand" delete the beginning triple parentheses

On page 2, line 21, delete the ending triple parentheses

Renumber lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2450 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2463 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete "create and enact a new subsection to section" and delete lines 2 through 8 and insert in lieu thereof: "amend and reenact sections 40-57-03, 40-57-04, 40-57-07 and 40-57-18 of the North Dakota Century Code, relating to municipalities; certain municipal bonds; authorizing municipalities to enter into certain loan agreements; and relating to costs to be financed by certain municipal bonds; and declaring an emergency.

On page 1, delete lines 13 through 24.

On page 2, delete lines 1 through 5, and insert in lieu thereof the following sections:

"SECTION 1. AMENDMENT.) Section 40-57-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-57-03. POWERS OF MUNICIPALITY.) Any municipality, in addition to the powers prescribed elsewhere by the laws of this state, shall have the power to:

1. Acquire whether by purchase, lease, or gift, from any source whatsoever, any real property, buildings, improvements on real property or buildings, including but not limited to easements, profits, rights in land and water rights deemed necessary in connection therewith, and to construct, reconstruct, improve, better, or extend to real property, buildings, and improvements on real property and buildings of any project which shall be located within this state, whether wholly within or wholly without the municipality, or partially within and partially without the municipality;

2. Issue revenue bonds, in anticipation of the collection of revenues of (((such))) the project, to finance, in whole or in part, the cost of (((the acquisition, construction, reconstruction, improvement, betterment or extension of any))) the project, whether then in existence or not;

3. Lease projects to any industrial or commercial enterprise, whether or not organized on a nonprofit basis, or to any school district for vocational education purposes, in such manner that rents to be charged for the use of such projects shall be fixed, and revised from time to time as necessary, so as to produce income and revenue sufficient to provide for the prompt payment of interest upon all bonds issued hereunder, to create a sinking fund to pay the principal of such bonds when due, and to provide for the operation, maintenance, insurance on, and depreciation of such projects, and any taxes thereon;

4. With respect to any hospitals, nursing homes or other health care facilities comprising a project to be used by any nonprofit corporation, enter into loan agreements with such nonprofit corporation providing for the municipality to loan the proceeds derived from the issuance of bonds pursuant to this chapter to the nonprofit corporation to be used to pay costs of the project and providing for the repayment of the loan by the nonprofit corporation, and which may provide for such loans or bonds to be secured by a mortgage on and security in the project or such other security as may be determined by the municipality, whether delivered or granted to the municipality, the holder or holders of said bonds, a trustee therefor or otherwise;

(((4))) 5. Pledge to the punctual payment of said bonds and the interest thereof, all of any part of the revenues of such project, including the revenues of projects which shall be acquired or constructed subsequent to the issuance of such bonds, as well as revenues of projects existing when such bonds were issued;

((5)) 6. Mortgage or otherwise encumber said projects in favor of the holder, or holders, of said revenue bonds, or a trustee therefor, provided that in creating any such mortgages or encumbrances, a municipality shall not have the power to obligate itself except with respect to the project, except as otherwise provided by section 40-57-19;

((6)) 7. Make all contracts, execute all instruments, and do all things necessary or convenient in the exercise of the powers herein granted, or in the performance of its covenants or duties, or in order to secure the payments of its bonds;

((7)) 8. Enter into and perform such contracts and agreements with other municipalities, political subdivisions, and state agencies, authorities and institutions as the respective governing bodies of the same may deem proper and feasible for or concerning the planning, construction, lease, or other acquisition, and the financing of such facilities, and the maintenance thereof. Any such municipalities so contracting with each other may also provide in their contract or agreement for a board, commission, or such other body as their governing bodies may deem proper for the supervision and general management of the facilities of the project;

((8)) 9. Accept from any authorized agency of the federal government loans or grants for the planning, construction, acquisition, leasing or other provision of any project, and to enter into agreements with such agency respecting such loans or grants;

((9)) 10. Sell and convey all properties acquired in connection with, such projects, including without limitation the sale and conveyance thereof subject to such mortgage as herein provided, and the sale and conveyance thereof to the lessee under an option granted in the lease of the project, for such price, and at such time as the governing body of the municipality may determine, provided, however, that no sale or conveyance of such properties shall ever be made in such manner as to impair the rights or interests of the holder, or holders, of any bonds issued under the authority of this chapter;

((10)) 11. Issue said revenue bonds to refund, in whole or in part bonds previously issued by such municipality under authority of this chapter.

((11)) 12. In any instance where the project acquired by the municipality consists of the construction, reconstruction, improvement, betterment of real property, buildings and improvements on real property and buildings, the provisions of chapter 48-02 of the North Dakota Century Code and other applicable statutes shall apply; except that the municipality, in the lease and resolution or mortgage defining the terms and conditions upon which the project is to be constructed, leased and financed, or in a preliminary agreement establishing the general terms of the lease and financing of the project when constructed, may permit the lessee subject to such terms and conditions as the municipality shall find necessary or desirable and proper, to provide for the construction, acquisition and installation of the buildings, improvements and equipment to be included in the project by any means available to the lessee, whether or not the procedure followed by the lessee, is in conformity with said chapter 48-02.

No municipality shall have the power to operate any project referred to in this chapter as a business or in any manner whatsoever, except as the lessor thereof. No debt on the general credit of the municipality shall be

incurred in any manner for any purpose under the provisions of this chapter, except as otherwise provided by section 40-57-19. No municipality may pay out of its general fund, or otherwise contribute to the cost of a project, nor can it use any land already owned by or in which the municipality has an interest, for the construction thereof of a project, except as otherwise provided by section 40-57-19.

SECTION 2. AMENDMENT.) Section 40-57-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-57-04. RESOLUTION AUTHORIZING PROJECT AND THE ISSUANCE OF REVENUE BONDS—NO ELECTION REQUIRED.) The acquisition, construction, reconstruction, improvement, betterment, (((or))) extension or financing of any project, and the issue of bonds in anticipation of the collection of the revenues of such project to provide funds to pay for the cost thereof, may be authorized by an ordinance or resolution of the governing body adopted at a regular meeting thereof by the affirmative vote of a majority of its members. No election shall be required to authorize the use of any of the powers conferred by this chapter.

SECTION 3. AMENDMENT.) Section 40-57-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

41-57-07. COST OF PROJECT—HOW DETERMINED.) In determining the cost of a project, the governing body may include all cost and estimated cost of the issuance of the revenue bonds, all engineering, inspection, fiscal, and legal expense, and the interest which it is estimated will accrue during the construction period and for six months thereafter on money borrowed or which it is estimated will be borrowed pursuant to this chapter, and with respect to any hospital, nursing home or other health care facilities comprising a project, the cost of retiring any existing indebtedness in connection with the project which the governing body of the municipality determines to be necessary or desirable and in furtherance of the public health or welfare, whether or not such existing indebtedness constitutes all or a portion of the cost being financed by the issuance of the bonds.

SECTION 4. AMENDMENT.) Section 40-57-14 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-57-14. COVENANTS THAT MAY BE INSERTED IN ORDINANCE OR RESOLUTION AUTHORIZING BONDS.) Any ordinance or resolution authorizing the issuance of bonds under this chapter to finance, in whole or in part, the (((acquisition, construction, reconstruction, improvement, betterment, or extension))) cost of any project may contain covenants, notwithstanding that such covenants may limit the exercise of powers conferred by this chapter, as to:

1. The rents or payments to be charged (((for the use of perproperties acquired, constructed, reconstructed, improved, bettered, or extended under the authority of this chapter))) with respect to the project;
2. The use and disposition of the revenues of said projects;
3. The creation and maintenance of sinking funds and the regulation, use, and disposition thereof;
4. The creation and maintenance of funds to provide for maintaining the project and replacement of those properties which are subject to depreciation;
5. The purpose, or purposes, to which the proceeds of this sale of said bonds may be applied and the use and disposition of said proceeds;

6. The nature of mortgages or other encumbrances on the project made in favor of the holder or holders of such bonds, or a trustee therefor;

7. The events of default and the rights and liabilities arising thereon and the terms and conditions upon which the holders of bonds issued under this chapter may bring any suit or action on said bonds or on any coupons thereof;

8. The issuance of other or additional bonds or instruments payable from or constituting a charge against the revenue of said project;

9. The insurance to be carried upon the project and the use and disposition of insurance moneys;

10. The keeping of books of account and the inspection and audit thereof;

11. The terms and conditions upon which any or all of the bonds shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived;

12. The rights, liabilities, powers, and duties arising upon the breach by the municipality of any covenants, conditions, or obligations;

13. The vesting in a trustee or trustees of the rights to enforce any covenants made to secure, to pay, or in relation, to the bonds; the powers and duties of such trustee or trustees, and the limitation of liabilities thereof;

14. The terms and conditions upon which the holder or holders of the bonds, or the holders of any proportion or percentage of them, may enforce any covenants made under this chapter or any duties imposed thereby;

15. A procedure by which the terms of any ordinance or resolution authorizing bonds or of any other contract with bondholders, including, but not limited to, an indenture of trust or similar instrument, may be amended or abrogated, and the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given;

16. The subordination of the security of any bonds issued hereunder and the payment or principal and interest thereof, to the extent deemed feasible and desirable by the governing body, to other bonds or obligations of the municipality issued to finance the project or that may be outstanding when the bonds thus subordinated are issued and delivered.

Nothing in this section, or in this chapter, except as provided in section 40-57-19, shall authorize any municipality to do anything or for any purpose which would result in the creation or incurring of a debt or indebtedness or the issuance of any instrument which would constitute a bond or debt within the meaning of any provisions, limitation, or restriction of the constitution relating to the creation or incurring of a debt or indebtedness or the issuance of an instrument constituting a bond or debt.

SECTION 5. AMENDMENT.) Section 40-57-18 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

40-57-18. CONSTRUCTION.) The powers conferred by this chapter shall be in addition and supplemental to and not in substitution for, and the limitations imposed by this chapter shall not affect the powers conferred by, any other law. Revenue bonds may be issued under this chapter without regard to any other provisions of the laws of this state. The



project may be financed or acquired, purchased, constructed, reconstructed, improved, bettered, and extended, and bonds may be issued under this chapter for said purposes, notwithstanding that any other law may provide for the financing, acquisition, purchase, construction, reconstruction, improvement, betterment, and extension of a like project or for the issuance of bonds for like purposes, and without regard to the requirements, restrictions, debt, or other limitations or other provisions contained in any other law, including but not limited to, any requirement for any restriction or limitation on the incurring of indebtedness or the issuance of bonds. In so far as the provisions of this chapter are inconsistent with any other law of this state, the provisions of this chapter shall be controlling with reference to the issuance of revenue bonds and the security therefor.

SECTION 6. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

and renumber the sections, pages, and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2463 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2472 has had the same under consideration and recommends that the same do pass.

and be re-referred to the Committee on Appropriations.

SENATOR SANDS, Chairman

Senate Bill No. 2472 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2475 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2475 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2488 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2488 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2491 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

Senate Bill No. 2491 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2500 has had the same under consideration and recommends that the same 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 57-62 of the North Dakota Century Code to provide for impact loans to be administered by the board of university

and school lands; to amend and reenact section 57-62-02 of the North Dakota Century Code, relating to the allocation formula for the coal development fund; to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of that chapter are temporary; and to provide that the provisions of this Act shall be temporary.

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

**SECTION 1. AMENDMENT.)** Section 57-62-02 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-62-02. ALLOCATION OF MONEYS IN COAL DEVELOPMENT FUND.)** Moneys deposited in the coal development fund shall be apportioned quarterly by the state treasurer as follows:

1. ((Thirty-five)) Thirty percent shall be credited to a special fund in the state treasury for distribution through grants by the coal development impact office to impacted cities, counties, school districts, and other taxing districts, subject to appropriation by the legislative assembly.

2. ((Thirty)) Twenty percent shall be credited to a special fund in the state treasury to be held in trust to be administered by the board of university and school lands ((, which)) for loans to impacted counties, cities, school districts, and other taxing districts as provided in section 57-62-04. The board of university and school lands shall have full authority to invest such funds as are not loaned as provided in this chapter and may consult with the state investment board as provided by law. The income, including interest payments on loans, from such trust shall be deposited in the state's general fund. Loan principal payments shall be redeposited in the trust fund. Such trust fund shall be perpetual and held in trust as a replacement for depleted natural resources, subject to the provisions of this chapter.

3. ((Five)) Thirty percent shall be allocated to the coal-producing counties and shall be distributed among such counties in such proportion as the number of tons of coal severed in each county bears to the total number of tons of coal severed in the state during such quarterly period. Such allocations shall be ((credited to the county general fund.)) apportioned as follows:

a. Thirty-five percent shall be paid by the county treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census;

b. Thirty-five percent shall be deposited by the county treasurer in the county general fund to be used for general governmental purposes; and

c. Thirty percent shall be apportioned by the county treasurer to school districts within the county on the average daily membership basis, as certified to him by the county superintendent of schools.

4. The balance shall be deposited in the state's general fund.

**SECTION 2.)** A new section to chapter 57-62 of the North Dakota Century Code is hereby created and enacted to read as follows:

**LOANS — TERMS AND CONDITIONS — REPAYMENT.)** The board of university and school lands is authorized to make loans to impacted taxing districts allocated moneys from the coal development fund pur-

suant to this chapter from moneys deposited in the trust fund established by subsection 2 of section 57-62-02 of this chapter. Loans may be made for any purpose for which a grant may be made pursuant to this chapter, but before making any loan the board of university and school lands shall receive the recommendation of the coal development impact office. The board of university and school lands shall prescribe the terms and conditions of such loans within the provisions of this chapter and shall require a warrant executed by the governing body of the taxing district as evidence of such loan. The warrants shall bear interest at a rate not to exceed six percent. The warrants shall be payable only from the allocations of moneys from the coal development fund to the borrowing taxing district and shall not constitute a general obligation of the taxing district nor shall such loans be considered as indebtedness of the taxing district. The terms of the loan shall provide that not less than ten percent of each allocation made to the borrowing taxing district pursuant to this chapter shall be withheld by the state treasurer to repay the principal of the warrants and the interest thereon. The amount withheld by the state treasurer as payment of interest shall be deposited in the general fund and the amount withheld by the state treasurer as payment of principal shall be remitted to the board of university and school lands and deposited by the board in the trust fund provided for in subsection 2 of section 57-62-02. The warrants executed by the taxing district shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota or by any political subdivision thereof.

The board of university and school lands is authorized to sell such warrants to other parties and the proceeds of such sale which constitute principal shall be deposited in the trust fund and that which constitutes interest in the general fund. If the future allocations of moneys to the borrowing taxing district should, for any reason, permanently cease, the loan shall be canceled except that if the taxing district is merged with another taxing district which receives an allocation of moneys from the coal development fund, the surviving taxing district shall be obligated to repay the loan from such allocation. If the loan is canceled due to the permanent cessation of allocations of moneys to the taxing district pursuant to this chapter, the board of university and school lands shall cancel those warrants it holds from such taxing district and shall pay from any moneys in the trust fund provided for in subsection 2 of section 57-62-02 the principal and interest, as it becomes due, on those warrants of the taxing district which are held by another party.

SECTION 3. REPEAL.) Section 18 of chapter 563 of the 1975 Session Laws of North Dakota is hereby repealed. This repeal shall not reinstate the vetoed portions of chapter 562 of the 1975 Session Laws.

SECTION 4. PROVISIONS OF ACT TEMPORARY.) The provisions of this Act shall be effective for the period beginning July 1, 1977, and ending June 30, 1979, and thereafter shall be of no force and effect unless reenacted by the legislative assembly.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2500 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2527 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2527 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2537 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2537 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2540 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 2, delete the words "issued or delivered" and insert the words "delivered or issued for delivery"

On page 5, line 4, a new paragraph will begin with the word "In"

On page 5, line 13, a new paragraph will begin with the word "The"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2540 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2545 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2545 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2547 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2547 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1031 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1031 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1084 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 25 of the re-engrossed bill, after the word "not" delete the word "less" and insert in lieu thereof the word "fewer"

On page 2, line 27, after the word "has" delete the word "less" and insert in lieu thereof the word "fewer"

On page 2, line 29, after the word "with" delete the word "less" and insert in lieu thereof the word "fewer"

And renumber the lines accordingly.



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| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

THIRTY-FIRST DAY

Bismarck, February 15, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Ira Herzberg, Calvary United Methodist Church, Bismarck.

"Dear Father in Heaven: We pray for the members of the Senate in their several responsibilities. Help them in their committee work, and above all, as they meet here in legislative session today. May they never forget that what is said and done here is not done in a corner, but always under Thy scrutiny. May they feel the weight of their responsibility before Thee, and remember the influence of a good example, that all who come to this place, may have a stronger faith in government of the people, by the people, for the people.

May the Senators so speak and act that all who wait upon them and serve them may be inspired, rather than disillusioned, by what they see and hear and are asked to do.

Lord Jesus make Thyself real to these men and women, that each may feel Thee sitting beside them, and hear Thy voice, and win Thine approval in all things they say and do.

In Thy name we pray. Amen"

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirtieth day and finds the same to be correct.

Mr. President, your Committee on Revision and Correction of the Journal has carefully examined the Journal of the 28th day after recess and Twenty-ninth day and recommends that the same be corrected as follows:

On page 569, line 24, delete "as amended"

On page 576, line 47, delete "as amended"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

The roll was called and all Senators were present.

A quorum was declared by the President.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments to Senate Bills 2141, 2308, 2425, 2473, 2496, 2505, 2517, 2520 and SCR's 4046, 4052 and 4058 be dispensed with, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2141 as recommended by the Committee on Finance and Taxation as printed on page 588 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2308 as recommended by the Committee on Political Subdivisions as printed on page 589 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2425 as recommended by the Committee on Political Subdivisions as printed on page 589 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2473 as recommended by the Committee on Political Subdivisions as printed on page 590 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

Senator Farrington moved that Senate Bill No. 2496 be re-referred to the Committee on Political Subdivisions, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Jacobson moved that the amendments to Senate Bill No. 2505 as recommended by the Committee on Natural Resources as printed on page 590 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2517 as recommended by the Committee on Judiciary as printed on page 591 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2520 as recommended by the Committee on Political Subdivisions as printed on page 591 and 592 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Concurrent Resolution No. 4046 as recommended by the Committee on State and Federal Government as printed on page 592 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Concurrent Resolution No. 4052 as recommended by the Committee on State and Federal Government as printed on page 593 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Concurrent Resolution No. 4058 as recommended by the Committee on State and Federal Government as printed on page 593 of the Senate Journal be adopted, and that Senate Concurrent Resolution No. 4058 be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2002.** Extension Division and Experiment Stations — A Bill for an Act making an appropriation for defraying expenses of the extension division and the experiment stations of the North Dakota state university of agriculture and applied science.

Which has been read.

Senator Smykowski moved that Senate Bill 2002 be amended as follows:

On page 1, line 17 of the engrossed bill, delete the numerals "9,279,648" and insert in lieu thereof the numerals "9,137,179"

On page 1, line 21 of the engrossed bill, delete the numerals "11,290,325" and insert in lieu thereof the numerals "11,147,856"

On page 1, line 23 of the engrossed bill, delete the numerals "3,530,924" and insert in lieu thereof the numerals "3,388,455"

On page 2, line 8 of the engrossed bill, delete the numerals "12,483,219" and insert in lieu thereof the numerals "12,326,787"

On page 2, line 12 of the engrossed bill, delete the numerals "16,535,668" and insert in lieu thereof the numerals "16,379,236"

On page 2, line 14 of the engrossed bill, delete the numerals "9,803,541" and insert in lieu thereof the numerals "9,647,109"

On page 4, line 6 of the engrossed bill, delete the numerals "14,876,207" and insert in lieu thereof the numerals "14,577,306"

On page 4, line 8 of the engrossed bill, delete the numerals "31,197,840" and insert in lieu thereof the numerals "30,898,939"

**STATEMENT OF PURPOSE OF AMENDMENT:**

The purpose of this amendment is to reduce the salaries and wages line item of the Extension Division by \$142,459 and the Main Experiment Station by \$156,432 to reflect five percent annual salary increases for faculty personnel.

Senator Smykowski moved that the amendments be adopted, which motion lost on a division vote.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 521-524) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**RECOGNITION**

Senator Nething announced that a distinguished guest was in the chamber today and moved that the President appoint a committee of one to escort the Hon. Congressman Mark Andrews to the rostrum. The motion prevailed and President Sanstead appointed as such committee Senator Nelson. Congressman Andrews was escorted to the rostrum whereupon he addressed the Senate.

Senator Nething moved that the following remarks of Congressman Andrews be printed in the Journal, which motion prevailed.

**REMARKS BEFORE NORTH DAKOTA SENATE**

Representative Mark Andrews

February 15, 1977

Congressman Andrews:

Thank you, Mr. President. It's a privilege, of course, to be here. I might say that Walter Fauntroy, a delegate from the District of Columbia, sends his best wishes to you. You know he represents the District of Columbia, he is a non-voting delegate. He has the same staff and the same pay that we all have. A group of us were talking with Walter one time when we were running over to make a vote, and we said, "Gee, it's about time they gave you the voting privilege," and he said, "If there's anything I don't want, it's the privilege to vote, because I can never get



into trouble by the vote I don't cast. So maybe your friends are trying to help you out."

Seriously though, it is a privilege to be back home, and those of us who are privileged to serve North Dakota have a special feeling for our home state and in our hearts, there's a whole host of reasons why we love our state. Those of us who are farmers, of course, have a good deal of pride in the land. Those of us who live in town have that same pride in our clean streets and our good neighborhoods and our friendly neighbors. And most of all, I think that the strength of North Dakota is in our people. Last week, Mary and I had the privilege of being invited out to California to watch Lawrence Welk tape one of his shows, and this show was called "Beautiful America". It's going to be shown the first part of April, and it's a salute to the states, and, of course, knowing Lawrence, you can guess the very first song was a song about North Dakota. And after he had the song about North Dakota, then he went to some of those lesser states like Indiana, Kentucky, Texas. In watching Lawrence Welk in action, and when you see the show on television you always think, he's got a soft job, one of the softest jobs in the world. Why, he only conducts that orchestra about one-third of the time, it's a pretty light weight baton, and then you have one of the other people conduct it for the rest of the two-thirds of the show. But Lawrence is all over the place. He's moving here and there and making sure that the cameras are in the right spot. And his people love him. They are his musical family as he calls them. And I think that all of us in North Dakota can be extremely proud of the fact that the thing that has made him a success through all these decades is that down-to-earth genuineness that we take for granted really among North Dakotans. I think, actually, it's his basic independence, his freedom of spirit, we've got a lot of that in our people of North Dakota. And it's a source of pride, of course, to all of us.

It's good to be home. They kind of turned us loose. They have one of these beneficial groups that run the Congress, as you may know, the Congress is up for a pay raise. Because the Congress is up for a pay raise, the only way that pay raise can be stopped is if we vote against it. And for some strange reason, we haven't been having any sessions for so long we have forgotten really what we all look like. We were supposed to go back; my office called me today, I've got hearings, so I have to be back tomorrow, but they cancelled the business on the floor of the House tomorrow. They cancelled the business for Thursday; they are going to have the Mexican President come in and make a speech, and they cancelled the business for Friday. And, of course, by Friday, if Congress takes no action, the pay raise goes in for all those government bureaucrats, and Congress, too. So it's amazing how well they run that shop down there, Mr. President. I don't know exactly who they've got pegged, or why, but it seems that they have got some reason to have us here at home.

But, in the East, the U.S., of course, as you know, is in an energy crisis. Everybody is saying you've got to do something about the weather. You've heard that on your television screens or read it in your newspaper. But let me assure you, there's no political fix that's going to take care of our weather problems. There's no quick political fix that is going to remedy our energy shortfall in this nation. But there are some things we can do; there are some things we ought to be doing. We just passed a gas bill that's a temporary gas bill. You grab some gas that's

available in some areas and you move it to others. The hardest hit areas are Ohio and Pennsylvania, two states that have never set up their natural gas on an interruptable basis. You know, out here in North Dakota, every building, every institution that heats with natural gas has an interruptable secondary source of heat. We take it for granted. But there in the East, in Ohio and Pennsylvania, where they sit on some of the largest coal deposits in all the world, there is no facility for taking over and heating these plants or these public buildings or these schools, and it's really ridiculous. Our gas bill certainly should have had a provision in it to say that within 24 months all public buildings, all factories, and all of the rest install alternate sources of heating so that this type of an economic planning doesn't hit us again. Natural gas is actually too valuable to use in heating boilers. It ought to be used producing fertilizer and all of the other things, the plastics, and the rest of the things it can do uniquely. We ought to be generating our electricity by atomic plants, by coal, by developing solar energy. And we have to move as swiftly as we possibly can to recognize the individual private enterprise system has given us an adequate supply of energy. The more we hamstring that system, the more we come close to the day that the lights are going to go out when we flick that switch instead of on. And that's when this nation will truly slow down.

The other side of the energy equation, the other side from the fuel side, is the food side. And those of us from North Dakota, of course, are deeply interested in what happens there. We are all gratified to see our neighbor, Bob Bergland, be appointed Secretary of Agriculture. He has a deep and sincere dedication to America's farm families and a unique knowledge of the special treatment that we need in the upper Midwest. Not special favors, but, special recognition for the contribution we make, because it's our wheat, actually, that's provided the overseas earnings that's allowed the Eastern industrial plants to stay open and create job opportunities, because they pay for the imports of oil without which those factories on the East Coast wouldn't be in operation. But they take our farm productivity out here for granted. Bob's appointed a special task force. He appointed them two weeks ago last Monday to study the cost and the rationale for price supports, grain storage, food for peace program and a host of other things. He's directed them to report back by the last day of this month. He's going to appear before our sub-committee the first and second of March to give us his report on how we re-structure the farm program. In the meantime, I would hope that our friends in North Dakota would contact him, because he needs all of the backup figures he can possibly get. As you know, the Chairman of the Senate Agriculture Committee, a gentleman from Georgia, has introduced the new farm bill, and that new farm bill calls for a loan rate on wheat of \$2.18. I know how Bob Bergland feels. I know how I feel. I think the loan rate ought to be three dollars. I think, Buckshot, you and a number of other people in North Dakota feel that it should be at least three dollars. And it ought to be there so that we can keep this storage on the farms and so our farmers will be encouraged to produce, and it's good not only for people in the rural areas, but it's good for people in the cities, as well. Bob's going to need all the help we can give him in backing him up so that some way or another the sensible price level in agriculture isn't lost in an inter-departmental shuffle. Our price, times our production, and our production will be effected by this drought, gives you your tax base

which you can work with. And it affects the decisions you're going to make in the next month right here in this chamber. This is certainly going to be a landmark two years for agriculture. Our whole bill expires, and really, again, we need understanding. Understanding for the contribution American farm families make to our nation as a whole, understanding for price structure, and a better feeling all the way around.

I think actually we can extend that need for understanding to our Garrison Diversion Project. Yesterday, our senior Senator talked to you about the problem that Garrison is in, and it is in deep trouble. And I certainly agree with everything that Milt Young has said about how serious that trouble is, but I'd like to talk, not just about the trouble that Garrison is in, but I think we ought to address ourselves to how did we get there, and how do we work our way out of that trouble? We can point at trouble, but I think we are a whale of a lot more productive if we say this is where we have to go, this is why we got into this trouble, this is how we resolve it. I think we ought to realize that understanding is again the key word. Our project is a good project. I asked the government accounting office to do a study, on its cost benefit ratio, as compared with 25 other reclamation projects now under construction in the West. Garrison was second from the top in cost benefit ratio. Only one project out of the 25 now under construction in the western states has a better cost benefit ratio than our project. I asked the government accounting office to give me a report on how the quality of our return flows compare with the 25 other western reclamation projects. And there are only four whose return flow quality is better than that of the Garrison Project. And those are all in the Columbia Basin area where they get 30 or 40 inches of rain fall normally, and they got a totally different atmospheric condition than we have. So ours has the facts behind it, it is a good project. Why then the problem? As Milt pointed out, some of the zealots have been able to point the finger and the answers haven't been forthcoming. And the problem is not in the Congress of the United States, the problem is in our sister states. When you have a Congress of 435 members in the House, and you've got a project that's under attack from the Audubon Society, Friends of the Earth and the National Wildlife Federation, names of organizations that sound good to you, and then they look and they say that the State of South Dakota has, by legislative resolutions, said this is a bad and questionable project. And that the State of Minnesota has officially said that this is bad, it's a questionable project. School's out really. That's where our problems lie. That's the basis on which the Reader's Digest could write the article they wrote. Without the official opposition of our sister states, there's no way they could write the article they wrote on just heresy by a group of over zealous environmentalists. Now our problem has come from our sister states, we must of course participate in the lawsuit that is now there, I want a voice of North Dakota heard, I don't want the fate of Garrison Diversion decided in a court 1500 miles away by a judge whose never set foot on our North Dakota soil, who doesn't know about the need for this project. I think that our sister states ought to recognize that before we even had a legislature, when we were still a territory, we memorialized the United States Congress to bring this Missouri River water east into the eastern two thirds of North Dakota and up into the Souris River Basin for the benefit of what? For the benefit of the environment of that area to give us the dependable stream flows we needed to enhance the environment, not to detract from it, to provide a

stability in the breeding population of the central flyway for our waterfowl, not to harm our wild birds.

These are things that we know so well but really do others know that well. This is, in fact, our challenge. I would like to point out to you as the leaders of North Dakota this article in this morning's Fargo Forum. It's an article about our new senator to the east, Wendy Anderson, who has been the Governor of Minnesota for sometime. He was in Moorhead and they asked him about a number of things including Garrison Diversion, and I think his answer typifies the problem that we have. Let me quote it directly to you: On the Garrison Diversion Project in North Dakota, Anderson said "we are all of one mind — that we are not going to support a project which has a deleterious effect on Minnesota and Canadian waters. We need more information."

Now you know, where has the state of Minnesota been, this guy's been governor for five years. Hasn't our water commission been able to give them the information that we've got, not just from the Bureau of Reclamation. You in the legislature set up the Carrington Experiment station because we didn't want to leave it to the Feds to tell us whether this is good or not for us. We've got a host of information there. We got of course the information from the Bureau of Reclamation, we've got the information from the city of Jamestown, the city of Fargo, the city of Grand Forks, on the need for this water, we can add backup need by the city of Harvey, and by a host of other towns in this state. Why has the pipeline of information between the state of North Dakota and the state of Minnesota been shut off for these five or six years? This is the question that we have to address ourselves to because without the support of Minnesota and South Dakota, Garrison is indeed in grave problems.

If we can get a resolution out of the Minnesota legislature and a resolution out of the South Dakota legislature, we'll have no problems in the Congress of the United States, but we can't settle for an occasional comment by a public official in one of those states and sit back and relax and say we've got it made, because the official on record position remains that they're opposed. By getting their support, by contacts legislature to legislature we can get back on track.

So certainly we've got problems in this country, we've got problems in our state, problems of energy, fuel and food, problems with our own Garrison Diversion Project, problems in taxation, government income, inflation and a host of other things, but you know, by realizing that these problems exist, we can work together to set them right. The future really of our state, the future of our nation demands the best efforts of all of us. Together we can succeed if we address ourselves to the facts as they are and if we communicate them to others. With your help, I am sure that we'll build a better and stronger North Dakota in the future.

Again, Mr. President, members of the Senate, thank you so much for making this time available to me to visit with you and to let me say again, thanks so much for the cooperation we've received from the individual members of the North Dakota State Senate. It is a privilege to be back home, it is a privilege to be with you this afternoon. Thanks very much.

#### RECOGNITION

President Sanstead announced that Congressman Andrews' wife, Mary, was in the chamber and requested her to come to the railing to be recognized, whereupon Mary Andrews was introduced to the Senate.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2296 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 3, delete the beginning and ending triple parentheses around the word "thirteen" and on the same line delete the word "eighteen"

On page 2, line 17, delete the beginning and ending triple parentheses around the word "thirteen"

On page 2, line 18, delete the word "eighteen"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2296 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2307 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, after the ending triple parentheses delete the words "forty-two thousand" and insert in lieu thereof the words "thirty-five thousand two hundred"

On page 1, line 22, after the ending triple parentheses delete the words "forty thousand" and insert in lieu thereof the words "thirty-three thousand"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2307 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2317 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2317 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2364 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 16, delete the words "twenty-five thousand five hundred" and insert in lieu thereof the words "eighteen thousand"

On page 1, line 18, after the ending triple parentheses delete the words "twenty-six thousand" and insert in lieu thereof the words "nineteen thousand two hundred"

On page 1, line 21, after the ending triple parentheses delete the words "twenty-nine thousand" and insert in lieu thereof the words "twenty-two thousand eight hundred"

On page 1, line 24, after the ending triple parentheses delete the words "thirty-three thousand" and insert in lieu thereof the words "twenty-seven thousand six hundred"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2364 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2479 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2479 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate-Bill No. 2516 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2516 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2521 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2521 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2522 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2522 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2528 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR FREED, Chairman

Senate Bill No. 2528 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2529 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2529 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2530 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 8, after the word "judge," delete the beginning triple parentheses

On page 2, line 9, after the word "nearest" insert triple parentheses around the word "justice" and insert the word "judge" and on the same line after the word "county" delete the ending triple parentheses and the words "the county judge" and insert in lieu thereof the words "court of increased jurisdiction"

On page 2, delete all of line 10

On page 2, line 11, delete the following "shall designate the judge who shall preside"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2530 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution 4037 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman  
Senate Concurrent Resolution 4037 was placed on the 11th order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

Senate Bill No. 2013. Budgets — Industrial Commission — A Bill for an Act making an appropriation for defraying the expenses of the state industrial commission and state agencies under the management of the state industrial commission.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 524, 525) the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2014. Budgets — Regulatory — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 525, 526) the roll was called and there were ayes, 44; nays, 3; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senate Bill No. 2062. A Bill for an Act to create and enact sections 61-04-01.1, 61-04-01.2, 61-04-02.1, 61-04-04.1, 61-04-06.1, 61-04-06.2, 61-04-06.3, 61-04-15.1, 61-04-29, 61-04-30, and 61-04-31 of the North Dakota Century Code, relating to the basis for the appropriation of water and the definition of





Senate Bill No. 2106. A Bill for an Act to create and enact sections 15-03-04.1 and 15-03-04.2, chapter 15-08.1, and section 54-30-30.1 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota; to amend and reenact section 15-03-01, subsection 1 of section 15-03-04, sections 15-03-05, 15-03-07, 15-03-14, 15-03-15, and 15-03-18 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota; and to repeal sections 6-09-25, 15-03-06, 15-03-08, 15-03-09, 15-03-10, 15-03-11, 15-03-20, and 54-30-23 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 529) the roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |             |      | •         |            |      | •    |          |      | •                |               |      |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2328. A Bill for an Act to provide for the regulation of smoking in certain places of public assembly; to repeal sections 48-05-07 and 48-05-08 of the North Dakota Century Code, relating to designated areas for smoking or nonsmoking in publicly owned buildings; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 530) the roll was called and there were ayes, 26; nays, 24; absent and not voting, 0.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |             |      | •         |            |      | •    |          |      | •                |               |      |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.



| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN        |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FRED          | •   |      | • LIPS       |     |      | • RAJT           |     | • THANE         |
| • FRITZELL      | •   |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON        |     |      | • MAU        | •   |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     | •   |      | • SHABLOW        |     |                 |

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

**Senate Bill No. 2384.** A Bill for an Act to authorize the state board of higher education to sell certain land presently used by the Dickinson experiment station; to provide for the use of the proceeds of the sale of such land; to provide for the purchase of replacement land for the use of the Dickinson experiment station; and to provide authorization for a loan from the Bank of North Dakota; and to declare an emergency.

Which has been read.

Senator Melland moved to further amend Senate Bill 2384 as follows:

On page 3 of the engrossed bill, line 21, after the word "The" insert the words "state board of higher education is hereby authorized to borrow from the" and after the word "Dakota" delete the word "is"

On page 3 of the engrossed bill, delete line 22

On page 3 of the engrossed bill, line 23, delete the words "in section 2,"

On page 3 of the engrossed bill, line 29, delete the words "The loan from the bank of North Dakota is to be" and insert in lieu thereof the words "The state board of higher education is hereby authorized to grant a security interest to the State of North Dakota, doing business as the Bank of North Dakota, in the property to be acquired and pledge or assign, to the amortization of the principal and interest on the loan, any rents or profits or proceeds from the sale or other disposition of the property, described in section 1."

On page 3 of the engrossed bill, delete lines 30 and 31

And renumber the lines accordingly.

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

Senator Melland moved that the rules be suspended, that Senate Bill 2384 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

**Senate Bill No. 2384.** A Bill for an Act to authorize the state board of higher education to sell certain land presently used by the Dickinson experiment station; to provide for the use of the proceeds of the sale of such land; to provide for the purchase of replacement land for the use of the Dickinson experiment station; and to provide authorization for a loan from the Bank of North Dakota; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 531, 532) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI         |     |      | ●                |     |      |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG           |     |      | ●                |     |      |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND            |     |      | ●                |     |      |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN          |     |      | ●                |     |      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON        |     |      | ●                |     |      |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS          |     |      | ●                |     |      |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE             |     |      | ●                |     |      |
| ● FRITZELL      |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER            |     |      | ●                |     |      |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH             |     |      | ●                |     |      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM          |     |      | ●                |     |      |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT            |     |      | ●                |     |      |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT     |     |      |                  |     |      |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                     |     |      |                  |     |      |

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

Senate Bill No. 2411. A Bill for an Act to amend and reenact subsection 2 of section 51-13-02 of the North Dakota Century Code, relating to the printed requirements of retail installment contracts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 532) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI         |     |      | ●                |     |      |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG           |     |      | ●                |     |      |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND            |     |      | ●                |     |      |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN          |     |      | ●                |     |      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON        |     |      | ●                |     |      |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS          |     |      | ●                |     |      |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE             |     |      | ●                |     |      |
| ● FRITZELL      |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER            |     |      | ●                |     |      |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH             |     |      | ●                |     |      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM          |     |      | ●                |     |      |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT            |     |      | ●                |     |      |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT     |     |      |                  |     |      |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                     |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MOTION

Senator Nething moved that Senate Bill No. 2424 be placed ahead of Senate Bill 2441 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2428. A Bill for an Act to amend and reenact subsection 8 of section 38-16-01 and section 38-16-02 of the North Dakota Century Code, relating to the definition of "surface mining operation" and to reports of surface mining operations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI         |     |      | ●                |     |      |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG           |     |      | ●                |     |      |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND            |     |      | ●                |     |      |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN          |     |      | ●                |     |      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON        |     |      | ●                |     |      |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS          |     |      | ●                |     |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • FREED    | • LIPS    | • RAIT     | • THANE         |
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

#### POINT OF PERSONAL PRIVILEGE

Senator Redlin: Mr. President, ladies and gentlemen of the Senate, Senate Bill 2429 would allow the drilling of an additional oil well on a spacing unit of an oil field.

Senate Bill 2429 seeks to protect the rights of royalty owners in an oil well spacing unit on which there is a damaged and or ineffective oil well. An oil well which produces substantially less than what competent persons believe the unit should produce.

Your Natural Resources Committee, Mr. President, does not believe that this legislation would allow an additional oil well, if such oil well may materially effect the correlative rights of adjacent royalty owners.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2429. A Bill for an Act to amend and reenact subsection 4 of section 38-08-07 of the North Dakota Century Code relating to the establishment of spacing units for oil and gas wells and the number of wells drilled therein.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 533) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACON      |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |           |      | • REDLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                 |     |      |

So the bill passed and the title was agreed to.

#### MOTION

Senator Morgan moved that Senate Concurrent Resolution No. 4057 be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

#### MESSAGE TO THE HOUSE

##### Senate Chamber

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

- Senate Bill No. 2234
- Senate Bill No. 2297
- Senate Bill No. 2302
- Senate Bill No. 2331
- Senate Bill No. 2353

Senate Bill No. 2370  
Senate Bill No. 2376  
Senate Bill No. 2393  
Senate Bill No. 2395  
Senate Bill No. 2397  
Senate Bill No. 2404  
Senate Bill No. 2416  
Senate Bill No. 2432  
Senate Bill No. 2436  
Senate Bill No. 2439  
Senate Bill No. 2459  
Senate Bill No. 2462  
Senate Bill No. 2482  
Senate Bill No. 2495  
Senate Concurrent Resolution No. 4033  
Senate Concurrent Resolution No. 4041  
Senate Concurrent Resolution No. 4049

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
House Chamber

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

House Bill No. 1071  
House Bill No. 1324  
House Bill No. 1335  
House Bill No. 1355  
House Bill No. 1360  
House Bill No. 1364  
House Bill No. 1409  
House Bill No. 1410  
House Bill No. 1420  
House Bill No. 1421  
House Bill No. 1435

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills 2044, 2141, 2233, 2264, 2292, 2308, 2317, 2326, 2329, 2422, 2425, 2473, 2475, 2479, 2488, 2491, 2505, 2516, 2517, 2520, 2521, 2522, 2527, 2528, 2529, 2537, 2545, 2547, Senate Concurrent Resolutions 4037, 4046, 4052, and House Bills 1031, 1152, 1158, 1249, 1259, 1260 and 1281, the Senate recess until Wednesday, February 16, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## THIRTY-FIRST DAY AFTER RECESS AND THIRTY-SECOND DAY

Bismarck, February 16, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2141

Senate Bill No. 2308

Senate Bill No. 2425

Senate Bill No. 2473

Senate Bill No. 2505

Senate Bill No. 2517

Senate Bill No. 2520

Senate Concurrent Resolution No. 4046

Senate Concurrent Resolution No. 4052

Senate Concurrent Resolution No. 4058

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2001 as recommended by the Committee on Appropriations as printed on pages 608 - 613 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2011 as recommended by the Committee on Appropriations as printed on page 613 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2012 as recommended by the Committee on Appropriations as printed on pages 614 - 616 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2196 as recommended by the Committee on Political Subdivisions as printed on page 616 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2296 as recommended by the Committee on Judiciary as printed on page 636 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2307 as recommended by the Committee on Judiciary as printed on page 636 of the Senate Journal be adopted, which motion prevailed. Senator Lips



moved that Senate Bill No. 2307 be re-referred to the committee on Appropriations, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2325 as recommended by the Committee on Industry, Business and Labor as printed on pages 616 and 617 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2361 as recommended by the Committee on Finance and Taxation as printed on pages 617 and 618 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2364 as recommended by the Committee on Judiciary as printed on page 636 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2367 as recommended by the Committee on Industry, Business and Labor as printed on page 618 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2388 as recommended by the Committee on State and Federal Government as printed on page 618 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2449 as recommended by the Committee on State and Federal Government as printed on pages 618 and 619 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2450 as recommended by the Committee on State and Federal Government as printed on page 619 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2463 as recommended by the Committee on Political Subdivisions as printed on pages 619 - 624 of the Senate Journal be adopted, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

Senator Shablow: "Mr. President, Ladies and Gentlemen: I rise on a point of personal privilege.

"I rise to set the record straight in relation to my vote in committee wherein I voted for these amendments. In the discussion of Senate Bill 2500 which in its original form would establish a loan program for political subdivisions from the state funds derived from a coal tax. I believe this is a good concept and worthy of my support. When these amendments were presented, the testimony revolved around the distribution formula which in general I approve of.

However, there was included in these amendments a repealer, which in effect would continue the flat rate severance tax on coal.

I was not aware of this repealer, and don't believe that all of the committee members were aware of what this repealer section would do.

So I repeat that I want the record to indicate that I had no intention of voting for a flat rate severance tax, which I apparently did. I have always favored a percentage of value severance tax, and will continue to support this concept.

I supported this concept when the interim study committee, in 1973-74 interim committee hearings were held wherein they determined that this was the best approach on this matter and passed out a bill for a per-

centage of value tax and since that time after hearing all the testimony presented to that committee I have always supported this method of taxation. I resisted the flat rate bill last session and I will continue to resist this method this session as well.

Senator Goodman moved that the amendments to Senate Bill No. 2500 as recommended by the Committee on Finance and Taxation as printed on pages 624 - 626 of the Senate Journal be adopted, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Freed moved that the amendments to Senate Bill No. 2530 as recommended by the Committee on Judiciary as printed on page 637 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2540 as recommended by the Committee on Industry, Business and Labor as printed on page 627 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

Senator Thane moved that the amendments to House Bill 1084 be laid over one legislative day, which motion prevailed.

#### MOTIONS

Senator Fritzell moved that Senate Bill No. 2374 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

Senator Fritzell requested the unanimous consent of the Senate to withdraw Senate Bill No. 2374. There being no objection the request was granted, and Senate Bill No. 2374 was withdrawn.

Senator Reiten moved that Senate Bill No. 2466 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

Senator Reiten requested the unanimous consent of the Senate to withdraw Senate Bill No. 2466. There being no objection the request was granted, and Senate Bill No. 2466 was withdrawn.

Senator Hanson moved that Senate Bill No. 2102 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

Senator Hanson requested the unanimous consent of the Senate to withdraw Senate Bill No. 2102. There being no objection the request was granted, and Senate Bill No. 2102 was withdrawn.

Senator Lee moved that Senate Bill No. 2123 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Lee requested the unanimous consent of the Senate to withdraw Senate Bill No. 2123. There being no objection the request was granted, and Senate Bill No. 2123 was withdrawn.

Senator Krauter moved that Senate Bill No. 2386 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

Senator Krauter requested the unanimous consent of the Senate to withdraw Senate Bill No. 2386. There being no objection the request was granted, and Senate Bill No. 2386 was withdrawn.

#### FIRST READING OF SENATE BILLS

Senator Nething introduced:

Senate Concurrent Resolution No. 4072. A concurrent resolution

directing a Legislative Council study of costs incurred by state agencies and institutions during the 1977-1979 biennium because of energy development activities in North Dakota.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senators Redlin, Jacobson introduced:

**Senate Concurrent Resolution No. 4073.** A concurrent resolution directing the Legislative Council to study and review the capacity of the State Water Commission to aid in the development of irrigation and other water resource development projects.

Was read the first time and referred to the Legislative Council Resolutions Committee.

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1071.** A Bill for an Act to provide for the liability of political subdivisions, to require political subdivisions to be insured to certain limits, to set limitations upon such liability, to provide for the certification of coverage, to authorize the purchase of insurance or provision for self-insurance and to authorize a fund and a levy therefor, to prescribe the duties of the insurance commissioner, to provide a statute of limitations, to provide a procedure for making payments for claims and judgments against political subdivisions, and to authorize the state to purchase insurance coverage.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1324.** A Bill for an Act to provide for partial waiver of tuition fees for all members of the national guard in any post secondary educational program; and to provide an appropriation.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1335.** A Bill for an Act to amend and reenact sections 16-22-02 and 16-22-05 of the North Dakota Century Code, relating to the disclosure of financial interests by candidates for office, or, in the alternative, to amend and reenact sections 16.1-09-02 and 16.1-09-05 of the North Dakota Century Code as created by section 8 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the disclosure of financial interests of candidates for office.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1355.** A Bill for an Act to amend and reenact subsection 2 of section 52-04-07 of the North Dakota Century Code, relating to when unemployment compensation benefits paid are not chargeable to accounts of base-period employers.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1360.** A Bill for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; and to provide for a coal development impact commission to approve or disapprove impact grants.



|            |   |         |   |          |   |               |   |
|------------|---|---------|---|----------|---|---------------|---|
| FARRINGTON | • | LEE     | • | PIETRON  | • | TENNEFOS      | • |
| FREED      | • | LIPS    | • | RAIT     | • | THANE         | • |
| FRITZELL   | • | LODDEN  | • | REDLIN   | • | VOSPER        | • |
| GOODMAN    | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON     | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER    | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG   | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER     | • | MORGAN  | • | SHABLOW  | • |               |   |

Senate Bill No. 2441 was declared lost.

Senate Bill No. 2465. A Bill for an Act to provide for first and second class regional airport authorities, to provide that every county shall be a member of a regional airport authority, to provide options for cities and airport authorities operating first class airports, to provide a mill levy, to provide administrative provisions, and to provide for a legislative council study.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 42; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |           |      |          |     |                  |               |     |      |
|---------------------|-----|------|------------|-----------|------|----------|-----|------------------|---------------|-----|------|
| REGULAR SESSION     |     |      |            | ROLL-CALL |      |          |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS     | N-V | NAYS             | YEAS          | N-V | NAYS |
| •                   |     | •    | JACOBSON   | •         | •    | NAADEN   | •   | •                | SMYKOWSKI     | •   | •    |
| •                   |     | •    | JONES      | •         | •    | NELSON   | •   | •                | SOLBERG       | •   | •    |
| •                   |     | •    | KRALTER    | •         | •    | •        | •   | •                | STRAND        | •   | •    |
| •                   |     | •    | LARSON     | •         | •    | ORANGE   | •   | •                | STRINDEN      | •   | •    |
| •                   |     | •    | LASHKOWITZ | •         | •    | PETERSON | •   | •                | TALLACKSON    | •   | •    |
| •                   |     | •    | LEE        | •         | •    | PIETRON  | •   | •                | TENNEFOS      | •   | •    |
| •                   |     | •    | LIPS       | •         | •    | RAIT     | •   | •                | THANE         | •   | •    |
| •                   |     | •    | LODDEN     | •         | •    | REDLIN   | •   | •                | VOSPER        | •   | •    |
| •                   |     | •    | MAHER      | •         | •    | REITEN   | •   | •                | WALSH         | •   | •    |
| •                   |     | •    | MAU        | •         | •    | SANDNESS | •   | •                | WENSTROM      | •   | •    |
| •                   |     | •    | MELLAND    | •         | •    | SANDS    | •   | •                | WRIGHT        | •   | •    |
| •                   |     | •    | MILLER     | •         | •    | SCHIRADO | •   | •                | MR. PRESIDENT | •   | •    |
| •                   |     | •    | MORGAN     | •         | •    | SHABLOW  | •   | •                |               |     |      |
| •                   |     | •    |            |           |      |          |     |                  |               |     |      |

Senate Bill No. 2465 was declared lost.

### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2004 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 23, delete the numerals "459,091" and insert in lieu thereof the numerals "597,326"

On page 1, line 24, delete the numerals "1,330,611" and insert in lieu thereof the numerals "1,702,441"

On page 2, line 1, delete the numerals "5,460" and insert in lieu thereof the numerals "6,380"

On page 2, line 3, delete the numerals "60.00" and insert in lieu thereof the numerals "70.00"

On page 2, line 11, delete the word "council" and insert in lieu thereof the word "conference"

On page 2, line 12, delete the numerals "258,386" and insert in lieu thereof the numerals "265,998"

On page 2, line 14, delete the numerals "2,088,658" and insert in lieu thereof the numerals "2,607,255"

On page 2, line 18, delete the numerals "58,545" and insert in lieu thereof the numerals "66,045"

On page 2, line 20, delete the numerals "71,100" and insert in lieu thereof the numerals "78,600"

On page 2, line 24, delete the numerals "644,467" and insert in lieu thereof the numerals "726,624"

On page 2, line 27, delete the numerals "1,667,280" and insert in lieu thereof the numerals "1,749,437"

On page 2, line 28, delete the numerals "3,827,038" and insert in lieu thereof the numerals "4,435,292"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

STATEMENT OF PURPOSE OF AMENDMENT:

The amendments to the Legislative Assembly appropriation reflect increases necessary to pay salaries and wages to legislative employees at amounts set by the Legislative Assembly. The amendments to fees and services provide funding necessary to reimburse legislators for expenses during the 46th Legislative Assembly at levels set forth in House Bill No. 1381, which increases the daily expense allowance during the session from \$60 to \$70. The amendments also take into account House Bill No. 1273, which increases the number of round trips from seven per session to one each calendar week during any regular session, and Senate Bill No. 2201, which increases the monthly allowance for uncompensated expenses from \$75 to \$150 per month. Senate Bill No. 2201 also provides for a per diem of \$35 per day for Legislative Compensation Commission members for attendance at meetings of the commission. The amendment to supplies and materials reflects additional funding necessary for the 45th Legislative Assembly.

The amendments to the legislative organizational session appropriation reflect the increase necessary to reimburse members attending the 1978 organizational session at a rate of \$70 per day rather than \$60 per day as is currently provided by law.

The amendments to the Legislative Council appropriation reflect an increase in the travel expense reimbursement rates (15 cents to 18 cents per mile, \$10 to \$12 per day for meals, and \$16 to \$18 per day plus tax for lodging), as provided in House Bill No. 1444. The amendment also provides additional funding necessary to defray the cost of a committee on public employees retirement programs, created by Senate Bill No. 2061, and legislative review of administrative rules and regulations, as provided in Senate Bill No. 2475.

SENATOR LIPS, Chairman

Senate Bill No. 2004 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2005 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 19, delete the numerals "9,394,134" and insert in lieu thereof the numerals "10,234,134"

On page 1, line 20, delete the numerals "185,000,000" and insert in lieu thereof the numerals "184,160,000"

On page 1, line 21, delete the numerals "990,358" and insert in lieu thereof the numerals "1,150,358"

On page 1, after line 21, insert the following line:

"Federal grant and aid programs 24,294,619"

On page 1, line 24, delete the numerals "195,415,492" and insert in lieu thereof the numerals "219,870,111"

On page 2, line 1, delete the numerals "11,000,000" and insert in lieu thereof the numerals "35,294,619"

On page 2, line 2, delete the numerals "184,415,492" and insert in lieu thereof the numerals "184,575,492"

On page 2, line 5, delete the numerals "732,603" and insert in lieu thereof the numerals "758,987"

On page 2, delete line 6

On page 2, line 9, delete the numerals "173,972" and insert in lieu thereof the numerals "193,972"

On page 2, line 11, delete the numerals "1,314,019" and insert in lieu thereof the numerals "1,354,260"

On page 2, line 12, delete the numerals "615,250" and insert in lieu thereof the numerals "661,634"

On page 2, line 13, delete the numerals "698,769" and insert in lieu thereof the numerals "692,626"

On page 2, delete line 17

On page 2, line 22, delete the numerals "15,264,783" and insert in lieu thereof the numerals "15,500,000"

On page 2, line 24, delete the numerals "17,215,820" and insert in lieu thereof the numerals "17,439,989"

On page 2, line 26, delete the numerals "9,732,275" and insert in lieu thereof the numerals "9,956,444"

On page 2, after line 30, insert the following: "(The salary of the commissioner shall not exceed \$54,000 for the biennium)"

On page 2, delete line 31

On page 3, line 2, delete the numerals "650,904" and insert in lieu thereof the numerals "646,856"

On page 3, line 3, delete the numerals "194,846,536" and insert in lieu thereof the numerals "195,224,562"

On page 3, line 4, delete the numerals "19,749,699" and insert in lieu thereof the numerals "44,086,654"

On page 3, line 5, delete the numerals "214,596,235" and insert in lieu thereof the numerals "239,311,216"

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment to Elementary and Secondary Grants increases special education by \$840,000 to increase support for the program. The foundation payments are decreased by \$840,000 because of revised estimates of student enrollments. The amendment includes in the budget federal funds which go to school districts in the state:

|  |                     |
|--|---------------------|
| Title I (remedial program)                             | \$13,004,298*       |
| Special education                                      | 461,273             |
| Title IV (library, equipment, and innovative projects) | 1,786,083           |
| School food services                                   | 8,823,100           |
| Food Distribution program                              | 219,865             |
| <b>TOTAL</b>   | <b>\$24,294,619</b> |

The additional \$160,000 in the school food services is the amount necessary to match federal school lunch program funds.

The amendment also adds \$26,384 to salaries and wages for two additional film clerks for the Division of Independent Study, adds \$22,000 for equipment, and deletes the classification change line item of \$6,143. The additional \$48,384 is to be derived from the estimated income of the Division of Independent Study, and the classification change dollars are deleted from the general fund appropriation.

The increase of \$235,217 in grants, benefits, and claims for vocational education is to allow the Vocational Education Board to be adequately

funded for current programs and to allow program expansion at the discretion of the board.

This amendment deletes the classification change line item of \$4,048 from the Commissioner of Universities and School Lands budget.

SENATOR LIPS, Chairman

Senate Bill No. 2005 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2010 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, delete the numerals "6,396,887" and insert in lieu thereof the numerals "6,040,782"

On page 1, delete line 19

On page 1, line 20, delete the numerals "1,571,943" and insert in lieu thereof the numerals "1,425,363"

On page 1, line 21, delete the numerals "4,982,266" and insert in lieu thereof the numerals "1,562,876"

On page 1, line 22, delete the numerals "492,447" and insert in lieu thereof the numerals "480,979"

On page 1, line 23, delete the numerals "212,952" and insert in lieu thereof the numerals "198,084"

On page 2, line 1, delete the numerals "4,374,951" and insert in lieu thereof the numerals "3,198,580"

On page 2, line 2, delete the numerals "18,087,174" and insert in lieu thereof the numerals "12,907,664"

On page 2, line 3, delete the numerals "14,799,542" and insert in lieu thereof the numerals "9,954,679"

On page 2, line 4, delete the numerals "3,287,632" and insert in lieu thereof the numerals "2,952,985"

On page 2, line 12, delete the numerals "17,036,201" and insert in lieu thereof the numerals "17,045,801"

On page 2, delete line 13

On page 2, line 17, delete the numerals "914,000" and insert in lieu thereof the numerals "1,564,000"

On page 2, line 20, delete the numerals "21,490,052" and insert in lieu thereof the numerals "22,003,250"

On page 2, line 22, delete the numerals "14,540,333" and insert in lieu thereof the numerals "15,053,531"

On page 2, after line 33, insert the following new subdivision:

"Subdivision 5.

#### DIVISION OF ALCOHOLISM AND DRUG ABUSE

|                                  |                  |
|----------------------------------|------------------|
| Salaries and wages               | \$ 320,463       |
| Fees and services                | 99,514           |
| Data processing                  | 14,868           |
| Supplies and materials           | 25,745           |
| Equipment                        | 4,500            |
| Grants, benefits, and claims     | 634,609          |
| Total funds                      | <u>1,099,699</u> |
| Less federal funds               | <u>720,991</u>   |
| Total general fund appropriation | \$ 378,708       |



On page 2, line 35, delete the numerals "20,218,763" and insert in lieu thereof the numerals "20,776,022"

On page 3, line 1, delete the numerals "23,117,061" and insert in lieu thereof the numerals "18,993,189"

On page 3, line 2, delete the numerals "43,335,824" and insert in lieu thereof the numerals "39,769,211"

On page 3, delete lines 6 through 9 and insert in lieu thereof the following: "and such additional funds as may become available from federal or other sources to the centers referred to in this section, or so much thereof as may be necessary for the purpose of providing financial assistance in establishing and maintaining during the biennium beginning July 1, 1977, and ending June 30, 1979, the mental health and retardation units and human service centers created in accordance with law, the amounts to be allocated to the units and centers shall be as follows:

|   |           |
|---|-----------|
| Badlands human service center, Dickinson                    | \$300,960 |
| Northwest human resource center, Williston                  | 253,440   |
| Memorial mental health and retardation center, Mandan       | 316,800   |
| North Central mental health and retardation center, Minot   | 346,800   |
| Southeast mental health and retardation center, Fargo       | 316,800   |
| Northeast mental health and retardation center, Grand Forks | 316,800   |

|                                    |         |
|------------------------------------|---------|
| Human services center, Devils Lake | 150,580 |
|------------------------------------|---------|

If a human service center or a mental health and retardation unit determines that it can maintain its operations with less funds than that allocated to it under this Act, the state health department is authorized to transfer such surplus funds to such other center as it determines may be in need of additional funds."

And renumber the lines, subdivisions, and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of the amendments to the Public Health Department's budget is to delete the classification change line item of \$54,728, \$21,892 in general fund dollars and \$32,836 in federal funds, to add \$20,000 to fees and services in general fund dollars for the child death syndrome program and to provide federal funds for the WIC program through September 1978, the period of time during which federal funds are currently allotted to North Dakota. Funds expected to be received from July 1, 1977, through September 30, 1978, are as follows:

|                                 |                    |
|---------------------------------|--------------------|
| Salaries and wages              | \$ 13,068          |
| Fees and services               | 19,232             |
| Supplies and materials          | 994,894            |
| Equipment                       | 2,219              |
| Grants to local health programs | 203,417            |
| Total                           | <u>\$1,232,830</u> |

The amendments also delete all funds for the Division of Alcoholism and Drug Abuse from the Public Health Department's budget as recommended in the Governor's budget and placed these funds in a new subdivision of the bill entitled "Division of Alcoholism and Drug Abuse." These funds totaled \$978,140. An additional \$121,559 is added to grants, benefits, and claims for the alcoholism and drug abuse program making the total funds appropriated \$1,099,699.

The purpose of the amendments to the State Hospital budget is to delete the classification change line item of \$146,402, to add \$9,600 to salaries

and wages for adequate fringe benefits and to add \$650,000 to land, structures and major improvements for a second stairway on the sixth floor of the Medical Center Building and for boiler retubing and conversion.

SENATOR LIPS, Chairman

Senate Bill No. 2010 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2022 has had the same under consideration and recommends that the same be amended as follows:

On page 3, after line 18, insert the following sections:

"SECTION 8. SUPREME COURT.) It is the intent of the legislative assembly that to relieve the crowded conditions of the Supreme Court the court be provided space in the building to be constructed pursuant to the provisions of this Act.

SECTION 9. LEGISLATIVE SPACE.) It is the intent of the legislative assembly that additional facility space be made available pursuant to the provisions of this Act and that it include space, either within the capitol or in the building constructed pursuant to the provisions of this Act, for no fewer than six legislative committee rooms and one large legislative hearing room."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

SENATOR LIPS, Chairman

Senate Bill No. 2022 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2056 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2056 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance & Taxation to whom was referred Senate Bill No. 2082 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2082 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2093 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, after the word "gas" insert the following: ", steam, and water"

On page 1, line 10, after the word "gas" insert the following: ", steam, water,"

On page 1, line 12, after the word "electricity" delete the following: "; to provide an effective" and insert in lieu thereof the following: "."

On page 1, delete all of line 13

On page 2, line 1, after "steam," delete the beginning triple parentheses and after "electricity," delete the ending triple parentheses and on the same line after the word "of" insert beginning triple parentheses and after the word "or" insert ending triple parentheses

On page 2, line 26, after "steam," delete the beginning triple parentheses and after "electricity," delete the ending triple parentheses and on the same line after the word "of" insert beginning triple parentheses and after the word "and" insert ending triple parentheses

On page 3, line 32, after "steam," delete the beginning triple parentheses and after "electricity," delete the ending triple parentheses and on the same line insert beginning triple parentheses before the word "steam" and after the word "and" insert ending triple parentheses

On page 4, line 18, after "steam," delete the beginning triple parentheses and after "electricity," delete the ending triple parentheses and on the same line after the word "furnishing" insert beginning triple parentheses and after the word "or" insert ending triple parentheses

On page 4, line 27, after the word "gas" insert the following: ", steam, and water"

On page 4, line 33, delete the beginning and ending triple parentheses around "gas," and on the same line after "events," insert beginning triple parentheses

On page 4, line 34, delete the beginning triple parentheses

On page 5, line 10, after "merchandise," insert beginning triple parentheses

On page 5, line 11, delete the beginning triple parentheses and after the word "and" delete the ending triple parentheses and on the same line after "water," insert ending triple parentheses

On page 5, line 17, after the word "Gas" insert the following: "and Water"

On page 5, line 34, delete the beginning and ending triple parentheses around "gas," and on the same line after the word "of" insert beginning triple parentheses

On page 5, line 35, after the word "or" insert ending triple parentheses

On page 6, delete lines 1 through 5

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2093 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2240 has had the same under consideration and recommends that the same be amended as follows:

On page 2, delete lines 10 through 22 and insert in lieu thereof the following:

|               |        |        |        |       |
|---------------|--------|--------|--------|-------|
| 1,999 or less | 32.00  | 25.00  | 19.00  | 15.00 |
| 2,000 - 2,399 | 34.00  | 27.00  | 20.00  | 15.00 |
| 2,400 - 2,799 | 36.00  | 29.00  | 22.00  | 15.00 |
| 2,800 - 3,199 | 38.00  | 30.00  | 23.00  | 16.00 |
| 3,200 - 3,599 | 42.00  | 33.00  | 25.00  | 17.00 |
| 3,600 - 3,999 | 46.00  | 37.00  | 28.00  | 19.00 |
| 4,000 - 4,499 | 56.00  | 45.00  | 34.00  | 23.00 |
| 4,500 - 4,999 | 72.00  | 57.00  | 43.00  | 29.00 |
| 5,000 - 5,999 | 100.00 | 80.00  | 60.00  | 40.00 |
| 6,000 - 6,999 | 130.00 | 104.00 | 78.00  | 52.00 |
| 7,000 - 7,999 | 160.00 | 128.00 | 96.00  | 64.00 |
| 8,000 - 8,999 | 190.00 | 152.00 | 114.00 | 76.00 |
| 9,000 & over  | 220.00 | 176.00 | 132.00 | 88.00 |

On page 3, delete lines 14 through 24 and insert in lieu thereof the following:

|                 |       |       |       |       |
|-----------------|-------|-------|-------|-------|
| \$ 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 |

On page 4, delete lines 23 through 35

On page 5, delete lines 1 through 16 and insert in lieu thereof the following:

|                 |          |         |        |
|-----------------|----------|---------|--------|
| 24,001 - 26,000 | 176.00   | 141.000 | 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 |

On page 5, line 30, after the word "owned" delete the underlining for the remainder of the line

On page 5, line 31, delete the underlining under the word "year"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2240 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2245 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2245 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2256 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2256 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2268 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2268 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2305 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2305 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2327 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the word "Act" delete the following: "to create and enact subsection 11 of section"

On page 1, line 2 delete all of the words

On page 1, line 3, delete the following: "authority of state credit unions to exercise federal powers;"

On page 4, delete all of lines 5 through 20

On page 4, line 35, after the second word "membership" insert the following: "for not more than three years"

On page 9, line 12, delete the word "1980" and insert in lieu thereof the word "1979"

On page 9, delete all of lines 13 through 17

And renumber the lines, pages and sections accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2327 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2333 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

Senate Bill No. 2333 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2336 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

Senate Bill No. 2336 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2338 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 10 of the engrossed bill, delete the numerals "2,031,268.00" and insert in lieu thereof the numerals "1,421,888"

On page 1, line 11 of the engrossed bill, delete the numerals "274,387.00" and insert in lieu thereof the numerals "192,071.00"

On page 1, line 11 of the engrossed bill, delete the numerals "1,700,000.00" and insert in lieu thereof the numerals "1,190,000.00"

On page 1, line 15 of the engrossed bill, delete the word "twenty" and insert in lieu thereof the word "fifteen"

On page 1, line 16 of the engrossed bill, delete the word "one"

On page 1, line 18 of the engrossed bill, delete the following: "and dental"

On page 1, line 19 of the engrossed bill, delete the following: "eye glasses,"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendments is to lower the age from under 21 to under 15 for those eligible for assistance under that act and to delete the categories of dental services and eye glasses from the program.

SENATOR LIPS, Chairman

Senate Bill No. 2338 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2346 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2 of the engrossed bill, delete the semicolon and insert in lieu thereof a period

On page 1 of the engrossed bill, delete line 3

On page 1, line 11 of the engrossed bill, delete the triple parentheses around the word "FIVE"

On page 1, line 12 of the engrossed bill, delete the following: "TWO"

On page 5 of the engrossed bill, delete lines 8 through 20

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

Appropriations for homestead credit are included in House Bill 1004 and so are removed from this bill.

SENATOR LIPS, Chairman

Senate Bill No. 2346 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivision to whom was referred Senate Bill No. 2379 has had the same under consideration and recommends that the same be amended as follows:

On Page 1, line 1, delete everything after "A BILL" through the end of the bill and insert in lieu thereof the following:

"for an Act to create and enact a new section to chapter 58-03 of the North Dakota Century Code, relating to township zoning authority.

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

SECTION 1.) A new section to chapter 58-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

TOWNSHIP ZONING AUTHORITY TO BE RELINQUISHED TO COUNTY.)

At the annual township meeting to be held in March of 1978, the question of the relinquishment of the township's zoning authority shall be placed on the election ballot for a vote of the qualified electors of the township. The question shall be placed on the ballot by the township clerk and shall be in the following form:

Shall the zoning authority of \_\_\_\_\_ township (name the township) be relinquished by said township to the county?

Yes .....  
No .....

If a majority of the votes cast on the question of relinquishment of a township's zoning authority are in favor, such zoning authority shall be relinquished to the county thirty days after such election."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2379 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2380 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 2, after the word "certain" insert the words "regulatory agencies and boards and the regulatory activities of all"

On page 1 of the engrossed bill, line 8, after the word "these" insert the word "regulatory" and after the word "agencies" insert the words "and activities by the legislative budget analyst and auditor"

On page 1 of the engrossed bill, line 18, after the word "auditor" insert a semicolon and the words "; and providing an appropriation"

On page 3 of the engrossed bill, line 8, delete the word "and" and insert the word "of"; after the word "state" insert the word "regulatory"; and delete the words "affected by" and insert the words "in existence at the effective date of"

On page 3 of the engrossed bill, line 35, after the first word "auditor" delete the words "and the state auditor"

On page 4 of the engrossed bill, line 5, after the first word "auditor" delete the words "and the state auditor"

On page 4 of the engrossed bill, line 11, after the first word "auditor" delete the words "and the state auditor"

On page 4 of the engrossed bill, line 23, after the first word "auditor" delete the words "or the state auditor, as determined by"

On page 4 of the engrossed bill, delete line 24

On page 4 of the engrossed bill, line 25, delete the words "review committee, and" and insert a comma

On page 4 of the engrossed bill, line 29, delete the words "a nongovernment" and insert the word "another"

On page 4 of the engrossed bill, line 30, after the word "auditor" delete the words "or the"

On page 4 of the engrossed bill, line 31, delete the words "state auditor"

On page 5 of the engrossed bill, line 15, after the first word "auditor" delete the words and commas " , the state auditor, "

On page 9 of the engrossed bill, line 20, after the word "following" insert the word "regulatory"

On page 9 of the engrossed bill, line 29, delete everything after the numerals "7." and insert in lieu thereof the words "Contractor registration by the secretary of state (chapter 43-07)."

On page 9 of the engrossed bill, delete line 35

On page 10 of the engrossed bill, line 1, after the word "following" insert the word "regulatory"

- On page 10 of the engrossed bill, line 18, delete the rest of the line after the numeral "8." and insert the words "Registration of oil and gas brokers by the state securities commissioner (chapter 43-22)."

On page 10 of the engrossed bill, line 25, after the word "following" insert the word "regulatory"

On page 10 of the engrossed bill, line 31, delete all the words after the number "3." and insert the words "licensing by the attorney general of detectives (chapter 43-30), detection of deception examiners (chapter 43-31), hearing aid dealers and fitters through the board of hearing aid dealers and fitters (chapter 43-33)."

On page 11 of the engrossed bill, after line 7, insert the following new section:

"SECTION 22. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$75,000.00, or so much thereof as may be necessary, to the legislative council for the use of the legislative budget analyst and auditor and the legislative audit and fiscal review committee to carry out the provisions of this Act for the biennium beginning July 1, 1977, and ending June 30, 1979."

And renumber the lines and pages accordingly

SENATOR LIPS, Chairman

Senate Bill No. 2380 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2381 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, delete the words "or hereafter own and"

On page 2, line 25, delete the words "now or hereafter"

On page 3, line 24, after the word "taken" insert the words "and approved by not less than sixty percent of the qualified electors who voted in the previous gubernatorial election"

On page 3, line 29, after the word "thereto" insert the words "which has been approved by not less than sixty percent of the qualified electors who voted in the previous gubernatorial election"

On page 3, line 32, after the word "cities" insert the words ", and approved by not less than sixty percent of the qualified electors in each of those cities who voted in the previous gubernatorial election"

On page 5, line 14, after the word "city" insert the words "and approved by not less than sixty percent of the qualified electors in each of those cities who voted in the previous gubernatorial election"

On page 5, line 19, delete the words ", to exercise a part of the sovereign powers" and insert in lieu thereof a period



On page 5, delete line 20

On page 6, line 7, delete the word "may" and insert in lieu thereof the word "shall"

On page 6, delete lines 8, 9, and 10 and insert in lieu thereof the words "each member city shall be represented on the board of directors."

On page 7, line 15, after the period insert the following:

"The agency agreement or the bylaws shall not take effect until approved by not less than sixty percent of the qualified electors who voted in the previous gubernatorial election."

On page 8, line 6, delete the word "that"

On page 8, line 7, delete the words "which an ordinary prudent person in a like" and insert in lieu thereof a period

On page 8, delete line 8

On page 8, line 21, delete the words "Except where the agency" and insert in lieu thereof the words "Any vacancy occurring on the board shall be filled in the same manner and by a representative of the same city as on the initial board."

On page 8, delete lines 22 through 26.

On page 9, line 33, after the word "cities" insert the words "and approved by not less than sixty percent of the qualified electors in each of those cities who voted in the previous gubernatorial election"

On page 10, line 10, after the word "agency" insert the words "shall be a municipal corporation and a political subdivision of the state and"

On page 10, line 13, delete the word "and"

On page 10, line 14, delete the words "exercising a part of the sovereign powers of this state"

On page 10, line 20, delete the words "and within or"

On page 10, line 21, delete the words "outside the United States"

On page 14, line 24, after the word "and" insert the words "approved by not less than sixty percent of the qualified electors in each of the member cities who voted in the previous gubernatorial election and"

On page 17, line 5, after the word "abrogated" insert the words "(provided, however, that such amendment or abrogation shall not take effect until approved by not less than sixty percent of the qualified electors in each of the member cities who voted in the previous gubernatorial election)"

On page 17, line 30, delete the words "and within or outside the"

On page 17, line 31, delete the words "United States"

On page 18, line 5, delete the word "and" and insert in lieu thereof a period

On page 18, delete line 6

On page 18, line 9, after the word "may" insert the words ", subject to approval by not less than sixty percent of the qualified electors in each of the member cities who voted in the previous gubernatorial election,"

On page 19, line 17, delete the words ", and notwithstanding any provision of title 41" and insert in lieu thereof a period

On page 19, delete lines 18 through 32

On page 22, line 9, after the word "may" insert the words ", subject to approval by not less than sixty percent of the qualified electors in each of the member cities who voted in the previous gubernatorial election,"

On page 24, delete lines 5 through 11

On page 24, line 13, after the word "agency" delete the word "may" and insert in lieu thereof the words "shall not"

On page 24, line 17, after the first word "or" delete the word "may" and insert in lieu thereof the words "shall not"

On page 24, line 21 after the word "bonds" insert a period and delete the following ", except to the extent that its"

On page 24, delete lines 22 through 27

On page 24, delete " contracts."

On page 25, line 8, after the word "chapter" insert a period and on the same line delete the following: "and the bonds or notes shall be authorized"

On page 25, delete lines 9 through 17

and renumber the pages and lines accordingly

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2381 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President; Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2396 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 4 delete the following: "The board shall apply such level of assess-"

On page 2, delete lines 5 through 6

And renumber the lines and pages accordingly

And when so amended recommends the same be placed on calendar without recommendation.

SENATOR GOODMAN, Chairman

Senate Bill No. 2396 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2409 has had the same under consideration and recommends that the same be indefinitely postponed

SENATOR LIPS, Chairman

Senate Bill No. 2409 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2437 has had the same under consideration and recommends that the same be indefinitely postponed

SENATOR GOODMAN, Chairman

Senate Bill No. 2437 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2446 has had the same under consideration and recommends that the same do pass

SENATOR SANDNESS, Chairman

Senate Bill No. 2446 was placed on the eleventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Bill No. 2458 has had the same under consideration and recommends that the same be indefinitely postponed

SENATOR JACOBSON, Chairman

Senate Bill No. 2458 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2472 has had the same under consideration and recommends that the same be placed on calendar without recommendation

SENATOR LIPS, Chairman

Senate Bill No. 2472 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No 2490 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2490 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2496 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 19, delete "or for the leasing or purchase"

On page 3, delete all of lines 20, 21, 22, and 23

On page 3, line 24, delete "procuring of equipment therefor;"

On page 3, line 29, delete "and cemeteries."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2496 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2504 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR EVAN LIPS, Chairman

Senate Bill No. 2504 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 2513 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 16, remove beginning triple parentheses

On page 1, line 17, remove ending triple parentheses and on the same line delete the word "said"

On page 1, line 18, remove beginning triple parentheses and on the same line after the word "for" insert beginning and ending triple parentheses around the word "three" and insert in lieu thereof the word "two"

On page 1, line 18, delete the words "at least"

On page 1, line 19, delete the following: "fifteen days prior to the time set for said hearing"

On page 2, line 12, after the word "published" remove beginning triple parentheses and on the same line, after the word "weeks" remove ending triple parentheses

On page 2, line 12, insert beginning and ending triple parentheses around the word "three" and insert in lieu thereof the word "two"

On page 3, line 7, after the word "published" delete "at least fifteen days" and insert in lieu thereof the words "for two successive weeks" and renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

Senate Bill No. 2513 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was

referred Senate Bill No. 2514 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, delete the words "and has been among"

On page 1, line 15, delete the word "purposes" and insert in lieu thereof the word "purpose"

On page 4, after line 2 insert the following new section: "SECTION 6. NOT RETROACTIVE.) The provisions of this Act shall not be construed to be retroactive."

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2514 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2525 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2525 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2531 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2531 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2533 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2533 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2534 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, after "five" insert ending triple parentheses and the word "two" and on the same line after the word "thousand" delete the ending triple parentheses and the words "one hundred"

On page 1, line 17, after the ending triple parentheses delete the word "one" and insert in lieu thereof the word "two"

On page 1, line 19, after the word "from" delete the words "fifty-one" and insert in lieu thereof the words "one hundred" and on the same line after the word "through" delete the words "one hundred" and insert in lieu thereof the words "two thousand"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

Senate Bill No. 2534 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2538 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 11, after the period insert the following new language: "If the child is handicapped or otherwise requires special education or related services approved by the director of special education, the

residence district shall be liable for the cost of tuition and for the excess educational costs related to such special education."

On page 2, line 11, delete the words "or parents" and insert in lieu thereof a comma and the words ", parents, or guardian" and following the word "child" insert the words "cannot be located; or"

On page 2, line 14, delete the words "or both parents" and insert in lieu thereof a comma and the words ", parents, or guardian"; and delete the word "gain" and insert in lieu thereof the word "gains"

On page 2, line 15, following the word "parent" insert the words "or guardian"

On page 2, line 16, delete the comma and insert in lieu thereof a semicolon

On page 3, line 7, after the word "tuition" add the following: "and the excess educational costs related to such special education"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

Senate Bill No. 2538 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2541 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2541 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Bill No. 2542 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

Senate Bill No. 2542 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Bill No. 2543 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2543 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2544 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, after the word "devices" insert the following: "or other approved alarm systems"

On page 1, line 14, after the word "DEVICES" insert the following: "OR OTHER APPROVED ALARM SYSTEMS"

On page 1, line 16, after the word "devices" insert the following: "or other approved alarm systems"

On page 1, line 22, after the word "devices" insert the following: "or other approved alarm systems"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2544 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Bill No. 2546 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

Senate Bill No. 2546 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2548 has had the same under consideration and recommends that the same do pass.

SENATOR EVAN LIPS, Chairman

Senate Bill No. 2548 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution No. 4056 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR SANDNESS, Chairman

Senate Concurrent Resolution No. 4056 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution No. 4060 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, chairman

Senate Concurrent Resolution No. 4060 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1025 has had the same under consideration and recommends that the same be amended as follows:

On page 7 of the engrossed bill, after line 2, insert the following new section:

"SECTION 4. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500,000.00, or so much thereof as may be necessary, to the state school construction fund for the purpose of constructing and improving public school buildings and furnishing and equipping the same for the biennium beginning July 1, 1977, and ending June 30, 1979."

On page 7, line 3, after the word "SECTION" delete the numeral "4" and insert in lieu thereof the numeral "5"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass and be re-referred to the Committee on Appropriations.

SENATOR SANDNESS, Chairman

House Bill No. 1025 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1059 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1059 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to

whom was referred House Bill No. 1060 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1060 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1063 has had the same under consideration and recommends that the same without recommendation be amended as follows:

On page 3, line 8, after the word "in" delete the word "it" and insert in lieu thereof the word "its"

On page 3, line 29, after the word "relies" insert the following: "including reference to the statute or rule alleged to be violated"

On page 5, line 31, after the period insert the following: "A subpoena to compel a witness to produce documentary evidence will be issued to a party other than the agency only upon petition showing general relevance and reasonable scope of the evidence sought, which petition must also specify with particularity the books, papers, or documents desired."

On page 6, line 2, after the period, insert the following new language: "A party, other than the administrative agency, must first show good cause before undertaking discovery proceedings, including interrogatories."

On page 6, line 33, after the word "within" insert beginning triple parentheses; and on the same line after the word "months" insert ending triple parentheses followed by the words "sixty days"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1063 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1165 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 21, after the word "tions" insert the following: "pursuant to the provisions of Section 28-32 of the North Dakota Century Code"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1165 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1166 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1166 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1167 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1167 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to

whom was referred House Bill No. 1187 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1187 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1286 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1286 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1338 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

House Bill No. 1338 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### MOTION

Senator Solberg moved that the Senate reconsider the action by which Senate Bill No. 2328 was passed, which motion prevailed.

Senator Solberg moved that Senate Bill 2328 be placed at the foot of the calendar, which motion prevailed.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

#### THIRTY-SECOND DAY

Bismarck, February 16, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. E. C. Schumacher, Christian and Missionary Alliance Church, Bismarck.

Our God and Father, we approach Thy Throne of Grace today through Jesus Christ our Lord, and acknowledge our utter dependence upon Thee for all things,—for life, for wisdom, for understanding, for insight, for courage, and for guidance. We thank Thee for every blessing that has been ours, and we ask Thee for wisdom in the various matters that concern our State and its people.

Help us to plan and to pass wise legislation; to change what needs to be changed; and to contribute to the welfare of our citizens. Give to each one of us an open mind, a wise and an understanding spirit, and the courage to do our duty. Let your blessing rest upon our deliberations, and help us to walk in the path of righteousness at all times.

We ask these mercies in the Name of Jesus Christ our Lord. Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirtieth day after recess and Thirty-first day and finds the same to be correct.

SENATOR VOSPER, Chairman

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



## MOTION

Senator Nothing moved that Senate Concurrent Resolution No. 4037 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 4037.** A concurrent resolution to withdraw North Dakota's ratification of the Equal Rights Amendment.

Was read the second time.

Senator Lips requested a Call of the House, which request was granted.

## ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 18; nays, 32; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
|                     |     | •    | •    | JACOBSON   | •    | •    | NAADEN   | •                | •    | SMYKOWSKI     | •    |
|                     |     | •    |      | JONES      | •    |      | NELSON   | •                | •    | SOLBERG       | •    |
|                     |     | •    |      | KRAUTER    | •    |      | NETHING  | •                | •    | STRAND        | •    |
| •                   |     |      | •    | LARSON     | •    |      | ORANGE   | •                | •    | STRINDEN      | •    |
| •                   |     | •    |      | LASHKOWITZ | •    |      | PETERSON | •                | •    | TALLACKSON    | •    |
| •                   |     |      | •    | LEE        | •    | •    | PIETRON  | •                | •    | TENNEFOS      | •    |
|                     | •   |      |      | LIPS       | •    |      | RAIT     | •                | •    | THANE         | •    |
|                     | •   |      |      | LODOEN     | •    | •    | REDLIN   | •                | •    | VOSPER        | •    |
|                     | •   |      |      | MAHER      | •    | •    | REITEN   | •                | •    | WALSH         | •    |
|                     | •   |      |      | MAU        | •    | •    | SANDNESS | •                | •    | WENSTROM      | •    |
|                     | •   |      |      | MELLAND    | •    | •    | SANDS    | •                | •    | WRIGHT        | •    |
|                     | •   |      |      | MILLER     | •    | •    | SCHIRADO | •                | •    | MR. PRESIDENT | •    |
| •                   |     | •    | •    | MORGAN     | •    | •    | SHABLOW  | •                |      |               |      |
|                     |     |      |      |            |      |      |          |                  |      |               |      |

Senate Concurrent Resolution No. 4037 was declared lost.

## MOTION

Senator Nothing moved that Senate Bill No. 2424 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

**Senate Bill No. 2424.** A Bill for an Act to provide a Human Rights Act, and to prohibit discrimination against persons; and to repeal section 23-21.1-08, subsection 11 of section 26-30-04, and chapter 50-26 of the North Dakota Century Code, relating to denying privilege of interment because of race or color, refusing to insure risks solely because of race, color, creed, sex, or national origin, and the governor's council on human resources; and providing an appropriation.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 29; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      |      | JACOBSON   | •    | •    | NAADEN   | •                | •    | SMYKOWSKI     | •    |
| •                   |     |      |      | JONES      | •    |      | NELSON   | •                | •    | SOLBERG       | •    |
|                     |     | •    | •    | KRAUTER    | •    |      | NETHING  | •                | •    | STRAND        | •    |
|                     |     |      | •    | LARSON     | •    | •    | ORANGE   | •                | •    | STRINDEN      | •    |
| •                   |     | •    |      | LASHKOWITZ | •    |      | PETERSON | •                | •    | TALLACKSON    | •    |
| •                   |     |      | •    | LEE        | •    | •    | PIETRON  | •                | •    | TENNEFOS      | •    |
|                     | •   |      |      | LIPS       | •    |      | RAIT     | •                | •    | THANE         | •    |
| •                   |     | •    |      | LODOEN     | •    | •    | REDLIN   | •                | •    | VOSPER        | •    |
|                     | •   |      |      | MAHER      | •    | •    | REITEN   | •                | •    | WALSH         | •    |
|                     | •   |      |      | MAU        | •    | •    | SANDNESS | •                | •    | WENSTROM      | •    |
| •                   |     |      |      | MELLAND    | •    | •    | SANDS    | •                | •    | WRIGHT        | •    |
| •                   |     |      |      | MILLER     | •    | •    | SCHIRADO | •                | •    | MR. PRESIDENT | •    |
|                     | •   |      | •    | MORGAN     | •    | •    | SHABLOW  | •                |      |               |      |
|                     |     |      |      |            |      |      |          |                  |      |               |      |

Senate Bill No. 2424 was declared lost.

**Senate Bill No. 2467.** A Bill for an Act to create and enact a new sub-



## ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED             |     |      | ● LIPS       | ●   |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |              |

So the bill passed and the title was agreed to.

**Senate Bill No. 2501.** A Bill for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to the duty of burial.

Which has been read.

Senator Sands requested that he be excused from voting on this bill due to a conflict of interest.

Senator Nothing moved that Senator Sands be permitted to vote, which motion prevailed.

## ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 534) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED             |     |      | ● LIPS       | ●   |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |              |

So the bill passed and the title was agreed to.

**Senate Bill No. 2503.** A Bill for an Act to amend and reenact section 50-06-05.1 of the North Dakota Century Code, relating to powers and duties of the social service board of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 0; nays, 46; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| — ALBERS            |     | ●    | — JACOBSON   |     | ●    | — NAADEN         |     | ● SMYKOWSKI  |
| — BARTH             |     | ●    | — JONES      |     | ●    | — NELSON         |     | ● SOLBERG    |
| — BERUBE            |     | ●    | — KRAUTER    |     | ●    | — NOTHING        |     | ● STRAND     |
| — CHRISTENSEN       |     | ●    | — LARSON     |     | ●    | — ORANGE         |     | ● STRINDEN   |
| — ERDMAN            |     | ●    | — LASHKOWITZ |     | ●    | — PETERSON       |     | ● TALLACKSON |
| — FARRINGTON        |     | ●    | — LEE        |     | ●    | — PIETRON        |     | ● TENNEFOS   |

|          |   |         |   |          |   |              |   |
|----------|---|---------|---|----------|---|--------------|---|
| FREED    | ● | LIPS    | ● | RAIT     | ● | THANE        | ● |
| FRITZELL | ● | LODOEN  | ● | REDLIN   | ● | VOSPER       | ● |
| GOODMAN  | ● | MAHER   | ● | REITEN   | ● | WALSH        | ● |
| HANSON   | ● | MAU     | ● | SANDNESS | ● | WENSTROM     | ● |
| HOFFNER  | ● | MELLAND | ● | SANDS    | ● | WRIGHT       | ● |
| HOLMBERG | ● | MILLER  | ● | SCHIRADO | ● | MR PRESIDENT | ● |
| ISZLER   | ● | MORGAN  | ● | SHABLOW  | ● |              |   |

Senate Bill No. 2503 was declared lost.

Senate Bill No. 2506. A Bill for an Act to amend and reenact subsection 1 of section 26-39-01 and section 26-39-03 of the North Dakota Century Code, relating to the definition of a licensed treatment facility in regard to mental illness and addiction insurance coverage.

Which has been read.

Senator Freed moved to amend Senate Bill 2506 as follows:

On page 2, line 7 of the bill, following the word "facility" and before the period, insert ", or human service center as provided in Chapter 50-26"

Senator Freed moved that the amendments be adopted, which motion failed.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |              |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|--------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |              |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V          | NAYS |
| ●                   |     |      | ●    | JACOBSON   | ●    | ●    | NAADEN   | ●                | ●    | SMYKOWSKI    |      |
| ●                   |     |      | ●    | JONES      |      | ●    | NELSON   |                  | ●    | SOLBERG      |      |
| ●                   |     |      | ●    | KRAUTER    |      | ●    | NETHING  |                  | ●    | STRAND       |      |
| ●                   |     |      | ●    | LARSON     |      | ●    | ORANGE   |                  | ●    | STRINDEN     |      |
| ●                   |     |      | ●    | LASHKOWITZ |      | ●    | PETERSON |                  | ●    | TALLACKSON   |      |
| ●                   |     | ●    | ●    | LEE        |      | ●    | PIETRON  |                  | ●    | TENNEFOS     |      |
| ●                   |     |      | ●    | LIPS       |      | ●    | RAIT     |                  | ●    | THANE        |      |
| ●                   |     |      | ●    | LODOEN     |      | ●    | REDLIN   |                  | ●    | VOSPER       |      |
| ●                   |     |      | ●    | MAHER      |      | ●    | REITEN   |                  | ●    | WALSH        |      |
| ●                   |     |      | ●    | MAU        |      | ●    | SANDNESS |                  | ●    | WENSTROM     |      |
| ●                   |     |      | ●    | MELLAND    |      | ●    | SANDS    |                  | ●    | WRIGHT       |      |
| ●                   |     |      | ●    | MILLER     |      | ●    | SCHIRADO |                  | ●    | MR PRESIDENT |      |
| ●                   |     |      | ●    | MORGAN     |      | ●    | SHABLOW  |                  |      |              |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2532. A Bill for an Act to create and enact a new section to chapter 40-57 of the North Dakota Century Code, relating to the authority of municipalities to issue refunding bonds with respect to municipal industrial development projects; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |              |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|--------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |              |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V          | NAYS |
| ●                   |     |      | ●    | JACOBSON   |      | ●    | NAADEN   |                  | ●    | SMYKOWSKI    |      |
| ●                   |     |      | ●    | JONES      |      | ●    | NELSON   |                  | ●    | SOLBERG      |      |
| ●                   |     |      | ●    | KRAUTER    |      | ●    | NETHING  |                  | ●    | STRAND       |      |
| ●                   |     |      | ●    | LARSON     |      | ●    | ORANGE   | ●                | ●    | STRINDEN     |      |
| ●                   |     |      | ●    | LASHKOWITZ |      | ●    | PETERSON |                  | ●    | TALLACKSON   |      |
| ●                   |     |      | ●    | LEE        |      | ●    | PIETRON  |                  | ●    | TENNEFOS     |      |
| ●                   |     |      | ●    | LIPS       |      | ●    | RAIT     |                  | ●    | THANE        |      |
| ●                   |     | ●    | ●    | LODOEN     |      | ●    | REDLIN   |                  | ●    | VOSPER       |      |
| ●                   |     |      | ●    | MAHER      |      | ●    | REITEN   |                  | ●    | WALSH        |      |
| ●                   |     |      | ●    | MAU        |      | ●    | SANDNESS |                  | ●    | WENSTROM     |      |
| ●                   |     |      | ●    | MELLAND    |      | ●    | SANDS    |                  | ●    | WRIGHT       |      |
| ●                   |     |      | ●    | MILLER     |      | ●    | SCHIRADO | ●                | ●    | MR PRESIDENT |      |
| ●                   |     |      | ●    | MORGAN     |      | ●    | SHABLOW  |                  |      |              |      |

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



On page 2 of the engrossed bill, delete lines 18 through 35

On page 3 of the engrossed bill, delete lines 1 through 14.

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

Senator Naaden moved that the rules be suspended, that Senate Bill 2027 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

Senator Mau moved that the Senate reconsider its action whereby the amendments to Senate Bill 2027 were adopted, which motion lost.

Senate Bill No. 2027. A Bill for an Act to provide a property tax credit on land on which there are large transmission towers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill as amended, the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     |      | • STRINDEN      |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | •    | • VOSPER        |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2263. A Bill for an Act to amend and reenact section 11-15-29 of the North Dakota Century Code, relating to sheriffs' and deputies' uniforms.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 555) the roll was called and there were ayes, 40; nays, 7; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     |      | • SOLBERG       |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senate Bill No. 2279. A Bill for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to the issuance of water permits; and to amend and reenact subsection 2 of section 23-25-04.1, and sections 23-29-07, 49-03-02, and subsection 19 of section 61-28-04 of the North Dakota Century Code, relating to the

issuance of permits or certificates for air pollution, solid waste management, public convenience and necessity, and water pollution.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 556) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      | •   |      | • NELSON   | •   |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**Senate Bill No. 2301.** A Bill for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, assuring a person subject to any administrative procedure or hearing process the right to justice, by providing the right to elect either to proceed with such procedure or hearing or to proceed in the appropriate court, providing procedure when a court action is elected, and providing for appeals from administrative agency or body decisions not subject to chapter 28-32; and to amend and reenact section 28-32-15 of the North Dakota Century Code, relating to an appeal from an agency determination, and providing that any administrative agency decision may be appealed to district court.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 23; nays, 27; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      | •   |      | • NELSON   | •   |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2301 was declared lost.

**MOTION**

Senator Nething moved that Senate Bills 2062, 2279 and 2384 be reprinted, which motion prevailed.

**MESSAGE TO THE HOUSE**

**Senate Chamber**

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

which the Senate has passed and your favorable consideration is requested on:

Senate Bill No. 2405  
Senate Bill No. 2457  
Senate Bill No. 2471  
Senate Concurrent Resolution No. 4069

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

House Bill No. 1003  
House Bill No. 1012  
House Bill No. 1132  
House Bill No. 1175  
House Bill No. 1224  
House Bill No. 1233  
House Bill No. 1240  
House Bill No. 1264  
House Bill No. 1280  
House Bill No. 1287  
House Bill No. 1361  
House Bill No. 1388

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of Senate Bills Nos. 2001, 2011, 2012, 2056, 2082, 2196, 2245, 2256, 2268, 2273, 2434, 2296, 2305, 2325, 2328, 2333, 2336, 2361, 2364, 2367, 2388, 2409, 2437, 2446, 2449, 2450, 2458, 2463, 2472, 2490, 2500, 2504, 2525, 2530, 2531, 2533, 2540, 2541, 2542, 2543, 2546, 2548, SCR's 4043, 4060, House Bills 1059, 1060, 1166, 1167, 1187, 1286 and 1338, the Senate recess until Thursday, February 17, 1977 at 8:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary





THIRTY-SECOND DAY AFTER RECESS AND  
THIRTY-THIRD DAY

Bismarck, February 17, 1977

The Senate convened at 8:00 A.M., pursuant to recess taken, President Sanstead presiding.

REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2001  
Senate Bill No. 2011  
Senate Bill No. 2012  
Senate Bill No. 2196  
Senate Bill No. 2296  
Senate Bill No. 2307  
Senate Bill No. 2325  
Senate Bill No. 2361  
Senate Bill No. 2364  
Senate Bill No. 2367  
Senate Bill No. 2388  
Senate Bill No. 2449  
Senate Bill No. 2450  
Senate Bill No. 2463  
Senate Bill No. 2500  
Senate Bill No. 2530  
Senate Bill No. 2540

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments of the Senate and House Bills be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2004 as recommended by the Committee on Appropriations as printed on pages 652 and 653 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2005 as recommended by the Committee on Appropriations as printed on pages 653-655 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2010 as recommended by the Committee on Appropriations as printed on pages 655-657 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2022 as

recommended by the Committee on Appropriations as printed on page 657 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2093 as recommended by the Committee on Finance and Taxation as printed on pages 657 and 658 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2240 as recommended by the Committee on Finance and Taxation as printed on pages 658 and 659 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to Senate Bill No. 2327 as recommended by the Committee on Industry, Business and Labor as printed on page 660 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2338 as recommended by the Committee on Appropriations as printed on page 661 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2346 as recommended by the Committee on Appropriations as printed on page 661 of the State Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2379 as recommended by the Committee on Political Subdivisions as printed on pages 661 and 662 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to Senate Bill No. 2380 as recommended by the Committee on Appropriations as printed on pages 662 and 663 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2381 as recommended by the Committee on Political Subdivisions as printed on pages 663-665 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2396 as recommended by the Committee on Finance and Taxation as printed on page 665 of the Senate Journal be adopted, and recommends the same to be placed on the calendar without recommendation, which motion prevailed.

Senator Sands moved that the amendments to Senate Bill No. 2496 as recommended by the Committee on Political Subdivisions as printed on page 666 of the Senate Journal be adopted, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

Senator Farrington: Mr. President, I rise on a point of personal privilege to speak on Senate Bill No. 2513. Mr. President, ladies and gentlemen of the Assembly, yesterday, an inference was made that some Senators were perhaps not declaring a conflict of interest in accordance with Rule 24. I am sure it wasn't directed to any one Senator but I am sure we all went back and examined what we had been doing, and I would like to report to the Senate that I perhaps have been in conflict with Senate Rule 24 on one issue. It dealt with the repeal of the requirement to publish the list of available publications issued by the Extension Service. Now my business would realize about \$150.00 total from publishing this list and I voted against repealing the requirement to publish this list because it wasn't because of the money, it was because I couldn't see the Extension Service spending thousands, perhaps hundreds of thousands of dollars researching these pamphlets, preparing them, writing them,

editing them, publishing them, and then not spending a few hundred dollars to let the public know that they were available, it just didn't make sense to me. Now there are going to be many other bills that are going to deal with legal notices, many sections of a law deal with that, and I am not going to rise every time and say that I have a conflict of interest, and the reason I approach this point right now is because of Senate Bill 2513 for which I am carrying the amendments and will carry the bill on the floor tomorrow. The amendments deal specifically with legal publications.

#### CONSIDERATION OF AMENDMENTS

Senator Sands moved that the amendments to Senate Bill No. 2513 as recommended by the Committee on Political Subdivisions as printed on page 666 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to Senate Bill No. 2514 as recommended by the Committee on Finance and Taxation as printed on page 667 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to Senate Bill No. 2534 as recommended by the Committee on Judiciary as printed on page 667 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to Senate Bill No. 2538 as recommended by the Committee on Education as printed on page 667 and 668 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to Senate Bill No. 2544 as recommended by the Committee on State and Federal Government as printed on page 668 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to House Bill No. 1025 as recommended by the Committee on Education as printed on page 669 of the Senate Journal be adopted, and that House Bill No. 1025 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1063 as recommended by the Committee on State and Federal Government as printed on page 670 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to House Bill No. 1084 as recommended by the Committee on Education as printed on page 627 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1165 as recommended by the Committee on State and Federal Government as printed on page 670 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Melland introduced:

**Senate Concurrent Resolution No. 4074.** A concurrent resolution directing the Legislative Council to study the feasibility of reorganizing and consolidating the administrative, management, and budgetary responsibilities of state government into a department of executive management or a department of administration.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senator Holmberg introduced:

**Senate Concurrent Resolution No. 4075.** A concurrent resolution for the amendment of sections 65 and 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate.

Was read the first time and referred to the committee on Constitutional Revision.

Senators Wright, Jacobson introduced:

**Senate Concurrent Resolution No. 4076.** A concurrent resolution directing the legislative council to study the use to which moneys should be put that are received by the state from the United States Secretary of the Treasury from sales, bonuses, royalties and rentals the United States receives from its mineral interests in public lands in North Dakota.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senators Naaden, Strinden, Wenstrom introduced:

**Senate Concurrent Resolution No. 4077.** A concurrent resolution directing the Legislative Council to conduct a study of the internal organization, policies, and programs of human service and mental health and retardation centers.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senator Wenstrom introduced:

**Senate Concurrent Resolution No. 4078.** A concurrent resolution directing a Legislative Council study of the teachers' fund for retirement.

Was read the first time and referred to the Legislative Council Resolutions Committee.

#### MOTION

Senator Lips moved that Senate Bill No. 2001 be placed below Senate Bill 2082 on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2011. Budgets —** A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 613) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAJ        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nothing 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.

**Senate Bill No. 2012. Budgets — Social Service Board —** A Bill for an Act making an appropriation for defraying expenses of various depart-

ments and various divisions thereof of the state of North Dakota and which are under the supervision of the social service board.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 614-616) the roll was called and there were ayes, 44; nays, 6; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2012 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2044. A Bill for an Act to create and enact a new subsection to section 34-05-01.3 of the North Dakota Century Code to authorize the commissioner of labor to conduct elections to determine the exclusive representative and appropriate bargaining unit of public employees for purposes of labor negotiations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 45; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2044 was declared lost.

Senate Bill No. 2056. A Bill for an Act to create and enact four new sections to chapter 12-60 of the North Dakota Century Code, relating to the right to inspect and challenge criminal history record information and the right to appeal decisions concerning such challenges, providing for the dissemination and purging of criminal history records, and providing a penalty, and to create and enact four new subsections to section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal investigation; and to amend and reenact section 12-60-

16 of the North Dakota Century Code, relating to the report of an arrested person's transfer and release, or the disposition of his case.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 43; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |      |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |      |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |      |     | •    |                  |     | •    |
| •                   |     |      | JACOBSON   |     |      | •    |     | •    | SMYKOWSKI        |     | •    |
|                     |     |      | JONES      |     |      | •    |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     |      | •    |     | •    | STRAND           |     | •    |
| •                   |     |      | LARSON     |     |      | •    |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     |      | •    |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     |      | •    |     | •    | TENNEFOS         |     | •    |
| •                   |     |      | LIPS       |     |      | •    |     | •    | THANE            |     | •    |
|                     |     | •    | LODOEN     |     |      | •    |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     |      | •    |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     |      | •    |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     |      | •    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     |      | •    |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     |      | •    |     | •    |                  |     | •    |
|                     |     |      |            |     |      | •    |     | •    |                  |     | •    |
|                     |     |      |            |     |      | •    |     | •    |                  |     | •    |

Senate Bill No. 2056 was declared lost.

Senate Bill No. 2082. A Bill for an Act to amend and reenact section 57-38-29 of the North Dakota Century Code, relating to individual income tax rates.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 41; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |      |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |      |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |      |     | •    |                  |     | •    |
|                     |     | •    | JACOBSON   |     |      | •    |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     |      | •    |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     |      | •    |     | •    | STRAND           |     | •    |
| •                   |     |      | LARSON     |     |      | •    |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     |      | •    |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     |      | •    |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     |      | •    |     | •    | THANE            |     | •    |
|                     |     | •    | LODOEN     |     |      | •    |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     |      | •    |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     |      | •    |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     |      | •    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     |      | •    |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     |      | •    |     | •    |                  |     | •    |
|                     |     |      |            |     |      | •    |     | •    |                  |     | •    |
|                     |     |      |            |     |      | •    |     | •    |                  |     | •    |

Senate Bill no. 2082 was declared lost.

Senate Bill No. 2001. State Institutions of Higher Learning — A Bill for an Act making an appropriation for defraying expenses of the state institutions of higher learning of the state of North Dakota.

/ Which has been read (Amended SJ 608-613).

#### POINT OF PERSONAL PRIVILEGE

Senator Hanson: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, in compliance with Senate Rule 24, I feel that I must declare what may be construed as a conflict of interest. Within Senate Bill 2001, on page 2, line 30, there is included undesignated sums for many remodeling projects at NDSU which my business firm has had architectural and engineering design contracts in the past; and it would be reasonable to assume that my firm, in the next biennium would be asked to perform additional architectural and engineering design services. These projects, are continuations of existing renovation projects. Mr. President, members of the Senate, in

accordance with Senate Rule 24, I would like an expression from this body if I should or should not vote on Senate Bill 2001.

Senator Lashkowitz moved that Senator from the 45th District be excused, and be allowed to vote on Senate Bill 2001, which motion prevailed.

Senator Smykowski moved to further amend Senate Bill 2001 as follows:

On page 1, line 22, delete the numerals "32,708,070" and insert in lieu thereof the numerals "32,519,722"

On page 1, line 23, delete the numerals "3,801,730" and insert in lieu thereof the numerals "3,748,152"

On page 1, line 24, delete the numerals "4,543,891" and insert in lieu thereof the numerals "4,470,579"

On page 2, line 4, delete the numerals "42,903,380" and insert in lieu thereof the numerals "42,588,142"

On page 2, line 5, delete the numerals "10,657,448" and insert in lieu thereof the numerals "10,416,893"

On page 2, line 6, delete the numerals "32,245,932" and insert in lieu thereof the numerals "32,171,249"

On page 2, line 8, delete the numerals "34,458,932" and insert in lieu thereof the numerals "34,384,249"

On page 2, line 10, delete the numerals "6,786,694" and insert in lieu thereof the numerals "7,115,786"

On page 2 delete line 11

On page 2, line 12, delete the numerals "1,865,415" and insert in lieu thereof the numerals "1,842,159"

On page 2, line 13, delete the numerals "374,776" and insert in lieu thereof the numerals "366,395"

On page 2, line 15, delete the numerals "1,662,534" and insert in lieu thereof the numerals "2,240,000"

On page 2, line 16, delete the numerals "10,846,914" and insert in lieu thereof the numerals "11,719,704"

On page 2, line 18, delete the numerals "8,257,914" and insert in lieu thereof the numerals "9,130,704"

On page 2, line 21, delete the numerals "27,070,735" and insert in lieu thereof the numerals "26,833,590"

On page 2, line 22, delete the numerals "3,568,668" and insert in lieu thereof the numerals "3,497,144"

On page 2, line 23, delete the numerals "3,808,297" and insert in lieu thereof the numerals "4,105,582"

On page 2, line 27, delete the numerals "36,082,908" and insert in lieu thereof the numerals "36,071,524"

On page 2, line 29, delete the numerals "28,029,059" and insert in lieu thereof the numerals "28,017,675"

On page 2, line 31, delete the numerals "29,700,959" and insert in lieu thereof the numerals "29,689,575"

On page 2, line 34, delete the numerals "1,356,321" and insert in lieu thereof the numerals "1,348,613"

On page 2, line 35, delete the numerals "84,186" and insert in lieu thereof the numerals "81,817"

On page 3, line 1, delete the numerals "273,099" and insert in lieu thereof the numerals "269,379"

On page 3, line 5, delete the numerals "1,864,736" and insert in lieu thereof the numerals "1,850,939"



On page 3, line 7, delete the numerals "1,348,646" and insert in lieu thereof the numerals "1,334,849"

On page 3, line 8, delete the numerals "50,042" and insert in lieu thereof the numerals "70,042"

On page 3, line 10, delete the numerals "1,398,688" and insert in lieu thereof the numerals "1,404,891"

On page 3, line 11, delete the numerals "603,495" and insert in lieu thereof the numerals "606,118"

On page 3, line 13, delete the numerals "94,834" and insert in lieu thereof the numerals "92,164"

On page 3, line 14, delete the numerals "107,786" and insert in lieu thereof the numerals "104,751"

On page 3, line 15, delete the numerals "107,846" and insert in lieu thereof the numerals "121,846"

On page 3, line 16, delete the numerals "913,961" and insert in lieu thereof the numerals "924,879"

On page 3, line 18, delete the numerals "552,085" and insert in lieu thereof the numerals "563,003"

On page 3, line 21, delete the numerals "601,185" and insert in lieu thereof the numerals "612,103"

On page 3, line 23, delete the numerals "1,999,873" and insert in lieu thereof the numerals "2,016,994"

On page 3, line 27, delete the numerals "10,443,000" and insert in lieu thereof the numerals "10,380,969"

On page 3, line 28, delete the numerals "1,180,036" and insert in lieu thereof the numerals "1,161,208"

On page 3, line 29, delete the numerals "1,851,354" and insert in lieu thereof the numerals "1,817,953"

On page 3, line 32, delete the numerals "14,123,948" and insert in lieu thereof the numerals "14,009,688"

On page 3, line 34, delete the numerals "11,459,528" and insert in lieu thereof the numerals "11,345,268"

On page 4, line 1, delete the numerals "11,997,523" and insert in lieu thereof the numerals "11,883,263"

On page 4, line 3, delete the numerals "3,975,496" and insert in lieu thereof the numerals "4,067,111"

On page 4, line 4, delete the numerals "811,014" and insert in lieu thereof the numerals "823,878"

On page 4, line 5, delete the numerals "331,073" and insert in lieu thereof the numerals "324,542"

On page 4, line 9, delete the numerals "5,496,077" and insert in lieu thereof the numerals "5,594,025"

On page 4, line 11, delete the numerals "4,561,077" and insert in lieu thereof the numerals "4,659,025"

On page 4, line 13, delete the numerals "4,793,277" and insert in lieu thereof the numerals "4,891,225"

On page 4, line 15, delete the numerals "8,138,634" and insert in lieu thereof the numerals "8,093,396"

On page 4, line 16, delete the numerals "1,037,349" and insert in lieu thereof the numerals "1,024,018"

On page 4, line 17, delete the numerals "433,579" and insert in lieu thereof the numerals "443,488"

On page 4, line 21, delete the numerals "10,109,041" and insert in lieu thereof the numerals "10,060,381"

On page 4, line 23, delete the numerals "8,122,384" and insert in lieu thereof the numerals "8,073,724"

On page 4, line 25, delete the numerals "8,703,384" and insert in lieu thereof the numerals "8,654,724"

On page 4, line 27, delete the numerals "2,790,156" and insert in lieu thereof the numerals "2,915,359"

On page 4, line 28, delete the numerals "384,309" and insert in lieu thereof the numerals "385,340"

On page 4, line 29, delete the numerals "523,534" and insert in lieu thereof the numerals "518,361"

On page 4, line 33, delete the numerals "3,976,171" and insert in lieu thereof the numerals "4,097,232"

On page 4, line 34, delete the numerals "725,473" and insert in lieu thereof the numerals "708,102"

On page 4, line 35, delete the numerals "3,250,698" and insert in lieu thereof the numerals "3,389,130"

On page 5, line 2, delete the numerals "3,439,569" and insert in lieu thereof the numerals "3,578,001"

On page 5, line 4, delete the numerals "3,903,025" and insert in lieu thereof the numerals "4,005,038"

On page 5, line 5, delete the numerals "619,050" and insert in lieu thereof the numerals "610,924"

On page 5, line 6, delete the numerals "311,942" and insert in lieu thereof the numerals "317,779"

On page 5, line 10, delete the numerals "5,180,864" and insert in lieu thereof the numerals "5,280,588"

On page 5, line 12, delete the numerals "4,415,900" and insert in lieu thereof the numerals "4,515,624"

On page 5, line 14, delete the numerals "4,632,400" and insert in lieu thereof the numerals "4,732,124"

On page 5, line 23, delete the numerals "5,454,065" and insert in lieu thereof the numerals "6,747,183"

On page 5, delete line 24

On page 5, line 25, delete the numerals "1,809,850" and insert in lieu thereof the numerals "1,872,735"

On page 5, line 26, delete the numerals "980,206" and insert in lieu thereof the numerals "1,140,525"

On page 5, line 28, delete the numerals "8,332,543" and insert in lieu thereof the numerals "9,828,751"

On page 6, line 2, delete the numerals "108,117,562" and insert in lieu thereof the numerals "115,336,670"

On page 6, line 3, delete the numerals "37,756,803" and insert in lieu thereof the numerals "38,995,085"

On page 6, line 4, delete the numerals "145,874,365" and insert in lieu thereof the numerals "154,331,755"

On page 6, line 27, delete the word "forty-fourth" and insert in lieu thereof the word "forty-fifth"

On page 7, after line 11, insert the following section:

"SECTION 6. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,242,080.00, or so much thereof as may be necessary, to the state board of higher education for the purpose of installing power plant emission control systems at the University of North

Dakota, North Dakota State University, North Dakota State School of Science, and Valley City State College during the biennium beginning July 1, 1977, and ending June 30, 1979."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENTS:

These amendments reflect the following adjustments to reduce the average annual faculty salary increases from six percent to five percent:

|                               |                  |
|-------------------------------|------------------|
| University of North Dakota    | \$263,912        |
| North Dakota State University | 237,145          |
| NDSU-Bottineau                | 11,154           |
| State School of Science       | 89,770           |
| Dickinson State College       | 33,856           |
| Minot State College           | 65,492           |
| Mayville State College        | 24,976           |
| Valley City State College     | 28,861           |
| Total                         | <u>\$755,166</u> |

These amendments reflect the following reductions made to the fees and services and supplies and materials in certain areas to reflect an estimated rate of five percent annual inflation during the next biennium.

| Institution  | Fees and Services | Supplies and Materials |
|--|-------------------|------------------------|
| University of North Dakota                                 | \$53,578          | \$73,312               |
| North Dakota State University                              | 71,524            | 68,715                 |
| NDSU-Bottineau   | 2,369             | 3,720                  |
| Forest Service   | 2,670             | 3,035                  |
| State School of Science                                    | 18,828            | 33,401                 |
| Dickinson State College                                    | 11,136            | 6,531                  |
| Valley City State College                                  | 8,126             | 9,313                  |
| Mayville State College                                     | 6,969             | 5,173                  |
| Minot State College  | 13,331            | 11,842                 |
| UND-Medical Center   | <u>23,256</u>     | <u>8,381</u>           |
| Total reductions for 5 percent annual inflation guidelines | <u>\$211,787</u>  | <u>\$223,423</u>       |

Other adjustments are discussed in the following paragraphs:

#### University of North Dakota

The University of North Dakota salary and wage appropriation is increased by \$75,564 to provide adequate physical plant staff for additional facilities. The estimated income at UND is reduced by \$240,555 to reflect revised estimates for the beginning estimated income balance on July 1, 1977.

#### UND — Medical Center

The Medical Center salary and wage appropriation is increased \$329,092 to provide adequate funds for fringe benefits and authorized positions. The Medical Center Residency program appropriation is increased by \$577,466 to continue the following residency programs:

- Family Medicine
- Minot
- Bismarck
- Fargo
- Grand Forks
- Medicine
- Pediatrics

**Obstetrics/Gynecology**

The classification change line item of \$2,131 is deleted.

**North Dakota State University**

The NDSU supplies and materials appropriation is increased by \$366,000 for expected increases for fuel oil during the next biennium.  
NDSU-Bottineau

The NDSU-Bottineau salary and wage appropriation is increased by \$3,446 to provide adequate funds for fringe benefits. The land, structures, and major improvements appropriation is increased \$20,000 for remodeling of Thatcher Hall.

**Forest Service**

The Forest Service salary and wage appropriation is increased by \$2,623 to provide adequate funds for fringe benefits. The equipment appropriation is increased \$14,000 for a tree lifter.

**State School of Science**

The State School of Science salary and wage appropriation is increased by \$27,739 for adequate fringe benefits.

**Dickinson State College**

The Dickinson salary and wage appropriation is increased by \$115,000 to correct salary and wage expenditure estimates for the next biennium. The salary and wage appropriation is also increased \$10,471 to provide adequate funds for fringe benefits. The fees and services appropriation is increased \$24,000 for equipment repairs related to the highway transportation program.

**Minot State College**

The Minot State College salary and wage appropriation is increased by \$20,254 to provide adequate funds for fringe benefits. The amount of \$21,751 is added to the supplies and materials appropriation to correct estimates for the next biennium.

**Mayville State College**

The Mayville State College salary and wage appropriation is increased by \$142,455 to provide adequate funds for present positions and \$7,724 to provide adequate funds for fringe benefits. The estimated income line item for Mayville State College is reduced by \$17,371 to reflect revised estimates for the beginning income balance on July 1, 1977. The amount of \$8,000 is added to fees and services to correct estimates for the next biennium.

**Valley City State College**

The Valley City State College salary and wage appropriation is increased \$130,874 to provide adequate funds for fringe benefits. The amount of \$15,150 is added to fees and services to correct estimates for the next biennium.

**Rehabilitation Hospital**

The Rehabilitation Hospital salary and wage appropriation is increased by \$1,293,118; fees and services by \$62,885; and supplies and materials by \$160,319 based on increased estimated patient collections during the next biennium because of expected increased patient use. The classification line item of \$20,114 is deleted.

**Emission Controls**

This amendment also adds another section to Senate Bill No. 2001 which appropriates \$6,242,080 for installation of power plant emission control systems at the University of North Dakota, North Dakota State University, North Dakota State School of Science, and Valley City State College.



assembly that the board of higher education shall expend such funds as necessary to study and determine whether the number of educational institutions under its control and direction exceed the needs of higher education in this state. It is the intent of the legislative assembly that the board of higher education in conjunction with the commissioner of higher education shall prepare a report which sets forth their findings and submit the report to the forty-sixth legislative assembly."

And renumber the lines accordingly.

Senator Hoffner moved that the amendments be adopted, and requested a roll call vote, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments of Senator Hoffner, the roll was called and there were 33 ayes; 16 nays; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     | ●    | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     | ●    | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     | ●    | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     | ●    | ● ORANGE   |     | ●    | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     | ●    | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     | ●    | ● PIETRON  |     | ●    | ● TENNEFOS       |     |      |
| ● FREED             | ●   |      | ● LIPS       |     | ●    | ● RAIT     |     | ●    | ● THANE          |     | ●    |
| ● FRITZELL          |     |      | ● LODGEN     |     | ●    | ● REDLIN   |     | ●    | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     | ●    | ● WALSH          |     |      |
| ● HANSON            | ●   |      | ● MAUJ       |     |      | ● SANDNESS |     | ●    | ● WENSTROM       |     | ●    |
| ● HOFFNER           |     |      | ● MELLAND    |     | ●    | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

The amendments offered by Senator Hoffner were adopted.

Senator Lips moved that the rules be suspended, that Senate Bill 2001 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

Senator Schirado moved that the question be divided on Senate Bill No. 2001, to have the schools voted upon separately as follows:

- A. University of North Dakota
- B. University of North Dakota Medical Center
- C. North Dakota State University of Agriculture and Applied Science
- D. State School of Forestry — Bottineau
- E. State School of Science — Wahpeton
- F. Dickinson State College
- G. Minot State College
- H. Mayville State College
- I. Valley City State College

The motion of Senator Schirado prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2001.** State Institutions of Higher Learning — A Bill for an Act making an appropriation for defraying expenses of the state institutions of higher learning of the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of University of North Dakota, the roll was called and there were 41 ayes; 9 nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     | •   | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        | •   |                 |

The University of North Dakota Section of Senate Bill 2001 passed.  
**ROLL CALL**

The question being on the final passage of University of North Dakota Medical Center, the roll was called and there were 40 ayes; 10 nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     | •   | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        | •   |                 |

The University of North Dakota Medical Center Section of Senate Bill 2001 passed.

**ROLL CALL**

The question being on the final passage of North Dakota State University of Agriculture and Applied Science, the roll was called and there were 47 ayes; 2 nays; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     | •   | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        | •   |                 |

The North Dakota State University of Agriculture and Applied Science section of Senate Bill 2001 passed.

**ROLL CALL**

The question being on the final passage of the State School of Forestry — Bottineau, the roll was called and there were 46 ayes; 2 nays; absent and not voting 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             | ●   |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          | ●   |      | ● LODDEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

The State School of Forestry — Bottineau section of Senate Bill 2001 passed.

ROLL CALL

The question being on the final passage of the State School of Science — Wahpeton, the roll was called and there were ayes 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             | ●   |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

The State School of Science — Wahpeton section of Senate Bill 2001 passed.

ROLL CALL

The question being on the final passage of the Dickinson State College, the roll was called and there were 46 ayes; 3 nays; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             | ●   |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

The Dickinson State College section of Senate Bill 2001 passed.

ROLL CALL

The question being on the final passage of Minot State College, the roll was called and there were ayes, 44; nays, 5; absent and not voting, 1.



| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

The Minot State College section of Senate Bill 2001 passed.

ROLL CALL

The question being on the final passage of Mayville State College, the roll was called and there were ayes, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

The Mayville State College section of Senate Bill 2001 passed.

ROLL CALL

The question being on the final passage of Valley City State College, the roll was called and there were ayes, 33; nays, 16; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

The Valley City State College section of Senate Bill 2001 passed.

ROLL CALL

The question being on the final passage of Senate Bill 2001 as amended, (SJ pages 608-613) the roll was called and there were ayes, 44; nays, 5; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |             |
|---------------------|-----|------|------------|-----|------|------------------|-----|-------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |             |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS        |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN         |     | • SMYKOWSKI |
| • BARTH             | •   |      | • JONES    |     |      | • NELSON         |     | • SOLBERG   |
| • BERUBE            |     |      | • KRAUTER  |     |      | • NETHING        |     | • STRAND    |
| • CHRISTENSEN       |     |      | • LARSON   |     |      | • ORANGE         |     | • STRINDEN  |

|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL   | • LODDOEN    | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH         |
| • HANSON     | • MAU        | • SANDNESS | • WESTROM       |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2001 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### EXPLANATION OF VOTES

Senator Smykowski: Mr. President, I rise on a point of personal privilege. My point of privilege is to explain my vote on 2001. I felt that the amendments that I proposed to this chamber, and various amendments that I supported in the committee, were of such a nature that I felt would be constructive in regard to the outcome of the bill. In view of their failure, I was required to vote against the entire bill.

Senator Strinden: Mr. President, I rise on a point of personal privilege. I feel that I have to speak somewhat on Senate Bill 2001 that we just passed. I admit that I do not fully understand the rationale in voting for higher education, nor do I understand some of the statements that have been made about higher education prior to the vote. Understandably, the appropriation of \$155,000,000 is a lot of money. Nevertheless, we do have the constitutionally directed colleges of higher education. By a vote of 34 to 15, the indication is that Mayville is in trouble. By a vote of 33 to 16, it would also indicate that there is feeling in the body that Valley City is in trouble. Now I state, Mr. President and members of the Senate, these are constitutional institutions. Then I refer you to Senate Bill 2092, which is a deficiency appropriation, and, in my opinion, an illegal expenditure. We vote 39 to 11 to further fund institutions that are not an obligation of this state. We have heard from the good Senator from District 12 that they could shave \$5,000,000 from the higher education budget and this in the various newspapers. In making such a statement, there was no direction to the Appropriations Committee just where this \$5,000,000 should be cut from. The Senator did not appear before the Appropriations Committee with suggestions or recommendations to eliminate the \$5,000,000. I guess what I would like to say, Mr. President and members of the Senate, we have voted on one of the higher expenditures that we will vote on this session. I think if changes are needed in the total higher educational system, we should completely study the whole situation. I do not believe it proper to notify the agencies or the colleges in question that they may be closed because their funding will be eliminated. It is a whole lot more serious than that. I have come to the conclusion that I certainly agree with the Senator from District 12, inasmuch as the whole area does need a thorough study. I think the Board of Higher Education has been alerted by the proposed amendment, and also by the vote on Senate Bill 2001, that higher education needs a complete, thorough study, and let the areas in question know definitely where they stand as far as their institutions are concerned. Thank you very much.

Senator Walsh: Mr. President, I rise on a point of personal privilege. A few minutes ago before the final vote on Senate Bill 2001, I voted for an amendment that would have set the salaries at 5 percent per year instead of 6 percent for instructors at the institutions of higher learning. I want to

stress that I do not think they are being overpaid, and I repeat, I do not think they are being overpaid. I voted for the 5 percent to be consistent with the 5 percent increase allotted state employees, of which there are approximately 10,000 in North Dakota. Also, you all are aware North Dakota agricultural prices are down considerably from two years ago, possibly as high as 40 percent. Tax collections in the fourth quarter of 1976 are only up about 1½ percent and the third quarter was only up about 3 percent compared to a year earlier of 16 percent for the year. Most of the budgets we have been dealing with in the Appropriations Committee are up approximately 25 percent over two years ago. I also want to remind the Senate of the budget that we just passed, on Senate Bill 2001, which, by the way, I did vote for the entire bill, is approximately \$9.2 million over the Governor's budget, which is a considerable increase, bringing the total up to \$155,000,000. I simply wanted to state my position on these two issues.

Senator Lips: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, I indicated the budget was up, so many million dollars. I think I pointed out to you that 6.2 of that million increase was involved in the boilers at those four institutions. And also, it took about a million dollars to fund the residency program and put back in the budget, which was an error, I think, when the budget was made up, the salaries at the medical school, so there was \$7.2 million involved in those two items alone.

SECOND READING OF SENATE BILLS

Senate Bill No. 2141. A Bill for an Act to amend and reenact subsection 6 of section 57-37.1-01 and subsection 1 of section 57-37.1-08 of the North Dakota Century Code, relating to the decedent specifying the location of intangible personal property for estate tax distribution purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 588) the roll was called and there were ayes, 36; nays, 13; absent and not voting, 1.

| NORTH DAKOTA SENATE |      |      |              |      |      |                  |      |                 |
|---------------------|------|------|--------------|------|------|------------------|------|-----------------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      | 1977 LEGISLATURE |      |                 |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS             | N.V. | NAYS            |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN         |      | • SMYKOWSKI     |
| • BARTH             |      |      | • JONES      |      |      | • NELSON         |      | • SOLBERG       |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING        |      | • STRAND        |
| • CHRISTENSEN       | •    |      | • LARSON     |      |      | • ORANGE         |      | • STRINDEN      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON       | •    | • TALLACKSON    |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON        |      | • TENNEFOS      |
| • FREED             |      |      | • LIPS       | •    |      | • RAIT           |      | • THANE         |
| • FRITZELL          | •    |      | • LODDEN     | •    |      | • REDLIN         | •    | • VOSPER        |
| • GOODMAN           | •    |      | • MAHER      | •    |      | • REITEN         |      | • WALSH         |
| • HANSON            |      |      | • MAU        |      |      | • SANDNESS       |      | • WENSTROM      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS          |      | • WRIGHT        |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO       |      | • MR. PRESIDENT |
| • ISZLER            |      |      | • MORGAN     |      |      | • SHABLOW        |      |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2141 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2196. A Bill for an Act to amend and reenact subsection 1 of section 53-02-01 and section 53-02-08 of the North Dakota Century Code, relating to the definition of a music festival and to law officers required to be present at public dances.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 616) the roll was called and there were ayes, 49; nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2196 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**MOTION**

Senator Nething moved that Senate Bill No. 2196 be re-printed, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2233.** A Bill for an Act to amend and reenact subsection 1 of section 40-57-03 of the North Dakota Century Code, relating to municipal industrial development projects of cities and counties, and to amend and reenact section 40-57.1-02 of the North Dakota Century Code, relating to tax exemptions for new industries.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2233 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2245.** A Bill for an Act to reduce the sales and use tax and motor vehicle excise tax rate to two percent; to repeal sections 1, 2, and 3 of Initiated Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to sales and use tax rates and brackets;

to provide that certain portions of the Act shall be temporary; to provide an effective date; and to declare an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 40; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON     |     | •    | NAADEN           |     | •    | SMYKOWSKI       |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | NELSON           |     | •    | • SOLBERG       |     | •    |
| • BERUBE            |     | •    | KRAUTER      |     | •    | • NETHING        |     | •    | • STRAND        |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | ORANGE           |     | •    | • STRINDEN      |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | •    | • TALLACKSON    |     | •    |
| • FARRINGTON        |     | •    | LEE          |     | •    | PIETRON          |     | •    | • TENNEFOS      |     | •    |
| • FREED             |     | •    | LIPS         |     | •    | RAIT             |     | •    | • THANE         |     | •    |
| • FRITZELL          |     | •    | • LODOEN     |     | •    | • REDLIN         |     | •    | • VOSPER        |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | •    | • WALSH         |     | •    |
| • HANSON            |     | •    | MAU          |     | •    | • SANDNESS       |     | •    | • WENSTROM      |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | •    | • WRIGHT        |     | •    |
| • HOLMBERG          |     | •    | MILLER       |     | •    | • SCHIRADO       |     | •    | • MR. PRESIDENT |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     | •    |                 |     |      |

Senate Bill No. 2245 was declared lost.

Senate Bill No. 2256. A Bill for an Act to create and enact a new section to chapter 47-05 of the North Dakota Century Code, relating to cancellation of easements; and to amend and reenact section 47-05-12 of the North Dakota Century Code, relating to extinguishment of servitudes.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON     |     | •    | NAADEN           |     | •    | SMYKOWSKI       |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | NELSON           |     | •    | • SOLBERG       |     | •    |
| • BERUBE            |     | •    | KRAUTER      |     | •    | • NETHING        |     | •    | • STRAND        |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | ORANGE           |     | •    | • STRINDEN      |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | •    | • TALLACKSON    |     | •    |
| • FARRINGTON        |     | •    | LEE          |     | •    | PIETRON          |     | •    | • TENNEFOS      |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | RAIT             |     | •    | • THANE         |     | •    |
| • FRITZELL          |     | •    | • LODOEN     |     | •    | • REDLIN         |     | •    | • VOSPER        |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | •    | • WALSH         |     | •    |
| • HANSON            |     | •    | MAU          |     | •    | • SANDNESS       |     | •    | • WENSTROM      |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | •    | • WRIGHT        |     | •    |
| • HOLMBERG          |     | •    | MILLER       |     | •    | • SCHIRADO       |     | •    | • MR. PRESIDENT |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     | •    |                 |     |      |

Senate Bill No. 2256 was declared lost.

Senate Bill No. 2264. A Bill for an Act to amend and reenact section 40-55-09 and subsection 3 of section 57-15-12 of the North Dakota Century Code, relating to the number of mills which may be approved by the voters of a municipality, school district, or park district for a public recreation system or a park district.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 32; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |     |      |                  |     |      |           |     |      |
|---------------------|-----|------|-----------|-----|------|------------------|-----|------|-----------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |           |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS | YEAS      | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON  |     | •    | NAADEN           |     | •    | SMYKOWSKI |     | •    |
| • BARTH             |     | •    | • JONES   |     | •    | NELSON           |     | •    | • SOLBERG |     | •    |
| • BERUBE            |     | •    | KRAUTER   |     | •    | • NETHING        |     | •    | • STRAND  |     | •    |

|             |   |            |   |          |   |               |   |
|-------------|---|------------|---|----------|---|---------------|---|
| CHRISTENSEN | • | LARSON     | • | ORANGE   | • | STRINDEN      | • |
| ERDMAN      | • | LASHKOWITZ | • | PETERSON | • | TALLACKSON    | • |
| FARRINGTON  | • | LEE        | • | PIETRON  | • | TENNEFOS      | • |
| FREED       | • | LIPS       | • | RAIT     | • | THANE         | • |
| FRITZELL    | • | LODOEN     | • | REDLIN   | • | VOSPER        | • |
| GOODMAN     | • | MAHER      | • | REITEN   | • | WALSH         | • |
| HANSON      | • | MAU        | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER     | • | MELLAND    | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG    | • | MILLER     | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER      | • | MORGAN     | • | SHABLOW  | • |               |   |

Senate Bill No. 2264 was declared lost.

Senate Bill No. 2268. A Bill for an Act to amend and reenact subsection 2 of section 30.1-14-01, subsection 1 of section 30.1-14-03, section 30.1-15-09, and subsection 3 of section 30.1-15-12 of the North Dakota Century Code, relating to application for informal probate, proof and findings required in informal probate proceedings, formal testacy proceedings, and a petition for vacation of an order; and to repeal section 30.1-12-08 of the North Dakota Century Code, relating to time limits for probate, testacy, and appointment proceedings.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   | •    | •                | NAADEN   | •    | •    | SMYKOWSKI     | •    |
| •                   |     |      | •         | JONES      | •    | •                | NELSON   | •    | •    | SOLBERG       | •    |
| •                   |     |      | •         | KRAUTER    | •    | •                | NETHING  | •    | •    | STRAND        | •    |
| •                   |     |      | •         | LARSON     | •    | •                | ORANGE   | •    | •    | STRINDEN      | •    |
| •                   |     |      | •         | LASHKOWITZ | •    | •                | PETERSON | •    | •    | TALLACKSON    | •    |
| •                   |     |      | •         | LEE        | •    | •                | PIETRON  | •    | •    | TENNEFOS      | •    |
| •                   |     |      | •         | LIPS       | •    | •                | RAIT     | •    | •    | THANE         | •    |
| •                   |     |      | •         | LODOEN     | •    | •                | REDLIN   | •    | •    | VOSPER        | •    |
| •                   |     |      | •         | MAHER      | •    | •                | REITEN   | •    | •    | WALSH         | •    |
| •                   |     |      | •         | MAU        | •    | •                | SANDNESS | •    | •    | WENSTROM      | •    |
| •                   |     |      | •         | MELLAND    | •    | •                | SANDS    | •    | •    | WRIGHT        | •    |
| •                   |     |      | •         | MILLER     | •    | •                | SCHIRADO | •    | •    | MR. PRESIDENT | •    |
| •                   |     |      | •         | MORGAN     | •    | •                | SHABLOW  | •    | •    |               |      |

Senate Bill 2268 was declared lost.

Senate Bill No. 2292. A Bill for an Act to require recording of mineral interests which have been severed from the surface, to provide a method of filing and verifying ownership of severed mineral interests, forfeiture for failure to refile, publication of the requirements of this Act, and a filing fee; to repeal subsection 2 of section 11-18-03 of the North Dakota Century Code, relating to the recording of mineral deeds without regard to taxes; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 29; nays, 21; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   | •    | •                | NAADEN   | •    | •    | SMYKOWSKI     | •    |
| •                   |     |      | •         | JONES      | •    | •                | NELSON   | •    | •    | SOLBERG       | •    |
| •                   |     |      | •         | KRAUTER    | •    | •                | NETHING  | •    | •    | STRAND        | •    |
| •                   |     |      | •         | LARSON     | •    | •                | ORANGE   | •    | •    | STRINDEN      | •    |
| •                   |     |      | •         | LASHKOWITZ | •    | •                | PETERSON | •    | •    | TALLACKSON    | •    |
| •                   |     |      | •         | LEE        | •    | •                | PIETRON  | •    | •    | TENNEFOS      | •    |
| •                   |     |      | •         | LIPS       | •    | •                | RAIT     | •    | •    | THANE         | •    |
| •                   |     |      | •         | LODOEN     | •    | •                | REDLIN   | •    | •    | VOSPER        | •    |
| •                   |     |      | •         | MAHER      | •    | •                | REITEN   | •    | •    | WALSH         | •    |
| •                   |     |      | •         | MAU        | •    | •                | SANDNESS | •    | •    | WENSTROM      | •    |
| •                   |     |      | •         | MELLAND    | •    | •                | SANDS    | •    | •    | WRIGHT        | •    |
| •                   |     |      | •         | MILLER     | •    | •                | SCHIRADO | •    | •    | MR. PRESIDENT | •    |
| •                   |     |      | •         | MORGAN     | •    | •                | SHABLOW  | •    | •    |               |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2292 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

**REPORT OF STANDING COMMITTEE**

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2307 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2307 was placed on the 11th order of business on the calendar for the succeeding legislative day.

**MOTION**

Senator Nething moved that the Senate recess for lunch, which motion prevailed.

The Senate reconvened, President Sanstead presiding.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2296. A Bill for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to the fees for printing legal notices.

Which has been read.

Senator Maher requested he be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that Senator Maher and all those who have a conflict, be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 636) the roll was called and there were ayes, 47; nays, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |      |     |              |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|------|-----|--------------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |      |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |           |      | • HAADEN   |     | •                |      |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  |      |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  |      |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  |      |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  |      |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  |      |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  |      |     | • THANE      |
| • FRITZELL          |     |      | • LODDEN     |           |      | • REDLIN   |     |                  |      |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  |      |     | • WALSH      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  |      |     | • WENSTROM   |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  |      |     | • WRIGHT     |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  |      |     | MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |      |     |              |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2296 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

**MOTIONS**

Senator Goodman moved that Senate Bill 2305 be laid over one legislative day, and place it on the calendar following Senate Bill 2093 which motion prevailed.

Senator Nething requested the unanimous consent of the Senate to withdraw Senate Bill No. 2396. There being no objection, the request was granted and Senate Bill No. 2396 was withdrawn.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2308. A Bill for an Act to authorize creation of rural ambulance service districts, setting forth the powers and duties of such





Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 616,617) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2325 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2326. A Bill for an Act to amend and reenact section 52-06-36 of the North Dakota Century Code, relating to the factors considered in determining suitability of work and good cause for voluntarily leaving.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 39; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2326 was declared lost.

Senate Bill No. 2328. A Bill for an Act to provide for the regulation of smoking in certain places of public assembly; to repeal sections 48-05-07 and 48-05-08 of the North Dakota Century Code, relating to designated areas for smoking or nonsmoking in publicly owned buildings; and to provide a penalty.

Which has been read.

Senator Barth moved to amend Senate Bill 2328 as follows:

On page 2 of the engrossed bill, delete lines 24 through 28

Senator Barth moved that the amendment be adopted, which motion lost.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ 530) the roll was called and there were ayes, 28; nays, 22; absent and not voting, 0.



agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these agencies by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all such entities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 43; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |          |     | •    |                  |     | •    |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRIDEN          |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LOOEN      |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

Senate Bill No. 2333 was declared lost.

Senate Bill No. 2336. A Bill for an Act to create and enact two new sections to chapter 57-39.2, a new section to chapter 57-40.2, and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to the sales and use tax and motor vehicle excise tax and providing new rates for such taxes, to provide for the dedication of certain revenues derived from such taxes for state revenue sharing and allocation to counties, cities, city park districts, and townships; and to repeal sections 1, 2, and 3 of Initiated Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to sales and use tax rates and brackets.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 14; nays, 36; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |          |     | •    |                  |     | •    |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRIDEN          |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |



| REGULAR SESSION |     |      | ROLL-CALL    |     |            | 1977 LEGISLATURE |                 |             |
|-----------------|-----|------|--------------|-----|------------|------------------|-----------------|-------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS       | YEAS             | N-V             | NAYS        |
| • ALBERS        |     |      | • JACOBSON   | •   |            | • NAADEN         |                 | • SMYKOWSKI |
| • BARTH         |     |      | • JONES      |     | • NELSON   |                  | • SOLBERG       | •           |
| • BERUBE        |     |      | • KRAUTER    |     | • NETHING  |                  | • STRAND        | •           |
| • CHRISTENSEN   |     | •    | • LARSON     | •   | • ORANGE   |                  | • STRIDEN       |             |
| • ERDMAN        |     |      | • LASHKOWITZ |     | • PETERSON |                  | • TALLACKSON    |             |
| • FARRINGTON    |     |      | • LEE        |     | • PIETRON  |                  | • TENNEFOS      | •           |
| • FRED          |     |      | • LIPS       |     | • RAIT     | •                | • THANE         |             |
| • FRITZELL      |     | •    | • LODOEN     |     | • REDLIN   |                  | • VOSPER        |             |
| • GOODMAN       |     |      | • MAHER      |     | • REITEN   |                  | • WALSH         | •           |
| • HANSON        |     |      | • MAU        | •   | • SANDNESS |                  | • WENSTROM      |             |
| • HOFFNER       |     |      | • MELLAND    |     | • SANDS    |                  | • WRIGHT        |             |
| • HOLMBERG      |     |      | • MILLER     |     | • SCHIRADO |                  | • MR. PRESIDENT |             |
| • ISZLER        |     |      | • MORGAN     |     | • SHABLOW  |                  |                 |             |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2364 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2367.** A Bill for an Act to amend and reenact sections 43-19.1-05, 43-19.1-18, 43-19.1-19 and subsection 4 of section 43-19.1-27 of the North Dakota Century Code, relating to the compensation and expenses of members of the board of registration for professional engineers and land surveyors, registration fees, examinations, and the right of partnerships and corporations to practice engineering and land surveying.

Which has been read.

Senator Hanson moved that under Rule 24, he be excused from voting due to a conflict.

Senator Nething moved that Senator Hanson be permitted to vote, which motion prevailed. **ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 618) the roll was called and there were ayes, 47; nays, 3; absent and not voting, 0.

| REGULAR SESSION |     |      | ROLL-CALL    |     |            | 1977 LEGISLATURE |                 |             |
|-----------------|-----|------|--------------|-----|------------|------------------|-----------------|-------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS       | YEAS             | N-V             | NAYS        |
| • ALBERS        |     |      | • JACOBSON   |     |            | • NAADEN         |                 | • SMYKOWSKI |
| • BARTH         |     |      | • JONES      |     | • NELSON   |                  | • SOLBERG       | •           |
| • BERUBE        |     |      | • KRAUTER    |     | • NETHING  |                  | • STRAND        |             |
| • CHRISTENSEN   |     | •    | • LARSON     |     | • ORANGE   |                  | • STRIDEN       |             |
| • ERDMAN        |     |      | • LASHKOWITZ |     | • PETERSON |                  | • TALLACKSON    |             |
| • FARRINGTON    |     | •    | • LEE        |     | • PIETRON  |                  | • TENNEFOS      |             |
| • FRED          |     |      | • LIPS       |     | • RAIT     |                  | • THANE         |             |
| • FRITZELL      |     |      | • LODOEN     |     | • REDLIN   |                  | • VOSPER        |             |
| • GOODMAN       |     |      | • MAHER      |     | • REITEN   |                  | • WALSH         |             |
| • HANSON        |     |      | • MAU        |     | • SANDNESS |                  | • WENSTROM      |             |
| • HOFFNER       |     |      | • MELLAND    |     | • SANDS    |                  | • WRIGHT        |             |
| • HOLMBERG      |     |      | • MILLER     |     | • SCHIRADO |                  | • MR. PRESIDENT |             |
| • ISZLER        |     |      | • MORGAN     |     | • SHABLOW  |                  |                 |             |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill 2367 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### MOTION

Senator Nething moved that Senate Bill 2372 be placed at the head of the calendar, and that Senate Bill 2500 be placed behind Senate Bill 2361, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2372.** A Bill for an Act to create and enact a new section to chapter 40-46 of the North Dakota Century Code, relating to the tax levy for city employees' pension fund.

Which has been read.

#### ROLL CALL

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

page 557) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |              |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI  |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG    |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND     |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN   |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS   |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● THANE      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER     |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM   |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT     |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR PRESIDENT |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2372 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

MOTION

Senator Nething moved that Senate Bill No. 2372 be re-printed, which motion prevailed.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

THIRTY-THIRD DAY

Bismarck, February 17, 1977

The Senate convened at 2:00 P.M., President Stanstead presiding.

The prayer was offered by Ralph Spicer, Salvation Army, Bismarck.

“Our Heavenly Father, Father of our Lord and Savior Jesus Christ; we come to you today, grateful for the countless blessings that have been our privilege to experience. You have made a beautiful world for us to enjoy. Forgive us for polluting it with selfishness, and give these our representatives the wisdom to discern what is your will. Help each one in this room to be sensitive to the guidance of God, the Holy Spirit. These are important days in which we live, so right decisions are so vital to our future. Sometimes we are so inclined to make decisions that will bring pleasure to a few, but hurt and much suffering to many; may the heart dictate what our stand will be in these areas. May these words be more than merely a prayer to get the events of the day underway. May it be the conscience and your voice within giving direction in all matters. Your Word says “there are ways that seem right unto man, but the end thereof are the ways of death.” Help us to choose the right way for Christ’s sake and for ours.

We ask these favors in the name of Jesus Christ who is our only hope and salvation, both now and for eternity. AMEN.”

The roll was called and revealed all Senators present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-first day after recess and Thirty-second day and recommends that the same be corrected as follows:

On page 663, line 35, correct “amdended” to “amended”

On page 666 line 32 and 36, correct the spelling of the word "parentheses"

On page 666 line 36, correct "therefo" to "thereof"

On page 676 line 7, delete the numbers "2532" and insert in lieu thereof "2535"

On page 677, line 15, after the word "bill" insert "as amended"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

### SECOND READING OF SENATE BILLS

Senate Bill No. 2361. A Bill for an Act to amend and reenact sections 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenue formulas for the privilege tax on coal conversion facilities.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 617, 618) the roll was called and there were ayes, 35; nays, 14; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL CALL           |     |      |            |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●             |     |      |
| ALBERS              |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI     |     |      |
| BARTH               |     | ●    | JONES      |     |      | NELSON           |     |      | SOLBERG       |     |      |
| BERUBE              |     | ●    | KRAUTER    |     |      | NETHING          |     |      | STRAND        |     |      |
| CHRISTENSEN         |     |      | LARSON     |     | ●    | ORANGE           |     | ●    | STRINDEN      |     |      |
| ERDMAN              |     | ●    | LASHKOWITZ |     | ●    | PETERSON         |     |      | TALLACKSON    |     |      |
| FARRINGTON          |     |      | LEE        |     |      | PIETROW          |     |      | TENNEFOS      |     |      |
| FRED                |     | ●    | LIPS       |     |      | RAIT             |     |      | THANE         |     |      |
| FRITZELL            |     |      | LODOEN     |     |      | REDLIN           |     | ●    | VOSPER        |     |      |
| GOODMAN             |     |      | MAHER      |     | ●    | REITEN           |     |      | WALSH         |     |      |
| HANSON              |     |      | MAU        |     | ●    | SANDNESS         |     |      | WENSTROM      |     |      |
| HOFFNER             |     | ●    | MELLAND    |     |      | SANDS            |     |      | WRIGHT        |     |      |
| HOLMBERG            |     |      | MILLER     |     | ●    | SCHIRADO         |     | ●    | MR. PRESIDENT |     |      |
| ISZLER              |     | ●    | MORGAN     |     |      | SHABLOW          |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2361 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2500. A Bill for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, to provide for impact loans to be administered by the board of university and school lands; to amend and reenact section 57-62-02 of the North Dakota Century Code, relating to the allocation formula for the coal development fund; to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of that chapter are temporary; and to provide that the provisions of this Act shall be temporary.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 624 - 626) the roll was called and there were ayes, 31; nays, 19; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |          |     |      |                  |     |      |           |     |      |
|---------------------|-----|------|----------|-----|------|------------------|-----|------|-----------|-----|------|
| REGULAR SESSION     |     |      |          |     |      | 1977 LEGISLATURE |     |      |           |     |      |
| ROLL CALL           |     |      |          |     |      |                  |     |      |           |     |      |
| YEAS                | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS | YEAS      | N-V | NAYS |
| ●                   |     |      | ●        |     |      | ●                |     |      | ●         |     |      |
| ALBERS              |     |      | JACOBSON |     |      | NAADEN           |     |      | SMYKOWSKI |     |      |
| BARTH               |     | ●    | JONES    |     |      | NELSON           |     |      | SOLBERG   |     |      |
| BERUBE              |     | ●    | KRAUTER  |     | ●    | NETHING          |     |      | STRAND    |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZEL     | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2500 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

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

Those of us who subscribe to a 33 1/3 percent severance tax are now accustomed to being called a wide variety of names. A presentation made in this building on January 12 by Andrew Freeman of Minnkota Power Cooperative rather desperately implied that those of us who support the 33 percent tax are extortionists, dirty pool players and robbers. It is unfortunate that we can't have opposite views without engaging in name calling. In my judgement whatever value and credibility Mr. Freeman's presentation has was derogated by his name calling. He concluded his remarks by hoping that by some miracle this legislature may have the compassion and wisdom to deal with the problems at hand. (See page 10, Freeman 1-12-77, Statement to Strinden-Nething Committee).

We have the right and certainly the obligation to look at the track record of those who oppose the 33 1/3 percent tax. Do you see a strong similarity between this group and another group who were lobbying previous legislatures? About four sessions ago the efforts to get a reclamation bill through the legislature met a stonewall. The following session the same type of legislation was clobbered again. It took two sessions and two defeats to get a reclamation bill passed. It is perfectly accurate to identify those who opposed reclamation as the same people who now are opposing 33 1/3 percent. It's a neat little group of Coal Companies, Investor Owned Utilities and an REC or two. Let your memory go back a few years and you'll recall that they told us then that the land was cheap land not worth reclaiming. They told us that they couldn't effectively reclaim the land and that the cost would be prohibitive. They told us that the spoil piles made wonderful game refuges and they planted the vision of forested slopes in the coal fields.

We now say that we have a good, workable reclamation law. That group that opposed it seems quite proud of it and would even lead us to believe that they were the prime sponsors rather than the bitter opponents. Reclamation, good reclamation, is now accepted. The legislature did the right thing.

I submit that the severance tax issue may be nothing more than a replay of the reclamation law battle. Generally speaking we have the same clique of people against us. We hear the same basic arguments by the same guys. Whenever we as legislators ask these people to face up to their corporate social responsibilities and be good citizens we get all kinds of excuses. We ask them to put their money where their mouths are and we strike some sensitive nerves.

This legislature and those that have been here before us is not anti-coal or anti-energy development. We and our predecessors have gone the last



mile for development. We have insisted, as we have a right and duty to do, that any development be responsible, environmentally sound and pay its own way. Whenever we press for those essential terms we are accused of being extortionists, playing dirty pool and robbers and an implied threat is returned that we will cripple the industry, hamper development and increase energy costs. Are we asking too much now? Were we asking too much when we asked for effective land reclamation?

It is time that we stopped worrying about these Coal Companies. They've got a pretty good thing going for them. In this country they are the only game in town. They have it all sewed up. Insulated and protected as they are they will make a profit no matter what the costs are.

Any thoughtful citizen in this state or in this country must by now know that the energy honeymoon is over and the price is going up. Energy is in short supply. We are all going to have to pay more for what is available. That's just hard, modern day fact.

The question is should we close our eyes and give away our resources under the pretense that we are making a contribution in the public interest? If we do that then what shall we tell our children and our grandchildren when they ask us what we did in the legislature in 1977?

In spite of what you may have been told or what you have read, my basic faith in the people of this state has me convinced that the great majority of them support the 33 1/3 percent tax. North Dakota people want the truth and the facts. They know what's going on here and they know the motives of those who oppose the severance tax.

Few states have been exploited as vigorously and effectively by outside interests as North Dakota. There is every reason to be apprehensive about our resources being exploited. That's what you and I are supposed to guard against. That's why we are here.

This business of taxation has two sides to it. It's like the sheep business. We have a group that says that we are skinning the sheep. That is not our idea at all. We are just shearing the sheep. No legislature ever skins the sheep — we limit our activities to shearing.

MOTION

Senator Nething moved that the Senate stand recessed for fifteen minutes, which motion prevailed.

The Senate reconvened, the President presiding.

SECOND READING OF SENATE BILLS

Senate Bill No. 2388. A Bill for an Act to provide for the governing of activity in proximity to electric transmission lines; and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 618) the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |          |      | 1977 LEGISLATURE |            |      |
|-----------------|-----|------|---------------------|------------|------|------|----------|------|------------------|------------|------|
| ROLL-CALL       |     |      |                     |            |      |      |          |      |                  |            |      |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V        | NAYS |
| •               |     |      | •                   | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI  |      |
| •               |     |      | •                   | JONES      |      | •    | NELSON   |      | •                | SOLBERG    |      |
| •               |     |      | •                   | KRAUTER    |      | •    | NETHING  |      | •                | STRAID     |      |
| •               |     |      | •                   | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN   |      |
| •               |     |      | •                   | LASHKOWITZ |      | •    | PETERSON | •    | •                | TALLACKSON |      |
| •               |     |      | •                   | LEF        |      | •    | PIETRON  |      | •                | TENNEFOS   |      |
| •               |     |      | •                   | LIPS       |      | •    | RAIT     |      | •                | THANE      |      |
| •               |     |      | •                   | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2388 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 2394. A Bill for an Act to amend and reenact sections 10-18.1-09, 23-14-14, 27-07-40, subdivisions a and e of subsection 1 of section 30.1-20-16, sections 40-35-12, 40-36-07, 40-57-13, subsection 2 of section 40-61-14, section 40-61-15, subsections 8, 9, and 10 of section 47-19-02, sections 47-19-06, and 47-19-07 of the North Dakota Century Code, relating to references to estate taxes and exemptions from taxation; to repeal chapter 57-37.1 of the North Dakota Century Code, relating to the estate tax; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 29; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             | •   |      | JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     | •    | KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | • ORANGE         |     |      | • STRINGEN    |     |      |
| • ERDMAN            |     | •    | LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     | •    | LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FRIED             |     | •    | LIPS       |     | •    | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     | •    | LODOEN     |     | •    | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     | •    | MAHER      |     | •    | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     | •    | MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     | •    |
| • HOFFNER           |     | •    | MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     | •    | MILLER     |     | •    | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     | •    | MORGAN     |     |      | • SHABLOW        |     | •    |               |     |      |

Senate Bill No. 2394 was declared lost.

Senate Bill No. 2409. A Bill for an Act making appropriations to the director of institutions to purchase and remodel the Patterson hotel building in Bismarck.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 19; nays, 31; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             | •   |      | JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     | •    | KRAUTER    |     | •    | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     | •    | LARSON     |     |      | • ORANGE         |     |      | • STRINGEN    |     |      |
| • ERDMAN            |     | •    | LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     | •    | LIPS       |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FRIED             |     | •    | LODOEN     |     | •    | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     | •    | MAHER      |     | •    | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     | •    | MAU        |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     | •    | MELLAND    |     |      | • SANDNESS       |     |      | • WENSTROM    |     | •    |
| • HOFFNER           |     | •    | MILLER     |     | •    | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     | •    | MORGAN     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     | •    |            |     |      | • SHABLOW        |     |      |               |     |      |

Senate Bill No. 2409 was declared lost.

POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal

privilege. Mr. President, ladies and gentlemen of the Senate, yesterday, the members of this body found on their desk a piece of yellow paper which I have in my hand, which I am certain defies description in terms of its repulsiveness. I slept on it overnight, hoping that I would forget about it the following day. But I think it's important that I do share a few thoughts with the members of this body. It's very easy to demean and downgrade the people in government. It's very easy to be loose with your tongue and the printed word, and it's very difficult to catch up with this type of degrading and insulting comment. I can't ignore it because it degrades every member of this Assembly. And I for one, would not stand by idly, because it's my duty to bring this next bill to the floor. As a matter of fact, in characterizing this piece of yellow paper, I believe that the author of same is dangerously close to criminal libel. However, I personally would be pleased that he would acknowledge he has made a horrible mistake and apologize to this body. I think the irony of this type of comment is underscored by a realization that the bill before us, Senate Bill 2417, is in effect being withdrawn by its sponsor by his having prepared an amendment which changes the bill 100 percent. Thereby, the sponsor acknowledging that his good intentions in coming to grips with a problem were inadequate in the form in which the bill was submitted to the Senate and considered by the committee. The amendments may be submitted to the body, however, I preface my comments on the bill by strongly objecting to this type of irresponsible comment which is very, very destructive to our institutions if allowed to remain unchallenged because of the references contained particularly in the last paragraph. I believe that's all I have to say at this time on this particular aspect of the subject, and I am prepared at this time to move on to the subject of the bill at hand.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2417.** A Bill for an Act to create and enact a new subsection to section 40-05-02 of the North Dakota Century Code, relating to powers of cities; to amend and reenact subdivision a of subsection 4 of section 12.1-27.1-01 of the North Dakota Century Code, relating to contemporary standards of obscenity; and to repeal section 12.1-27.1-12 of the North Dakota Century Code, relating to state preemption of local laws regulating obscenity.

Which has been read.

Senator Christensen moved to amend Senate Bill 2417 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 section 12.1-27.1-03.1 of the North Dakota Century Code, relating to the display of objectionable materials to minors and providing a penalty.

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

**SECTION 1.)** Section 12.1-27.1-03.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

**12.1-27.1-03.1. OBJECTIONABLE MATERIALS OR PERFORMANCE — DISPLAY TO MINORS — DEFINITIONS — PENALTY.)**

1. A person is guilty of a class A misdemeanor if he willfully displays at newsstands or any other business establishment frequented by minors, or where minors are or may be invited as a part of the general public, any motion picture, or any photograph, book, paperback book, pamphlet, or magazine, the cover or content of which exploits, is devoted to, or is

principally made up of descriptions or depictions of illicit sex or sexual immorality, or pictures, including motion pictures, of nude or partially denuded human figures posed or presented in a manner to exploit sex, lust, or perversion for commercial gain.

2. As used in this section:

a. "Descriptions or depictions of illicit sex or sexual immorality" means:

- (1) Human genitals in a state of sexual stimulation or arousal.
- (2) Acts of human masturbation, sexual intercourse, or sodomy.
- (3) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

b. "Nude or partially denuded human figures" means less than completely and opaquely covered human genitals, pubic regions, female breasts or a female breast, if the breast or breasts are exposed below a point immediately above the top of the areola, or human buttocks; and includes human male genitals in a discernibly turgid state even if completely and opaquely covered.

c. "Where minors are or may be invited as a part of the general public" includes any public roadway or public walkway."

And renumber the lines and pages accordingly.

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

Senator Christensen moved that the rules be suspended, that Senate Bill-2417 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. 2417.** A Bill for an Act to create and enact a new subsection to section 40-05-02 of the North Dakota Century Code, relating to powers of cities; to amend and reenact subdivision a of subsection 4 of section 12.1-27.1-01 of the North Dakota Century Code, relating to contemporary standards of obscenity; and to repeal section 12.1-27.1-12 of the North Dakota Century Code, relating to state preemption of local laws regulating obscenity.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 41; nays, 9; absent and not voting, 0.

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | JACOBSON   |     |      | •                |     | SMYKOWSKI     |
| •               |     |      | •          |     |      | •                |     | SOLBERG       |
| •               |     |      | JONES      |     |      | •                |     | STRAND        |
| •               |     |      | KRAUTER    |     |      | •                |     | STRINGEN      |
| •               |     |      | •          |     |      | •                |     | TALLACKSON    |
| •               |     |      | LARSON     |     |      | •                |     | TENNEFOS      |
| •               |     |      | LASHKOWITZ |     |      | •                |     | THANE         |
| •               |     |      | •          |     |      | •                |     | VOSPER        |
| •               |     |      | LEE        |     |      | •                |     | WALSH         |
| •               |     |      | LIPS       |     |      | •                |     | WENSTROM      |
| •               |     |      | •          |     |      | •                |     | WRIGHT        |
| •               |     |      | LODOEN     |     |      | •                |     | MR. PRESIDENT |
| •               |     |      | MAHER      |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | MAU        |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | MELAND     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | MILLER     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | MORGAN     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | NAADEN     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | NELSON     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | NETHING    |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | ORANGE     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | PETERSON   |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | PIETRON    |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | RAIT       |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | REDLIN     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | REITEN     |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | SANDNESS   |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | SANDS      |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | SCHIRADO   |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |
| •               |     |      | SHABLOW    |     |      | •                |     |               |
| •               |     |      | •          |     |      | •                |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2417 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2422. A Bill for an Act to create and enact three new sections to chapter 65-05 of the North Dakota Century Code, relating to determining, measuring, and calculating compensable hearing loss for workmen's compensation purposes.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 44; absent and not voting, 3.

| NORTH DAKOTA SENATE |             |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-------------|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |             |      |            |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V         | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |             | •    | JACOBSON   |     | •    | NAADEN    |     | •    | SMYKOWSKI        |     |      |
| •                   | BARTH       | •    | JONES      |     | •    | NELSON    |     | •    | SOLBERG          |     | •    |
| •                   | BERUBE      | •    | KRAUTER    |     | •    | NETHING   |     | •    | STRAND           |     | •    |
| •                   | CHRISTENSEN | •    | LARSON     |     | •    | ORANGE    |     | •    | STRINDEN         |     | •    |
| •                   | ERDMAN      | •    | LASHKOWITZ |     | •    | PETERSON  |     | •    | TALLACKSON       |     | •    |
| •                   | FARRINGTON  | •    | LEE        |     | •    | PIETRON   |     | •    | TENNEFOS         |     | •    |
| •                   | FREED       | •    | LIPS       |     | •    | RAIT      |     | •    | THANE            |     | •    |
| •                   | FRITZELL    | •    | LODOEN     |     | •    | REDLIN    |     | •    | VOSPER           |     | •    |
| •                   | GOODMAN     | •    | MAHER      |     | •    | REITEN    |     | •    | WALSH            |     | •    |
| •                   | HANSON      | •    | MAUJ       |     | •    | SANDNESS  |     | •    | WENSTROM         |     | •    |
| •                   | HOFFNER     | •    | MELLAND    |     | •    | SANDS     |     | •    | WRIGHT           |     | •    |
| •                   | HOLMBERG    | •    | MILLER     |     | •    | SCHIRADO  |     | •    | MR. PRESIDENT    |     | •    |
| •                   | ISZLER      | •    | MORGAN     |     | •    | SHABLOW   |     | •    |                  |     |      |

Senate Bill No. 2422 was declared lost.

Senate Bill No. 2425. A Bill for an Act to amend and reenact sections 11-33-09 and 11-33-10 of the North Dakota Century Code, relating to the publication and effective date of county zoning resolutions and amendments, and to separate hearings on such resolutions and amendments.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 589) the roll was called and there were ayes, 43; nays, 4; absent and not voting, 3.

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •    | JONES      |      | •         | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •    | LARSON     |      | •         | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •    | LEE        |      | •         | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •    | LIPS       |      | •         | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •    | LODOEN     |      | •         | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •    | MAHER      |      | •         | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •    | MAUJ       |      | •         | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •    | MELLAND    |      | •         | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •    | MILLER     |      | •         | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2425 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2273. A Bill for an Act to create and enact two new subsections to section 15-65-03 of the North Dakota Century Code, relating to the authority of the North Dakota educational broadcasting council to contract with noncommercial educational television stations and to employ necessary personnel.

Which has been read.

### ROLL CALL

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

page 494) the roll was called and there were ayes, 10; nays, 39; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | JACOBSON   |     | •    | NAADEN           |     | • SMYKOWSKI     |
| • BARTH             |     | •    | JONES      |     | •    | NELSON           |     | • SOLBERG       |
| • BERUBE            |     | •    | KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON          |     | • TENNEFOS      |
| • FREED             |     | •    | LIPS       |     | •    | RAIT             |     | • THANE         |
| • FRITZELL          |     | •    | LODOEN     |     | •    | REDLIN           |     | • VOSPER        |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN           |     | • WALSH         |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS         |     | • WENSTROM      |
| • HOFFNER           |     | •    | MELLAND    |     | •    | SANDS            |     | • WRIGHT        |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO         |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW          |     |                 |

Senate Bill No. 2273 was declared lost.

Senate Bill No. 2434. A Bill for an Act to create and enact section 15-65-02.1 and two new subsections to section 15-65-03 of the North Dakota Century Code, relating to senate confirmation of appointments to the North Dakota educational broadcasting council, the authority of the North Dakota educational broadcasting council to contract with non-commercial educational television stations, and meetings of the North Dakota educational broadcasting council; and to amend and reenact section 15-65-02 of the North Dakota Century Code, relating to membership of the North Dakota educational broadcasting council.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | JACOBSON   |     | •    | NAADEN           |     | • SMYKOWSKI     |
| • BARTH             |     | •    | JONES      |     | •    | NELSON           |     | • SOLBERG       |
| • BERUBE            |     | •    | KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON          |     | • TENNEFOS      |
| • FREED             |     | •    | LIPS       |     | •    | RAIT             |     | • THANE         |
| • FRITZELL          |     | •    | LODOEN     |     | •    | REDLIN           |     | • VOSPER        |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN           |     | • WALSH         |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS         |     | • WENSTROM      |
| • HOFFNER           |     | •    | MELLAND    |     | •    | SANDS            |     | • WRIGHT        |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO         |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW          |     |                 |

Senate Bill No. 2434 was declared lost.

Senate Bill No. 2437. A Bill for an Act to provide for the preferential assessment of private recreational, open space, and park lands, to provide for the dual assessment of such lands, and to provide for the payment of higher taxes on such lands if there is a change in ownership or use after preferential taxes have been paid.

Which has been read.

Senator Walsh moved that he be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that Senator Walsh be permitted to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 13; nays, 37; absent and not voting, 0.



ROLL CALL

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

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |              |
|-----------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND     |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL      |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR PRESIDENT |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |              |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2446 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2449. A Bill for an Act to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code as amended by chapter 417 of the 1973 Session Laws of North Dakota, relating to salaries of elected state officials; to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner; and providing an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 618, 619) the roll was called and there were ayes, 37; nays, 13; absent and not voting, 0.

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |              |
|-----------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND     |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL      |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR PRESIDENT |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |              |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2449 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2450. A Bill for an Act to provide for the salary of the public service commissioner elected to the term of office commencing on January 1, 1979; to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner and to amend and reenact section 49-01-05 of the North Dakota Century Code as amended by section 4 of chapter 417 of the 1973 Session Laws of North Dakota, relating to the salaries of the public service commissioners; and to provide effective dates.





House Bill No. 1384  
 House Bill No. 1393  
 House Bill No. 1403  
 House Bill No. 1412  
 House Bill No. 1419  
 House Bill No. 1436  
 House Bill No. 1438  
 House Bill No. 1446  
 House Bill No. 1455

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1464  
 House Bill No. 1469  
 House Bill No. 1473  
 House Bill No. 1480  
 House Bill No. 1514  
 House Bill No. 1515  
 House Bill No. 1518  
 House Bill No. 1520  
 House Bill No. 1527  
 House Bill No. 1529  
 House Bill No. 1530  
 House Bill No. 1531  
 House Bill No. 1535  
 House Bill No. 1536  
 House Bill No. 1537  
 House Bill No. 1545  
 House Bill No. 1555  
 House Bill No. 1557  
 House Bill No. 1563  
 House Bill No. 1568  
 House Bill No. 1569  
 House Bill No. 1575  
 House Bill No. 1578  
 House Bill No. 1582  
 House Bill No. 1583  
 House Bill No. 1584

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE BILLS

**House Bill No. 1003.** Budgets — Judicial Branch — A Bill for an Act making an appropriation for defraying expenses of the judicial branch of the government of the state of North Dakota.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1005.** BUDGETS — Board of Higher Education — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1011.** Budgets — Employees Benefit and Retirement Funds — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1012.** Pardon Board and Parole Office — A Bill for an Act making an appropriation for defraying expenses of the pardon board and parole office.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1021.** A Bill for an Act to amend and reenact paragraph 5 of subdivision i of subsection 15 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation for spouses of students.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1132.** A Bill for an Act prohibiting the unauthorized starting of fires under certain circumstances, and providing a penalty.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1175.** A Bill for an Act to authorize the administrative committee of veterans affairs to obtain a loan from the Bank of North Dakota to match federal funds available for an addition to the soldiers' home, and to provide an appropriation.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1224.** A Bill for an Act to amend and reenact section 27-08-38 of the North Dakota Century Code, relating to a change of judge for trial of a criminal action in county court with increased jurisdiction.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1233.** A Bill for an Act to provide a method of reimbursing counties for certain court costs incurred in the prosecution and defense of felonies involving physical violence; to amend and reenact sections 29-07-01.1, 29-26-22, and 29-32-05 of the North Dakota Century Code, relating to the reimbursement of certain court costs and fees of counsel appointed to defend indigents; and providing an appropriation.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1240.** A Bill for an Act to provide for the impanelling, powers, duties, composition and function of a state grand jury, and authorizing the attorney general to request that a state grand jury be impanelled in certain cases.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1264.** A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct games of chance; and providing for definitions, licensure by the attorney general,

city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors, a tax based on expenses, an expiration date, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1280.** A Bill for an Act to provide for a conditional transfer of funds to the state capital construction fund, and providing an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1287.** A Bill for an Act to allow school districts to levy for the cost of district-owned buses.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1299.** A Bill for an Act to create and enact a new chapter to title 43, a new section to chapter 43-12, and a new subsection to section 43-12-31 of the North Dakota Century Code, relating to the regulation of nursing, the provision for a state board of nursing, and the definition of powers and duties of the board, including licensure of practitioners of nursing, establishment of standards for educational programs preparing for nursing practice, and definitions and collection procedures for nursing scholarship loans; and to repeal sections 43-12-01 through 43-12-26 and chapter 43-21 of the North Dakota Century Code, relating to professional nurses and practical nurses; and to provide a penalty.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1317.** A Bill for an Act relating to adverse possession of severed mineral interests which have not been developed or are not subject to a lease.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1327.** A Bill for an Act to create and enact a new subsection to section 41-02-81 of the North Dakota Century Code, relating to seller's remedies on discovery of buyer's insolvency.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1337.** A Bill for an Act to amend and reenact section 15-62.2-01 of the North Dakota Century Code, relating to the North Dakota student financial assistance program, and providing assistance to persons who are attending postsecondary institutions out of state due to a physical or mental handicap and an absence of appropriate public institutions within North Dakota.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1351.** A Bill for an Act to provide for the confidentiality of records maintained on individuals obtaining mental health counseling.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1361.** A Bill for an Act to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, relating to the authority of the North Dakota educational broadcasting council to contract with noncommercial public television and radio stations.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1369.** A Bill for an Act to authorize the State Board of Higher Education to sell and convey certain land owned by the State of North Dakota.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1380.** A Bill for an Act to amend and reenact section 24-09-08.1 of the North Dakota Century Code, relating to the apportionment of grade crossing safety devices.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1383.** A Bill for an Act to create and enact subsection 8 to section 40-61-08 of the North Dakota Century Code, relating to the issuance of revenue bonds by municipal parking authorities for parking projects; to amend and reenact section 40-57-02, subsection 3 of section 40-57-03, and section 40-61-10 of the North Dakota Century Code, relating to the financing of health care, parking and pollution control projects used or useful in connection with revenue-producing enterprises by the issuance of municipal revenue bonds; and declaring an emergency.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1384.** A Bill for an Act to amend and reenact subsections 2, 4 and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1388.** A Bill for an Act to create and enact a new section to chapter 40-31 of the North Dakota Century Code, requiring cities to provide ramped curbing at intersections for wheelchair traffic upon undertaking extensive curb and gutter repair or installation.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1393.** A Bill for an Act to amend and reenact section 4-22-04 of the North Dakota Century Code, relating to state soil conservation committee meetings and compensation, and providing for additional meetings as called by the chairman, for special meetings upon written request, and increasing daily compensation from twenty-five to forty-five dollars.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1403.** A Bill for an Act to amend and reenact section 24-08-01 of the North Dakota Century Code, relating to the construction of bridges by the board of county commissioners pursuant to the request of township freeholders, and its effect upon the construction of culverts on township roads.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1412.** A Bill for an Act to amend and reenact subsection 3 of section 57-40.3-04 of the North Dakota Century Code, relating to exemption from the motor vehicle excise tax.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1419.** A Bill for an Act to authorize the legislative council, through any of its programs, projects, or committees, to carry out or supervise methanol research.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1436.** A Bill for an Act to create and enact a new subsection to section 31-01-06 of the North Dakota Century Code, relating to confidential communications to psychologists.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1438.** A Bill for an Act to amend and reenact subsection 24 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for all sales to boarding homes for the aged and infirm licensed by the state social service board.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1446.** A Bill for an Act to amend and reenact sections 57-23-05 and 57-23-06 of the North Dakota Century Code, relating to applications for abatement or refund and to hearings on abatement proceedings.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1455.** A Bill for an Act to amend and reenact section 27-06-08 of the North Dakota Century Code, relating to fees for transcripts.

Which was read the first time and referred to the Committee on Judiciary.

Senator Nething moved that after the 13th Order of Business and after the reading of Senate Bills 2004, 2005, 2010, 2022, 2093, 2240, 2305, 2307, 2327, 2338, 2346, 2379, 2380, 2381, 2496, 2513, 2514, 2534, 2538, 2544 and House Bills 1063, 1084 and 1165, the Senate recess until Friday, February 18, 1977 at 8:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



THIRTY-THIRD DAY AFTER RECESS AND  
THIRTY-FOURTH DAY

Bismarck, February 18, 1977

The Senate convened at 8:00 A.M., pursuant to recess taken, President Sanstead presiding.

REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2004  
Senate Bill No. 2005  
Senate Bill No. 2010  
Senate Bill No. 2022  
Senate Bill No. 2093  
Senate Bill No. 2240  
Senate Bill No. 2327  
Senate Bill No. 2379  
Senate Bill No. 2381  
Senate Bill No. 2396  
Senate Bill No. 2496  
Senate Bill No. 2513  
Senate Bill No. 2514  
Senate Bill No. 2534  
Senate Bill No. 2538  
Senate Bill No. 2544

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2338  
Senate Bill No. 2346  
Senate Bill No. 2380

And find the same correctly Re-Engrossed.

SENATOR STRAND, Chairman

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

SECOND READING OF SENATE BILLS

Senate Bill No. 2004. A Bill for an Act to appropriate money for the expenses of the legislative branch of government; and declaring an emergency.

Which has been read.



Senator Barth moved that the question be divided on Senate Bill 2004, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill as amended, (SJ pages 652 - 653) except Section 4, the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     | ●    | ● SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2004, except Section 4, passed, the title was agreed to and the emergency clause carried.

Senator Nething moved that the vote by which Senate Bill No. 2004 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### ROLL CALL

The question being on Section 4, of Senate Bill 2004, the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     | ●    | ● SHABLOW  |     |      |                  |     |      |

Section 4 of Senate Bill 2004 passed, and the emergency clause carried.

Senator Nething moved that the vote by which Senate Bill No. 2004 passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### EXPLANATION OF VOTES

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege to explain my vote.

I rise, members of the Senate, to explain my vote on this bill; Senate Bill 2004, which was against the legislative appropriation. I think an explanation is in order. I feel that with the present mood for sunset legislation that we in the legislative assembly must also bear close examination and scrutiny. The size of the appropriation is only one factor. It indicates that we are now virtually a professional legislature, which means that we will be further and further removed from the ultimate source of our authority, the people. I am concerned that we have in our bill books 1,277 bills and resolutions. The cost of each bill has been

estimated from \$100 up to \$500 or more per bill and resolution, not only for printing, but for processing. I think that this has become a costly and unmanageable extravaganza. I am not interested in the power struggle that is taking place as to where REAP should be placed. I think that ought to be resolved by the people of this state. I am concerned as to whether or not it has a rationale in its being when we have duplicating agencies in existence. I am also concerned that we must take an inward look at our own operation which has become unmanageable and costly. We have seen a lot of legislation that has been ill-conceived and of dubious quality. Much of it has been withdrawn. Much of it has been rejected. Much of it has displayed lack of careful research. I would say further, members of the Senate, that what we have essentially is a bill manufacturing factory. I think we should get back to the basics of real substantial research and thought. And one further observation at the pre-session, members of the Senate, I noted that the committee chairman made a brief introductory statement about one-and-a-half or two minutes, and then they turned the rostrum over to the technician who made the total presentation that we were treated to.

This indicates to me that we, as legislators, are abdicating our responsibility to truly be the authors, as well as the sponsors of legislation. I think some inward thinking, introspection and restructuring is long overdue. Thank you.

Senator Mau: Mr. President, I rise on a point of personal privilege to explain my vote on Section 4 of Senate Bill 2004. I voted "no" for a couple of reasons. The REAP program is issuing reports that are not comprehensive. They are providing possibly a false sense of security. There are many aspects to these reports that they have not investigated, not included in their studies, and to continue funding a project on the premise that because there is already such an amount of money invested in that project, that it would reflect on the integrity of this body, I would suggest that the continuation and funding of a project that is not doing the job that it was originally intended, is worse. And that sir, is why I voted "red".

SECOND READING OF SENATE BILLS

Senate Bill No. 2005. Board of Public School Education — A Bill for an Act making an appropriation to the board of public school education for defraying expenses of various departments, and various divisions thereof, of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 653 - 655) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •    |            |      | •    |          |                  | •    |               |      |
| •                   |     |      | •    | JACOBSON   |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •    | NELSON   |                  | •    | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •    | NETHING  |                  | •    | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •    | ORANGE   |                  | •    | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •    | PETERSON |                  | •    | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •    | PIETRON  |                  | •    | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •    | RAIT     |                  | •    | THANE         |      |
| •                   |     |      | •    | LODOEN     |      | •    | REDLIN   |                  | •    | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •    | REITEN   |                  | •    | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •    | SANDNESS |                  | •    | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •    | SANDS    |                  | •    | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •    | SCHIRADO |                  | •    | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •    | SHABLOW  |                  |      |               |      |

So the bill passed and the title was agreed to.

Senator Nething 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.

**Senate Bill No. 2010. Budgets — Public Health — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.**

Which has been read.

Senator Thane moved to amend Senate Bill 2010 as follows:

On page 1 of the engrossed bill, line 18, delete the numerals "6,040,782" and insert in lieu thereof the numerals "6,001,757"

On page 1 of the engrossed bill, line 19, delete the numerals "1,425,363" and insert in lieu thereof the numerals "1,420,763"

On page 1 of the engrossed bill, line 20, delete the numerals "1,562,876" and insert in lieu thereof the numerals "1,562,376"

On page 1 of the engrossed bill, line 21, delete the numerals "480,979" and insert in lieu thereof the numerals "478,779"

On page 2 of the engrossed bill, line 1, delete the numerals "12,907,664" and insert in lieu thereof the numerals "12,861,339"

On page 2 of the engrossed bill, line 2, delete the numerals "9,954,679" and insert in lieu thereof the numerals "9,927,084"

On page 2 of the engrossed bill, line 3, delete the numerals "2,952,985" and insert in lieu thereof the numerals "2,934,255"

On page 3 of the engrossed bill, line 9, delete the numerals "20,776,022" and insert in lieu thereof the numerals "20,757,292"

On page 3 of the engrossed bill, line 10, delete the numerals "18,993,189" and insert in lieu thereof the numerals "18,965,594"

On page 3 of the engrossed bill, line 11, delete the numerals "39,769,211" and insert in lieu thereof the numerals "39,722,886"

**STATEMENT OF PURPOSE OF AMENDMENT:**

The purpose of this amendment is to delete moneys from the Public Health Department's budget for the public health educator position. For salaries and wages, \$39,025 is deleted, \$4,600 for fees and services, \$500 for supplies and materials, and \$2,200 for equipment related to the public health educator position.

Senator Thane moved that the amendments be adopted, which motion prevailed on a division vote.

Senator Melland moved that the rules be suspended, that Senate Bill 2010 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage.

Senator Smykowski requested a roll call vote on the motion to suspend the rules, which request was granted.

**ROLL CALL**

The motion being on the motion to suspend the rules, the roll was called and there were ayes, 35; nays, 15; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     |      | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | •    | • STRINDEN   |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     |      | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | •    | • TENNEFOS   |     |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • FREED    | • LIPS    | RAIT       | • THANE         |
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

The motion to suspend the rules prevailed.

**Senate Bill No. 2010. Budgets — Public Health — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.**

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 655 - 657) the roll was call and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   | •   |      | • NAADEN         |     |      | • SMYKOWSKI     | •   |      |
| • BARTH             |     |      | • JONES      | •   |      | • NELSON         |     |      | • SOLBERG       | •   |      |
| • BERUBE            |     |      | • KRAUTER    | •   |      | • NETHING        |     |      | • STRAND        | •   |      |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE         |     |      | • STRINDEN      | •   |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON    | •   |      |
| • FARRINGTON        | •   |      | • LEE        | •   |      | • PIETRON        |     |      | • TENNEFOS      | •   |      |
| • FREED             |     |      | • LIPS       | •   |      | • RAIT           |     |      | • THANE         | •   |      |
| • FRITZELL          |     |      | • LODOEN     | •   |      | • REDLIN         |     |      | • VOSPER        | •   |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN         |     |      | • WALSH         | •   |      |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS       |     |      | • WENSTROM      | •   |      |
| • HOFFNER           |     |      | • MELLAND    | •   |      | • SANDS          |     |      | • WRIGHT        | •   |      |
| • HOLMBERG          |     |      | • MILLER     | •   |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     | •   |      | • SHABLOW        |     |      |                 |     |      |

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.

**Senate Bill No. 2022. A Bill for an Act to provide authority for the board of university and school lands to invest permanent funds of the common schools in the construction of an office building, to establish the location of the office building, to provide a grant of land, to provide for the advertising and letting of construction bids, to provide for the rental of space to state agencies, to provide for a method of amortizing the capital investment, and to provide for incidental authority in the board of university and school lands necessary to accomplish the purpose of this Act.**

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 657) the roll was called and there were ayes, 39; nays, 9; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   | •   |      | • NAADEN         |     |      | • SMYKOWSKI  | •   |      |
| • BARTH             |     |      | • JONES      | •   |      | • NELSON         |     |      | • SOLBERG    | •   |      |
| • BERUBE            |     |      | • KRAUTER    | •   |      | • NETHING        |     |      | • STRAND     | •   |      |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE         |     |      | • STRINDEN   | •   |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON | •   |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON        |     |      | • TENNEFOS   | •   |      |
| • FREED             |     |      | • LIPS       | •   |      | • RAIT           |     |      | • THANE      | •   |      |
| • FRITZELL          |     |      | • LODOEN     | •   |      | • REDLIN         |     |      | • VOSPER     | •   |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN         |     |      | • WALSH      | •   |      |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS       |     |      | • WENSTROM   | •   |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2022 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2093.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of gas, steam, and water from the sales and use tax; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, subsection 2 of section 57-39.2-18, subdivision a of subsection 6 of section 57-40.2-01, section 57-53-02 of the North Dakota Century Code, and subsection 2 of section 1 of Initiative Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to the exemption of gas, steam, water, and heating fuels from sales and use and special fuels taxes, and to remove references to sales and use taxes on electricity.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 657 - 658) the roll was called and there were ayes, 40; nays, 8; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |                  |     |      |            |     |      |               |     |      |
|---------------------|-----|------|------------------|-----|------|------------|-----|------|---------------|-----|------|
| ROLL-CALL           |     |      |                  |     |      |            |     |      |               |     |      |
| REGULAR SESSION     |     |      | 1977 LEGISLATURE |     |      |            |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS             | N-V | NAYS | YEAS       | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON       |     |      | • NAADEN   |     |      | • SMYKOWSKI   |     | •    |
| • BARTH             |     |      | • JONES          |     |      | • NELSON   |     | •    | • SOLBERG     |     | •    |
| • BERUBE            |     |      | • KRAUTER        |     |      | • NETHING  |     |      | • STRAND      |     | •    |
| • CHRISTENSEN       |     |      | • LARSON         |     |      | • ORANGE   |     |      | • STRINDEN    |     |      |
| • FRIDMAN           |     |      | • LASHKOWITZ     |     |      | • PETERSON |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE            |     |      | • PIETRON  |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS           |     |      | • RAIT     |     | •    | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN         |     |      | • REDLIN   |     |      | • VOSPER      |     | •    |
| • GOODMAN           |     |      | • MAHER          |     |      | • REITEN   |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU            |     | •    | • SANDNESS |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND        |     |      | • SANDS    |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER         |     |      | • SCHIRADO |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN         |     | •    | • SHABLOW  |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2093 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MOTIONS

Senator Nething moved that Senate Bill No. 2093 be re-printed, which motion prevailed.

Senator Thane requested the unanimous consent of the Senate to withdraw Senate Bill No. 2305. There being no objection the request was granted and Senate Bill 2305 was withdrawn.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2240.** A Bill for an Act to amend and reenact subsections 2 and 5 of section 39-04-19 of the North Dakota Century Code, relating to registration fees of motor vehicles.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 658, 659) the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAA DEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2240 was passed, be reconsidered and the motion to-reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2307. A Bill for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 9; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAA DEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2307 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

POINT OF PERSONAL PRIVILEGE

Senator Freed: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, on the bill that we have just passed now, we gave the Supreme District Court judges a 10 per cent increase. Most of you who have been here in past sessions will recall how I was against too large of an increase two years ago when all of the executive departments got a very very large increase, you will recall. Now, I was of the opinion that they were not getting enough of an increase with the bill that was just passed. I hope that it will be corrected over in the House. I feel that part of the reason for this was because of some decisions the Supreme Court are sitting on or that have considered and I don't think that we should let that interfere with our decisions at all. These judges do have hard decisions to make and we may not agree with them, but we don't give them an increase depending on how they make decisions. That would be the worst thing we could do. I do hope that when

this gets over to the House it is corrected, because yesterday we passed a bill giving the county court increased jurisdiction. Now that's a lower court that we have, we gave them a 20 per cent increase in salary for the next two years and when the district judge salary bill comes up you give them 10 per cent. Now it just doesn't add up and I hope that if this comes back in conference committee, this body will remember that.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2327.** A Bill for an Act to create and enact section 6-06-39 of the North Dakota Century Code, relating to scaledown of shares in credit unions; to create and enact section 6-06-40 of the North Dakota Century Code, relating to mandatory share and deposit insurance for credit unions; to amend and reenact subsections 1, 2, 3, and 5 of section 6-06-02 of the North Dakota Century Code, relating to the par value of shares of credit unions and filing of certificates of organization with the register of deeds; to amend and reenact section 6-06-04 of the North Dakota Century Code, relating to the recording of amendments of certificates of organization of credit unions with the register of deeds; to amend and reenact subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to making loans for provident or productive purposes; to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to entrance fees and field of membership of credit unions; to amend and reenact section 6-06-11 of the North Dakota Century Code, relating to the appointment of supervisory committee members of credit unions; to amend and reenact subsection 4 of section 6-06-12 of the North Dakota Century Code, relating to the declaration of dividends for credit unions; to amend and reenact section 6-06-13 of the North Dakota Century Code, relating to officers of credit unions; to amend and reenact subsection 2 of section 6-06-15 of the North Dakota Century Code, relating to annual audits of credit unions by the supervisory committee; to amend and reenact section 6-06-16 of the North Dakota Century Code, relating to the credit union membership entrance fee; to amend and reenact subsection 1 of section 6-06-35 of the North Dakota Century Code, relating to the vote required to convert from a state to a federal credit union; to repeal subsection 6 of section 6-06-02 of the North Dakota Century Code, relating to recording of certificate of organization and charter of a credit union with the register of deeds.

Which has been read.

Senator Fritzell moved that Senate Bill No. 2327 be amended as follows:

On page 2, line 14 of the engrossed bill, delete the second word "Section", and insert in lieu thereof the following:

"Subsections 1, 2, 3, and 5 of section"

On page 2, delete lines 16 and 17.

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

Senator Fritzell moved that the rules be suspended, that Senate Bill No. 2327 be deemed properly re-engrossed, and placed on the calendar as amended for second reading and final passage, which motion prevailed.

**Senate Bill No. 2327.** A Bill for an Act to create and enact section 6-06-39 of the North Dakota Century Code, relating to scaledown of shares in credit unions; to create and enact section 6-06-40 of the North Dakota Century Code, relating to mandatory share and deposit insurance for credit unions; to amend and reenact subsections 1, 2, 3, and 5 of section 6-06-02 of the North Dakota Century Code, relating to the par value of





Senator Melland moved that Senate Bill 2338 be amended as follows:  
On page 2, following line 3, insert the following:

"SECTION 2. SUSPENSION OF CONFLICTING PROVISIONS — ALTERNATE EFFECTIVE DATE.) In the event the social service board working in conjunction with the governor, the congressional delegation, and the leadership of the North Dakota legislature is unable to secure prior to October 1, 1977 an amendment to or favorable interpretation of Title XIX of the Social Security Act which would permit federal financial participation in the provision of assistance under this Act:

1. Any provision of this Act in conflict with Title XIX of the Social Security Act providing federal financial participation shall be suspended and non-effective so as to enable the state to qualify for such participation pending the convening of the next legislative assembly; and

2. The operation of the program referred to in subsection 1 may commence on July 1, 1978, or such earlier date as funding may allow as determined by the social service board.

It is the intent of the legislature that congressional action be sought which will permit federal financial participation within the scope of the program established pursuant to this Act, both as to age and available services, to the end that federal enactments allow flexibility to the individual states permitting the duly elected decision makers of a state to decide what is best for the state and its residents."

And renumber the lines accordingly

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

Senator Melland moved that the rules be suspended, that Senate Bill 2338 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

*Senate Bill No. 2338. A Bill for an Act making an appropriation to the North Dakota social service board for defraying the expenses of a program for medically needy children.*

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 661) the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAA DEN  |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDE        |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFNER            |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote which Senate Bill No. 2338 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTION

Senator Nething moved that Senate Bill No. 2338 be re-printed, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2504. A Bill for an Act to provide medical expense payments through the state social service board on behalf of certain qualified children for catastrophic illness, and to provide an appropriation.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | ●    |            |     | ●    |                  |     | ●    |               |     | ●    |
| ALBERS              |     | ●    | JACOBSON   |     | ●    | NAADEN           |     | ●    | SMYKOWSKI     |     | ●    |
| BARTH               |     | ●    | JONES      |     | ●    | NELSON           |     | ●    | SOLBERG       |     | ●    |
| BERUBE              |     | ●    | KRAUTER    |     | ●    | NETHING          |     | ●    | STRAND        |     | ●    |
| CHRISTENSEN         |     | ●    | LARSON     |     | ●    | ORANGE           |     | ●    | STRINDEN      |     | ●    |
| ERDMAN              |     | ●    | LASHKOWITZ |     | ●    | PETERSON         |     | ●    | TALLACKSON    |     | ●    |
| FARRINGTON          |     | ●    | LEE        |     | ●    | PIETRON          |     | ●    | TENNEFOS      |     | ●    |
| FREED               |     | ●    | LIPS       |     | ●    | RAIT             |     | ●    | THANE         |     | ●    |
| FRITZELL            |     | ●    | LODOEN     |     | ●    | REDLIN           |     | ●    | VOSPER        |     | ●    |
| GOODMAN             |     | ●    | MAHER      |     | ●    | REITEN           |     | ●    | WALSH         |     | ●    |
| HANSON              |     | ●    | MAU        |     | ●    | SANDNESS         |     | ●    | WENSTROM      |     | ●    |
| HOFFNER             |     | ●    | MELLAND    |     | ●    | SANDS            |     | ●    | WRIGHT        |     | ●    |
| HOLMBERG            |     | ●    | MILLER     |     | ●    | SCHIRADO         |     | ●    | MR. PRESIDENT |     | ●    |
| ISZLER              |     | ●    | MORGAN     |     | ●    | SHABLOW          |     | ●    |               |     |      |

Senate Bill No. 2504 was declared lost.

Senate Bill No. 2346. A Bill for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 661) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●             |     |      |
| ALBERS              |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI     |     |      |
| ●                   |     |      | JONES      |     |      | NELSON           |     |      | SOLBERG       |     |      |
| ●                   |     |      | KRAUTER    |     |      | NETHING          |     |      | STRAND        |     |      |
| ●                   |     |      | LARSON     |     |      | ORANGE           |     |      | STRINDEN      |     |      |
| ●                   |     |      | LASHKOWITZ |     |      | PETERSON         |     |      | TALLACKSON    |     |      |
| ●                   |     |      | LEE        |     |      | PIETRON          |     |      | TENNEFOS      |     |      |
| ●                   |     |      | LIPS       |     |      | RAIT             |     |      | THANE         |     |      |
| ●                   |     |      | LODOEN     |     |      | REDLIN           |     |      | VOSPER        |     |      |
| ●                   |     |      | MAHER      |     |      | REITEN           |     |      | WALSH         |     |      |
| ●                   |     |      | MAU        |     |      | SANDNESS         |     |      | WENSTROM      |     |      |
| ●                   |     |      | MELLAND    |     |      | SANDS            |     |      | WRIGHT        |     |      |
| ●                   |     |      | MILLER     |     |      | SCHIRADO         |     |      | MR. PRESIDENT |     |      |
| ●                   |     |      | MORGAN     |     |      | SHABLOW          |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2346 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2379. A Bill for an Act to create and enact a new section to chapter 58-03 of the North Dakota Century Code, relating to township zoning authority.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 661 and 662) the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     | •                | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN      |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ | •         |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS      |     | •    |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL          |     |      | • LODDOEN    |           |      | • REDLIN   |     |                  | • VOSPER        |     | •    |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            | •   |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2379 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2380. A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of certain regulatory agencies and boards and the regulatory activities of all state boards, agencies, departments, divisions, councils, committees, sub-committees, stations, commissions, officers, officials, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these regulatory agencies and activities by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all agencies and activities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 662, 663) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |              |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|--------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI  |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS   |     |      |
| • FREED             |     | •    | • LIPS       |           |      | • RAIT     |     |                  | • THANE      |     |      |
| • FRITZELL          |     |      | • LODDOEN    |           |      | • REDLIN   |     |                  | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH      |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM   |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2380 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2381. A Bill for an Act to create and enact chapter 40-33.2 of the North Dakota Century Code, relating to municipal power agencies, authorizing, creating, and defining their powers and responsibilities, authorizing the issuance of bonds and notes; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 663-665) the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |               |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|---------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE       |     | •    |
| • FRITZELL          |     | •    | • LODDEN     |           |      | • REDLIN   |     |                  | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |               |     |      |

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

Senator Nething moved that the vote by which Senate Bill No. 2381 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2458. A Bill for an Act to establish a state water facility with the authority to construct and own water facilities as may be required to serve citizens of the state and to issue tax-exempt revenue bonds for the cost of water facilities or projects; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 19; nays, 31; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |               |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|---------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS          | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |           | •    | • NAADEN   |     | •                | • SMYKOWSKI   |     | •    |
| • BARTH             |     |      | • JONES      |           | •    | • NELSON   |     | •                | • SOLBERG     |     | •    |
| • BERUBE            |     |      | • KRAUTER    |           | •    | • NETHING  |     | •                | • STRAND      |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |           | •    | • ORANGE   |     | •                | • STRINDEN    |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |           | •    | • PETERSON |     | •                | • TALLACKSON  |     | •    |
| • FARRINGTON        |     | •    | • LEE        |           | •    | • PIETRON  |     | •                | • TENNEFOS    |     | •    |
| • FREED             |     | •    | • LIPS       |           | •    | • RAIT     |     | •                | • THANE       |     | •    |
| • FRITZELL          |     | •    | • LODDEN     |           | •    | • REDLIN   |     | •                | • VOSPER      |     | •    |
| • GOODMAN           |     | •    | • MAHER      |           | •    | • REITEN   |     | •                | • WALSH       |     | •    |
| • HANSON            |     | •    | • MAU        |           | •    | • SANDNESS |     | •                | • WENSTROM    |     | •    |
| • HOFFNER           |     |      | • MELLAND    |           | •    | • SANDS    |     | •                | • WRIGHT      |     |      |
| • HOLMBERG          |     | •    | • MILLER     |           | •    | • SCHIRADO |     | •                | MR. PRESIDENT |     |      |
| • ISZLER            |     | •    | • MORGAN     |           | •    | • SHABLOW  |     | •                |               |     |      |

Senate Bill No. 2458 was declared lost.

Senate Bill No. 2463. A Bill for an Act to amend and reenact sections 40-57-03, 40-57-04, 40-57-07, and 40-57-18 of the North Dakota Century Code, relating to municipalities; certain municipal bonds; authorizing municipalities to enter into certain loan agreements; and relating to costs to be financed by certain municipal bonds; and declaring an emergency.

Which has been read.

Senator Reiten moved that Senate Bill 2463 be amended as follows:

On page 1, line 2 of the engrossed bill following "40-57-07," insert "40-57-14,"

On page 3, line 3 delete the first word "of" and insert in lieu thereof the word "or"

On page 3, line 5 delete the word "subsequent" and insert in lieu thereof the word "subsequent"

On page 5, line 11 delete the word "porject" and insert in lieu thereof the word "project"

On page 5, line 30 delete the numeral "41-57-07" and insert in lieu thereof the numeral "40-57-07"

On page 7, line 9 delete the word "against" and insert in lieu thereof the word "against"

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

Senator Reiten moved that the rules be suspended, that Senate Bill 2463 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

Senate Bill No. 2463. A Bill for an Act to amend and reenact sections 40-57-03, 40-57-04, 40-57-07, and 40-57-18 of the North Dakota Century Code, relating to municipalities; certain municipal bonds; authorizing municipalities to enter into certain loan agreements; and relating to costs to be financed by certain municipal bonds; and declaring an emergency.

Which has been read. **ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 619-624) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |             |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|-------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL   |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON  |     |      | • MAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES     |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER   |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON    |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE       |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS      |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU       |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND   |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN    |     |      | • SHABLOW  |     |      |                  |     |      |

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

Senator Nothing moved that the vote by which Senate Bill No. 2463 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2469.** A Bill for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to the taxation of gambling activities; to provide penalties; and to provide an appropriation.

Which has been read.

Senator Shablow moved to amend Senate Bill 2469 as follows:

On page 1, line 18 of the bill, delete "ten" and insert in lieu thereof "one"

Senator Shablow moved that the amendment be adopted,

Senator Goodman moved that the amendments be laid on the table.

Senator Orange requested a roll call vote on the motion to lay the amendments on the table, which request was granted.

**ROLL CALL**

The question being on the motion to lay the amendment to Senate Bill 2469 on the table, the roll was called and there were ayes, 28; nays, 21; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| ROLL-CALL           |     |      |      |            |      |                  |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
|                     |     |      | •    | JACOBSON   |      | •                | NAADEN   |      | •    | SMYKOWSKI     |      |
|                     |     |      | •    | JONES      |      | •                | NELSON   |      | •    | SOLBERG       |      |
|                     |     |      |      | KRAUTER    |      | •                | NEHING   |      | •    | STRAND        |      |
|                     |     |      |      | LARSON     |      | •                | ORANGE   |      | •    | STRINDEN      |      |
|                     |     |      |      | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON    |      |
|                     |     |      | •    | LEE        |      | •                | PIETRON  |      | •    | TENNEFOS      |      |
|                     |     |      | •    | LIPS       |      |                  | RAIT     |      | •    | THANIE        |      |
|                     |     |      | •    | LODOEN     |      | •                | REDLIN   |      | •    | VOSPER        |      |
|                     |     |      |      | MAHER      |      | •                | REITEN   |      |      | WALSH         | •    |
|                     |     |      |      | MAU        |      | •                | SANDNESS |      | •    | WENSTROM      |      |
|                     |     |      | •    | MELLAND    |      |                  | SANDS    |      | •    | WRIGHT        |      |
|                     |     |      |      | MILLER     |      | •                | SCHIRADO |      | •    | MR. PRESIDENT |      |
|                     |     |      | •    | MORGAN     |      |                  | SHABLOW  |      | •    |               |      |
|                     |     |      |      |            |      |                  |          |      |      |               |      |

The amendments to Senate Bill 2469 were laid on the table.

**POINTS OF PERSONAL PRIVILEGE**

Senator Shablow: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, the purpose of my amendment was to try to save the bill. I was sure it was dead with the ten per cent in there, even though the amendments indicate that we will have a method of taxation in the bill that will come across wherein they will be able to deduct expenses and so forth before they would pay a tax of any kind. I thought that this was a better method, one per cent of the gross is much easier to determine than those that will say they had only a small margin of profit by the time they have all the deductions in relation to their facilities and the costs of operating their entire business. I am sure that this would have been a better method on a one per cent of the gross; however we will see when the other bill comes over.

Senator Goodman: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, I think the subject can be fully discussed when the House bill comes over and an amendment lays before us, and I am sure that it will be fully discussed.

Senator Orange: Mr. President, I rise on a point of personal privilege: Mr. President, members of the Senate, I first stood up in comment to the amendment and then I wanted to try to encourage this body to consider overturning the committee recommendation. Several statements were made that I wanted to respond to, but because of the motion to lay on the table, I feel that I was in some way short-circuited here in not being able to participate in the legislative process. However, thank you Mr.

President, for the recognition of my point of personal privilege, and I would like to make the statement that if this state is going to have some form of gambling, I believe as I think very many of these members believe, there should be some means whereby that activity self-supports the ancillary activities that will require enforcement, audit, and control of that activity. Mr. President, I believe that my qualifications of being one of the executive board members of Muscular Dystrophy, being a past chairman of the Grand Forks area of the kidney foundation of the upper midwest, and various other handicapped and charitable organizations I belonged to in the past, I can freely state that these charities will look at the receipts from gambling as manna from Heaven. They will be very appreciative of any contributions that this activity may bring them, but I think they recognize the realities of life as well as we do, and the fact that gambling activities will create additional costs to the state. I believe they are willing, whatever percentage, I am not sure of, but they are willing to carry their burden or not receive the total amount of charity to provide these controls and audits. I hope that when that gambling bill, that is becoming so famous now, gets to the Senate, and when we consider the ten per cent, that we will again look back at this bill 2469, which has been drafted not by me, but by two tax experts from the Tax Department, namely, Mr. Richau and Mr. Jakes, and they followed the guide lines of the North Dakota Century Code 57-39.2. It is almost letter perfect except for the insertion of the word "gambling" instead of sales tax. I believe that if nothing else, this tax should support the controls and audits, but for some of us it may be that we would want to have this as an income producing source. We have just passed the exemption of sales tax on heating fuels, on water, on electricity and I applaud that, but I think gambling is a luxury and if we can afford a luxury we can afford the tax. If the charities are willing to accept the contributions they should also accept the fact that we need to police them.

#### MOTIONS

Senator Nething moved that Senate Bill No. 2472 be placed behind Senate Bill No. 2475, which motion prevailed.

Senator Mau moved that Senate Bill No. 2381 be re-printed, which motion prevailed.

Senator Nething moved that the Senate recess until 12:30 P.M., which motion prevailed.

The Senate reconvened, President Sanstead presiding.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2473. A Bill for an Act to create and enact a new subsection to section 57-27-02 of the North Dakota Century Code, relating to notice of expiration of period of redemption; and to amend and reenact section 57-28-01 of the North Dakota Century Code, relating to notice of expiration of period of redemption.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 590) the roll was called and there were ayes, 44; nays, 1; absent and not voting, 5.

| NORTH DAKOTA SENATE |        |      |      |           |      |      |        |                  |      |           |      |
|---------------------|--------|------|------|-----------|------|------|--------|------------------|------|-----------|------|
| REGULAR SESSION     |        |      |      | ROLL CALL |      |      |        | 1977 LEGISLATURE |      |           |      |
| YEAS                | N-V    | NAYS | YEAS | N-V       | NAYS | YEAS | N-V    | NAYS             | YEAS | N-V       | NAYS |
| •                   | ALBERS |      | •    | JACOBSON  |      | •    | NAADEN |                  | •    | SMYKOWSKI |      |
| •                   | BARTH  |      | •    | JONES     | •    | •    | NELSON |                  | •    | SOLBERG   |      |

|               |              |            |                |
|---------------|--------------|------------|----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND       |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN     |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON   |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS     |
| • FREED       | • LIPS       | • RAIT     | • THANE        |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER       |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH        |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM     |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT       |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2473 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2475. A Bill for an Act to provide for legislative review of administrative rules and regulations when assigned by the legislative council chairman to interim committees, and providing for recommendations by the committees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 38; nays, 9; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2475 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2472. A Bill for an Act to provide for the liability of political subdivisions, to allow the insurance commissioner to establish a political subdivisions liability fund and issue policies if political subdivisions are unable to obtain adequate coverage at reasonable costs, and to authorize the state to purchase insurance coverage.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 31; nays, 19; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |



|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2472 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### MOTION

Senator Tallackson moved that Senate Concurrent Resolution No. 4042 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4042. A concurrent resolution urging the Commodity Futures Trading Commission and/or the United States Congress to impose a ban on the speculating and shortselling of futures contracts by foreign governments and nonproducers for agricultural commodities.

Was read the second time.

The question being on the final adoption of the resolution, as amended, (SJ page 561) Senate Concurrent Resolution No. 4042 was declared lost.

#### MOTION

Senator Miller moved that the Senate reconsider its action whereby Senate Bill 2329 lost, which motion lost on a division vote.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2479. A bill for an Act to amend and reenact subsection 2 of section 32-15-22 of the North Dakota Century Code, relating to the assessment of damages in eminent domain.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 37; nays, 13; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     | •    | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     | •    | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     | •    | • LARSON            |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN        |     | •    | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     | •    | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZEL       |     |      | • LODOEN            |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     | •    | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     | •    | • MELLAND           |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER        |     | •    | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2479 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

Senate Bill No. 2485. A Bill for an Act to amend and reenact subsection 6 of section 20.1-01-02 of the North Dakota Century Code, relating to definitions of game birds to include mourning doves.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 27; nays, 23; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     | •    | JACOBSON   | •   |      | NAADEN   | •   |      | SMYKOWSKI        | •   |      |
| •                   |     | •    | JONES      | •   |      | NELSON   | •   |      | SOLBERG          | •   |      |
|                     |     | •    | KRAUTER    | •   |      | NETHING  | •   |      | STRAND           | •   |      |
| •                   |     | •    | LARSON     | •   |      | ORANGE   | •   |      | STRINDEN         | •   |      |
| •                   |     | •    | LASHKOWITZ | •   |      | PETERSON | •   |      | TALLACKSON       | •   |      |
| •                   |     | •    | LEE        | •   |      | PIETRON  | •   |      | TENNEFOS         | •   |      |
| •                   |     | •    | LIPS       | •   |      | RAIT     | •   |      | THANE            | •   |      |
| •                   |     | •    | LODOEN     | •   |      | REDLIN   | •   |      | VOSPER           | •   |      |
| •                   |     | •    | MAHER      | •   |      | REITEN   | •   |      | WALSH            | •   |      |
| •                   |     | •    | MAU        | •   |      | SANDNESS | •   |      | WENSTROM         | •   |      |
| •                   |     | •    | MELLAND    | •   |      | SANDS    | •   |      | WRIGHT           | •   |      |
| •                   |     | •    | MILLER     | •   |      | SCHIRADO | •   |      | MR. PRESIDENT    | •   |      |
| •                   |     | •    | MORGAN     | •   |      | SHABLOW  | •   |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2485 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

MOTION

Senator Nothing moved that the rules be suspended, in concurrence with like action in the House, that the time limitation for messaging Senate Bills to the House pursuant to Joint Legislative Rule No. 8, be delayed until 6:00 P.M., Wednesday, February 23, 1977, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2488. A Bill for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to the composition of the state banking board.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   | •   |      | NAADEN   | •   |      | SMYKOWSKI        | •   |      |
|                     |     | •    | JONES      | •   |      | NELSON   | •   |      | SOLBERG          | •   |      |
|                     |     | •    | KRAUTER    | •   |      | NETHING  | •   |      | STRAND           | •   |      |
|                     |     | •    | LARSON     | •   |      | ORANGE   | •   |      | STRINDEN         | •   |      |
|                     |     | •    | LASHKOWITZ | •   |      | PETERSON | •   |      | TALLACKSON       | •   |      |
|                     |     | •    | LEE        | •   |      | PIETRON  | •   |      | TENNEFOS         | •   |      |
|                     |     | •    | LIPS       | •   |      | RAIT     | •   |      | THANE            | •   |      |
|                     |     | •    | LODOEN     | •   |      | REDLIN   | •   |      | VOSPER           | •   |      |
|                     |     | •    | MAHER      | •   |      | REITEN   | •   |      | WALSH            | •   |      |
|                     |     | •    | MAU        | •   |      | SANDNESS | •   |      | WENSTROM         | •   |      |
|                     |     | •    | MELLAND    | •   |      | SANDS    | •   |      | WRIGHT           | •   |      |
|                     |     | •    | MILLER     | •   |      | SCHIRADO | •   |      | MR. PRESIDENT    | •   |      |
|                     |     | •    | MORGAN     | •   |      | SHABLOW  | •   |      |                  |     |      |

Senate Bill No. 2488 was declared lost.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Senator Nothing introduced:

Senate Concurrent Resolution No. 4079. A concurrent resolution directing an interim study by the Legislative Council of the feasibility of enacting comprehensive human rights legislation in North Dakota.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senators Naaden, Lee introduced:

Senate Concurrent Resolution No. 4080. A concurrent resolution for a constitutional amendment requiring that all proposed amendments to the

U.S. Constitution be submitted to an advisory vote of the state's electors prior to legislative or convention ratification or rejection.

Was read the first time and referred to the committee on Constitutional Revision.

Senator Fritzell introduced:

**Senate Concurrent Resolution No. 4081.** A concurrent resolution directing the Legislative Council to study the purposes and effects of the Municipal Industrial Development Act.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senators Jacobson, Freed introduced:

**Senate Concurrent Resolution No. 4082.** A concurrent resolution directing a study by the Legislative Council of alternative methods of taxation of severed mineral interests.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senator Lodoen introduced:

**Senate Concurrent Resolution No. 4083.** A concurrent resolution directing the Legislative Council to study the function and authority of credit unions and the relationship of credit unions, banks, and savings and loan associations to one another.

Was read the first time and referred to the Legislative Council Resolutions Committee.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEOLEIDHOLM, Secretary

### THIRTY-FOURTH DAY

Bismarck, February 18, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Charles Ostlie, Christian and Missionary Alliance, Bismarck.

"Dear Heavenly Father, -

We thank you this afternoon for this opportunity to meet together. Thank you for these men who have given themselves to this task for the leadership of North Dakota. We thank you that we can come to you in prayer, and that you have promised that if we ask anything in prayer believing we shall receive. We also thank you that you have given us your Holy Spirit to guide and direct us. He is our comforter and giver of divine wisdom, and that he directs us by your Word, the Bible to know all things of you. We thank you that your Word was given to us for instruction and training in righteousness. That we have a tool, a book of instruction. That it is everlasting. We know God that in a world of change, of sin and crime and corruption, we can go to the Bible for our answers. May it become alive. The Word says in II Timothy 3:16 that "All scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness: that the man of God may be perfect thoughly furnished unto all good works." Show us your path ahead. Keep us from going ahead following aimlessly after our wisdom, which can deceive us. You said that if anyone lacks wisdom we can ask of God and you will give abundantly, and without reproach. We think of Solomon, Lord, how he was king of Israel, only a boy, and he asked for wisdom, and you gave it to him and he became the wisest person that ever lived, and not only wisdom, but riches, and honor, and long life.

Guide us, show us, use us; may the decisions made by these men cause

this state to get back to the true values in life. May we see a decrease in crime and corruption with our people as a result of the decisions that are made here. Teach us how to pray even as you taught the apostles how to pray. Teach us how to trust you for these things before us. May our state see that these men are led by divine wisdom.

We also pray for each one here as some are troubled, some are having troubles at home. Some are having financial troubles. Bless them, and may your love become real to each one. Meet the various spiritual needs as well as physical needs. Any may your Spirit become the life of these men, and give them the strength needed for every hour of every day.

Thank you now and bless abundantly, in Jesus' name, Amen"

The roll was called and all Senators were present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-second day after recess and Thirty-third day and recommends that the same be corrected as follows:

On Page 694, bottom line, delete the "1" and insert in lieu thereof "2"

On page 707, line 50, delete the numbers "2376" and insert in lieu thereof the numbers "2367"

On page 708 after line 53 insert:

Senator Nething moved that the vote, by which Senate Bill 2367 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

And when so corrected recommends that the same be approved.

**SENATOR VOSPER, Chairman**

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

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2490.** A Bill for an Act to provide for interest that may be payable by credit unions on funds deposited.

Which has been read.

Senator Redlin moved that he be excused from voting due to a conflict of interest on this bill.

Senator Nething moved that all Senators who have a conflict of interest on this bill be permitted to vote, which motion prevailed.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |           |      |      |          |                  |      |               |      |
|---------------------|-----|------|------------|-----------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |            | ROLL-CALL |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
| •                   |     |      | •          |           |      | •    |          |                  | •    |               |      |
| •                   |     |      | JACOBSON   |           |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
| •                   |     | •    | JONES      |           | •    | •    | NELSON   |                  | •    | SOLBERG       | •    |
| •                   |     | •    | KRAUTER    |           | •    | •    | NETHING  |                  | •    | STRAND        | •    |
| •                   |     | •    | LARSON     |           | •    | •    | ORANGE   |                  | •    | STRINDEN      | •    |
| •                   |     | •    | LASHKOWITZ |           | •    | •    | PETERSON |                  | •    | TALLACKSON    | •    |
| •                   |     | •    | LEE        |           | •    | •    | PIETRON  |                  | •    | TENNEFOS      | •    |
| •                   |     | •    | LIPS       |           | •    | •    | RAIT     |                  | •    | THANE         | •    |
| •                   |     | •    | LODOEN     |           | •    | •    | REDLIN   |                  | •    | VOSPER        | •    |
| •                   |     | •    | MAHER      |           | •    | •    | REITEN   |                  | •    | WALSH         | •    |
| •                   |     | •    | MAU        |           | •    | •    | SANDNESS |                  | •    | WENSTROM      | •    |
| •                   |     | •    | MELLAND    |           | •    | •    | SANDS    |                  | •    | WRIGHT        | •    |
| •                   |     | •    | MILLER     |           | •    | •    | SCHIRADO |                  | •    | MR. PRESIDENT | •    |
| •                   |     | •    | MORGAN     |           | •    | •    | SHABLOW  |                  |      |               |      |

Senate Bill No. 2490 was declared lost.

Senate Bill No. 2491. A Bill for an Act to create and enact one new

chapter of the North Dakota Century Code, relating to controls over debt collection practices and penalties for violation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 13; nays, 35; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | ●            |     |      | ●                |     |               |
| ALBERS          |     |      | JACOBSON     |     |      | NAADEN           |     |               |
| ● BARTH         | ●   |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG     |
| ● CHRISTENSEN   |     |      | ● LARSON     | ●   |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON    |     |      | ● LEE        | ●   |      | ● PIETRON        | ●   | ● TALLACKSON  |
| ● FREED         |     |      | ● LIPS       |     | ●    | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL      |     |      | ● LODOEN     |     | ●    | ● REDLIN         | ●   | ● THANE       |
| ● GOODMAN       |     | ●    | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH       |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          | ●   | ● WENSTROM    |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER        |     |      | ● MORGAN     |     | ●    | ● SHABLOW        |     | MR. PRESIDENT |

Senate Bill No. 2491 was declared lost.

Senate Bill No. 2496. A Bill for an Act to create and enact a new subsection to section 21-03-06 of the North Dakota Century Code, relating to the purposes and specific limitations of bond issues by recreation service districts; and to amend and reenact section 11-28.2-02 and subsection 1 of section 21-03-01 of the North Dakota Century Code, relating to meetings of recreation service districts and the definition of municipalities in relation to issuance of bonds.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 666) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ●               |     |      | ●            |     |      | ●                |     |               |
| ALBERS          |     |      | JACOBSON     |     |      | NAADEN           |     |               |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG     |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL      |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH       |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER        |     |      | ● MORGAN     |     | ●    | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2496 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2497. A Bill for an Act to amend and reenact section 16-20-19 of the North Dakota Century Code, relating to electioneering on election day, or, in the alternative, to amend and reenact section 16.1-10-09 of the North Dakota Century Code as created by section 9 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to electioneering on election day.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 43; absent and not voting, 4.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |   |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|---|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |   |
| ALBERS          | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     | • |
| BARTH           | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG       | • |
| BERUBE          | •   | •    | KRAUTER    | •   |      | NETHING          | •   | STRAND        | • |
| CHRISTENSEN     | •   |      | LARSON     | •   |      | ORANGE           | •   | STRINDEN      | • |
| ERDMAN          | •   |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    | • |
| FARRINGTON      | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS      | • |
| FREED           | •   |      | LIPS       | •   |      | RAIT             | •   | THANE         | • |
| FRITZELL        | •   |      | LODOEN     | •   |      | REDLIN           | •   | VOSPER        | • |
| GOODMAN         | •   | •    | MAHER      | •   |      | REITEN           | •   | WALSH         | • |
| HANSON          | •   | •    | MAU        | •   |      | SANDNESS         | •   | WENSTROM      | • |
| HOFFNER         | •   |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        | • |
| HOLMBERG        | •   |      | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT | • |
| ISZLER          | •   |      | MORGAN     | •   |      | SHABLOW          | •   |               |   |

Senate Bill No. 2497 was declared lost.

Senate Bill No. 2502. A Bill for an Act to authorize a State's Attorney to issue subpoenas for the purpose of compelling attendance of witnesses at an inquiry investigating the alleged commission of a felony.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 14; nays, 34; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |   |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|---|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |   |
| ALBERS          | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     | • |
| BARTH           | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG       | • |
| BERUBE          | •   | •    | KRAUTER    | •   |      | NETHING          | •   | STRAND        | • |
| CHRISTENSEN     | •   |      | LARSON     | •   |      | ORANGE           | •   | STRINDEN      | • |
| ERDMAN          | •   |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    | • |
| FARRINGTON      | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS      | • |
| FREED           | •   |      | LIPS       | •   |      | RAIT             | •   | THANE         | • |
| FRITZELL        | •   | •    | LODOEN     | •   |      | REDLIN           | •   | VOSPER        | • |
| GOODMAN         | •   | •    | MAHER      | •   |      | REITEN           | •   | WALSH         | • |
| HANSON          | •   | •    | MAU        | •   |      | SANDNESS         | •   | WENSTROM      | • |
| HOFFNER         | •   |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        | • |
| HOLMBERG        | •   |      | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT | • |
| ISZLER          | •   |      | MORGAN     | •   |      | SHABLOW          | •   |               |   |

Senate Bill No. 2502 was declared lost.

Senate Bill No. 2505. A Bill for an Act to amend and reenact section 11-27-09.1 of the North Dakota Century Code, relating to the allocation of payments for game and fish lands.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (Page 590) the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |            |   |
|-----------------|-----|------|------------|-----|------|------------------|-----|------------|---|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS       |   |
| ALBERS          | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI  | • |
| BARTH           | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG    | • |
| BERUBE          | •   |      | KRAUTER    | •   |      | NETHING          | •   | STRAND     | • |
| CHRISTENSEN     | •   |      | LARSON     | •   |      | ORANGE           | •   | STRINDEN   | • |
| ERDMAN          | •   |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON | • |
| FARRINGTON      | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS   | • |
| FREED           | •   |      | LIPS       | •   |      | RAIT             | •   | THANE      | • |
| FRITZELL        | •   |      | LODOEN     | •   |      | REDLIN           | •   | VOSPER     | • |
| GOODMAN         | •   | •    | MAHER      | •   |      | REITEN           | •   | WALSH      | • |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2505 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2507.** A Bill for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the allocation of the highway tax distribution fund to the state highway department, counties, and cities; and providing for allocations to townships.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 36; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2507 was declared lost.

**Senate Bill No. 2510.** A Bill for an Act to prohibit trespassing on the land of another person; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 19; nays, 30; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2510 was declared lost.

**Senate Bill No. 2513.** A Bill for an Act to amend and reenact sections 11-33-08, 11-33-09, 40-47-04 and 40-47-05 of the North Dakota Century Code, relating to public hearing, notice, and publication requirements for county and city zoning.

Which has been read.

#### ROLL CALL

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

page 666) the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      | ROLL-CALL           |     |      | ROLL-CALL        |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | •                |     |      |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      | •                |     |      |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      | •                |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | •                |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON        |     |      | •                |     |      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | •                |     |      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      | •                |     |      |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      | •                |     |      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      | •                |     |      |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      | •                |     |      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      | •                |     |      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      | •                |     |      |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2513 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2514. A Bill for an Act to state the purpose and intent of the legislative assembly with respect to special fuels taxes payable by users of special fuels for industrial purposes in the performance of contracts with governmental units; and to amend and reenact subsections 5 and 7 of section 57-52-03 and sections 57-52-04, 57-53-02 and 57-53-03 of the North Dakota Century Code, relating to special fuels taxes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 667) the roll was called and there were ayes, 42; nays, 2; absent and not voting, 6.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      | ROLL-CALL           |     |      | ROLL-CALL        |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | •                |     |      |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      | •                |     |      |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      | •                |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | •                |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      | •                |     |      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | •                |     |      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      | •                |     |      |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      | •                |     |      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      | •                |     |      |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      | •                |     |      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      | •                |     |      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      | •                |     |      |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which Senate Bill No. 2514 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2515. A Bill for an Act to create and enact a new section to chapter 61-16 and to chapter 61-21 of the North Dakota Century Code, to allow a water management board and a drainage board to accept bids to supply culverts and pipe arches for a period of one year; and to amend and reenact subsection 1 of section 61-21-01 and sections 61-21-25, 61-21-45, and 61-21-46 of the North Dakota Century Code, relating to definitions of a drain, to situations where no acceptable bids are received, to allowing drain boards to contract with the county or private contractors to construct drains, to contracts for constructing or maintaining water





North Dakota Century Code, relating to the present procedures of attachment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 591) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2517 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2519. A Bill for an Act to amend and reenact section 44-04-18 of the North Dakota Century Code, relating to a penalty for violating the open records law.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2519 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2520. A Bill for an Act to amend and reenact section 40-45-03 of the North Dakota Century Code, relating to city ordinances regarding police pensions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 591,592) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2520 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2521. A Bill for an Act to repeal sections 27-11-03, 27-11-25, and 27-11-26 of the North Dakota Century Code, relating to the admission to the bar, state of North Dakota.

Which has been read.

Senator Freed moved that he be excused from voting on this bill due to a conflict of interest.

Senator Melland moved that Senator Freed, and all other Senators who are attorneys be permitted to vote, which motion prevailed.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

Senate Bill No. 2521 was declared lost.

Senate Bill No. 2522. A Bill for an Act to create and enact section 27-08-08.1 of the North Dakota Century Code, relating to the qualifications of a county judge of increased jurisdiction; and declaring an emergency.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |

|          |   |         |   |          |   |               |   |
|----------|---|---------|---|----------|---|---------------|---|
| FREED    | • | LIPS    | • | RAIT     | • | THANE         | • |
| FRITZELL | • | LODOEN  | • | REDLIN   | • | VOSPER        | • |
| GOODMAN  | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON   | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER  | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER   | • | MORGAN  | • | SHABLOW  | • |               |   |

Senate Bill No. 2522 was declared lost.

Senate Bill No. 2525. A Bill for an Act to create and enact a new section to chapter 14-02 of the North Dakota Century Code, relating to the measure and determination of damages for defamation; and to amend and reenact sections 14-02-03, 14-02-04, 14-02-05, and 14-02-08 of the North Dakota Century Code, relating to definitions of libel, slander, and privileged communications, and to libel suits against newspapers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 42; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL-CALL           |     |      |            |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Bill No. 2525 was declared lost.

Senate Bill No. 2527. A Bill for an Act to create and enact section 10-18.1-12 of the North Dakota Century Code, relating to deposit of securities with the federal reserve bank under certain conditions.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL-CALL           |     |      |            |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| •                   |     |      | JACOBSON   |     |      | NAADEN           |     | •    | SMYKOWSKI     |     |      |
| •                   |     |      | JONES      |     |      | NELSON           |     | •    | SOLBERG       |     |      |
| •                   |     |      | KRAUTER    |     |      | NETHING          |     | •    | STRAND        |     |      |
| •                   |     |      | LARSON     |     |      | ORANGE           |     | •    | STRINDEN      |     |      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON         |     | •    | TALLACKSON    |     |      |
| •                   |     |      | LEE        |     |      | PIETRON          |     | •    | TENNEFOS      |     |      |
| •                   |     |      | LIPS       |     |      | RAIT             |     | •    | THANE         |     |      |
| •                   |     |      | LODOEN     |     |      | REDLIN           |     | •    | VOSPER        |     |      |
| •                   |     |      | MAHER      |     |      | REITEN           |     | •    | WALSH         |     |      |
| •                   |     |      | MAU        |     |      | SANDNESS         |     | •    | WENSTROM      |     |      |
| •                   |     |      | MELLAND    |     |      | SANDS            |     | •    | WRIGHT        |     |      |
| •                   |     |      | MILLER     |     |      | SCHIRADO         |     | •    | MR. PRESIDENT |     |      |
| •                   |     |      | MORGAN     |     |      | SHABLOW          |     | •    |               |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2527 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2528. A Bill for an Act to amend and reenact section 12.1-32-01 of the North Dakota Century Code, relating to increasing the penalties for classification of offenses.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 24; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | JONES      | •   |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            | •   |      | • KRAUTER  |     |      | • NETHING        | •   | • STRAND        |
| • CHRISTENSEN       |     |      | LARSON     | •   |      | • ORANGE         | •   | • STRINDEN      |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       | •   | • TALLACKSON    |
| • FARRINGTON        |     |      | LEE        | •   |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             | •   |      | LIPS       |     |      | • RAIT           | •   | • THANE         |
| • FRITZELL          | •   |      | LODDEN     | •   |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | MAHER      | •   |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | MAU        | •   |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | MELLAND    | •   |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            | •   |      | MORGAN     | •   |      | • SHABLOW        |     |                 |

Senate Bill No. 2528 lost due to a lack of a constitutional majority.

Senate Bill No. 2529. A Bill for an Act to amend and reenact sections 27-11-01, 27-11-22 and 27-12-02 of the North Dakota Century Code, relating to prohibition of practicing law or serving on certain courts without certificate of admission and payment of annual license fee and providing a penalty, relating to the requirement for an annual license to practice law or serve on certain courts, issuance thereof, fees therefore and membership in the state bar association of North Dakota of all attorneys and persons serving on certain courts.

Which has been read.

Senators Nething, Schirado, Freed and Lashkowitz requested that they be excused from voting on this bill due to a conflict of interest under Rule 24.

Senator Thane moved that the Senators be permitted to vote, which motion prevailed.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 16; nays, 31; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | JONES      | •   |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            | •   |      | • KRAUTER  |     |      | • NETHING        | •   | • STRAND        |
| • CHRISTENSEN       |     |      | LARSON     | •   |      | • ORANGE         | •   | • STRINDEN      |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       | •   | • TALLACKSON    |
| • FARRINGTON        |     |      | LEE        | •   |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             | •   |      | LIPS       |     |      | • RAIT           | •   | • THANE         |
| • FRITZELL          | •   |      | LODDEN     | •   |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | MAHER      | •   |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | MAU        | •   |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | MELLAND    | •   |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            | •   |      | MORGAN     | •   |      | • SHABLOW        |     |                 |

Senate Bill No. 2529 was declared lost.

### EXPLANATION OF VOTE

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege to explain my vote. As the members of this body observed, I cast a negative vote on this particular bill, Senate Bill 2529. That does not mean that I was critical of every provision in that bill. However, I do listen and I do heed, and I recognize that some of the arguments in opposition of this bill have set forth valid bonafide concerns. One of the

concerns that they have raised is whether or not courts in small communities without lawyers will be unable to function. That's a matter that I think we must address ourselves to. Then a second concern was the question as to whether or not they are building fences around our profession. Members of the Senate, I have my self respect and pride and I hope that it isn't a matter of elitism, but I recognize that the figure of \$150 may be restrictive to perhaps someone who is aspiring to practice law in this state. I do not wish to exclude that person who might otherwise be talented and meet the other qualifications as set forth in the law. For those reasons I voted against this bill.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2530.** A Bill for an Act to amend and reenact section 27-08-34 of the North Dakota Century Code, relating to change of judge in preliminary examinations held in county court with increased jurisdiction.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ Page 637) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2530 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2531.** A Bill for an Act to repeal subsection 2 of section 12.1-32-12 of the North Dakota Century Code, relating to the aggregate total term of imprisonment for sentences for multiple offenses.

Which has been read.

Senator Christensen moved to amend Senate Bill 2531 as follows:

On page 1, line 1 of the bill delete "12.1-32-12" and insert in lieu thereof "12.1-32-11"

On page 1, line 8 of the bill delete "12.1-32-12" and insert in lieu thereof "12.1-32-11"

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

Senator Christensen moved that the rules be suspended, that Senate Bill No. 2531 be deemed properly engrossed and placed on the calendar as amended for second reading and final passage, which motion prevailed.

**Senate Bill No. 2531.** A Bill for an Act to repeal subsection 2 of section 12.1-32-12 of the North Dakota Century Code, relating to the aggregate total term of imprisonment for sentences for multiple offenses.

Which has been read.



|            |           |            |               |
|------------|-----------|------------|---------------|
| • FREED    | • LIPS    | • RAIT     | • THANE       |
| • FRITZELL | • LODGEN  | • REDLIN   | • VOSPER      |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2534 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2537. A Bill for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to the effectiveness of suspended public utility rates under bond.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 5; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2537 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2538. A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to school district residency determination in child placement cases.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 667, 668) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2538 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, which the Senate has passed and your favorable consideration is requested on:

Senate Bill No. 2011  
Senate Bill No. 2012  
Senate Bill No. 2027  
Senate Bill No. 2141  
Senate Bill No. 2196  
Senate Bill No. 2233  
Senate Bill No. 2263  
Senate Bill No. 2279  
Senate Bill No. 2292  
Senate Bill No. 2296  
Senate Bill No. 2308  
Senate Bill No. 2325  
Senate Bill No. 2328  
Senate Bill No. 2360  
Senate Bill No. 2361  
Senate Bill No. 2364  
Senate Bill No. 2367  
Senate Bill No. 2372  
Senate Bill No. 2388  
Senate Bill No. 2425  
Senate Bill No. 2446  
Senate Bill No. 2449  
Senate Bill No. 2450  
Senate Bill No. 2467  
Senate Bill No. 2498  
Senate Bill No. 2500  
Senate Bill No. 2501  
Senate Bill No. 2506  
Senate Bill No. 2532  
Senate Bill No. 2536

LEO LEIDHOLM, Secretary

### MESSAGES FROM THE HOUSE

House Chamber

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

House Bill No. 1037  
House Bill No. 1097  
House Bill No. 1178  
House Bill No. 1397  
House Bill No. 1448  
House Bill No. 1458  
House Bill No. 1461  
House Bill No. 1591

House Bill No. 1592  
 House Bill No. 1594  
 House Bill No. 1597  
 House Bill No. 1598  
 House Concurrent Resolution No. 3021  
 House Concurrent Resolution No. 3030  
 House Concurrent Resolution No. 3038  
 House Concurrent Resolution No. 3039  
 House Concurrent Resolution No. 3049  
 House Concurrent Resolution No. 3051  
 House Concurrent Resolution No. 3052  
 House Concurrent Resolution No. 3058  
 House Concurrent Resolution No. 3059  
 House Concurrent Resolution No. 3061

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1441  
 House Bill No. 1481  
 House Bill No. 1510  
 House Bill No. 1517  
 House Bill No. 1523  
 House Bill No. 1565  
 House Bill No. 1567  
 House Concurrent Resolution No. 3028  
 House Concurrent Resolution No. 3033  
 House Concurrent Resolution No. 3040  
 House Concurrent Resolution No. 3041  
 House Concurrent Resolution No. 3054  
 House Concurrent Resolution No. 3057

ROY GILBREATH, Chief Clerk

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1464.** A Bill for an Act to amend and reenact sections 28-01-16 and 28-01-17 of the North Dakota Century Code, relating to the time for commencing a cause of action for a mechanic's lien.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1469.** A Bill for an Act to amend and reenact sections 12.1-20-02, 12.1-20-03, 12.1-20-04, 12.1-20-05, and 12.1-20-07 of the North Dakota Century Code, relating to the definition of sexual act, and the offenses of gross sexual imposition, sexual imposition, corruption of minors, and sexual assault.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1473.** A Bill for an Act to create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to the application of city traffic ordinances to streets located within certain mobile home parks; and to amend and reenact subsection 21 of section 39-01-01 of the North Dakota Century Code, relating to the definition of highway as applicable to motor vehicle operation and regulation.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1480.** A Bill for an Act to amend and reenact section 57-15-50 of the North Dakota Century Code, relating to the county levy for ambulance service; and declaring an emergency.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1514.** A Bill for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to additional juvenile supervisors and providing for a mill levy for county juvenile supervisors.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1515.** A Bill for an Act to create and enact a new subsection to section 54-52.1-01 of the North Dakota Century Code, defining "dental benefits coverage"; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to the uniform group insurance program.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1518.** A Bill for an Act to provide an appropriation to the public service commission to research utility pricing policies.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1520.** A Bill for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to juror compensation and mileage; and providing for an increase from twenty to thirty dollars per day compensation for district and county court jurors and an increase from eight to twelve dollars per day for justice court and coroner's inquest jurors.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1527.** A Bill for an Act to amend and reenact subsections 2 and 10 of section 27-20-02 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court over certain traffic offenses.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1529.** A Bill for an Act to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to the referral of DWI defendants to a treatment facility prior to sentencing.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1530.** A Bill for an Act to repeal sections 12-46-23, 12-47-10, and 37-01-15 of the North Dakota Century Code, relating to exempting from jury service officers and employees of the state industrial school and penitentiary, and members of the national guard.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1531.** A Bill for an Act to require reports to law enforcement officers by physicians and others of injuries caused by a knife, gun, or pistol or other criminal conduct, and providing a penalty.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1535.** A Bill for an Act to amend and reenact section 29-10.1-25 of the North Dakota Century Code, relating to the oath or affirmation administered to grand jury witnesses.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1536.** A Bill for an Act to amend and reenact section 29-10.1-30 of the North Dakota Century Code, relating to grand jury secrecy under certain conditions.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1537.** A Bill for an Act to provide a new subsection to section 15-38.1-14 of the North Dakota Century Code, pertaining to executive sessions under the Teachers' Representation and Negotiation Act; to provide an expiration date; and declaring an emergency.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1545.** A Bill for an Act to amend and reenact section 47-19-02 of the North Dakota Century Code, relating to instruments entitled to record without acknowledgment.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1555.** A Bill for an Act to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to administrative expenses of the civil air patrol.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1557.** A Bill for an Act to implement an Indian education curriculum in elementary and secondary schools within existing minimum curriculum requirements.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1563.** A Bill for an Act to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the application by persons fourteen to sixteen for a motorcycle learner's permit and operator's license.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1568.** A Bill for an Act relating to security deposits on leased residential dwelling units, lessor obligations, and lessor access to the dwelling units during tenancy.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1569.** A Bill for an Act to amend and reenact subsections 9 and 10 of section 38-18-05 of the North Dakota Century Code, relating to the definitions of surface estate and surface owner.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1575.** A Bill for an Act to amend and reenact section 15-53.1-34 of the North Dakota Century Code, relating to the sale or removal of school buildings in reorganized districts.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1578.** A Bill for an Act to amend and reenact section 28-20-30 of the North Dakota Century Code, relating to the procedure for cancellation of judgments against bankrupts.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1582.** A Bill for an Act to amend and reenact sections 40-47-01.1, 40-48-18, and 58-03-11 of the North Dakota Century Code, relating to the application of zoning and subdivision regulation authority to land lying outside the corporate limits of a city.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1583.** A Bill for an Act to amend and reenact sections 11-19-19 and 11-19.1-06 of the North Dakota Century Code, relating to who shall be acting county coroner in the absence of the county coroner.

Which was read the first time and referred to the Committee on Political Subdivisions.

**House Bill No. 1584.** A Bill for an Act to create and enact a new section in chapter 49-02 of the North Dakota Century Code relating to commission regulation of nonessential or wasteful consumption of gas furnished by gas utilities.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

#### POINT OF PERSONAL PRIVILEGE

Senator Solberg: Mr. President, before we leave the Chamber now after a heavy week, I feel a grave responsibility to one of the persons in this chamber because I was responsible for returning the "smoking bill" to this chamber and caused him to act in a most unusual manner. As a result of this, we find the vindictiveness of his actions has caused him to reverberate many areas and his cerebral concoctions are not very pleasant any more and that the creation of those things that circulate through the mind becomes a very difficult thing to resolve, and so now I feel that he has come to a point where the experience of the moment becomes the struggle of a lifetime and that a promise made is a debt unpaid and that his social status is not a moderate thing. As a result in order to pacify those things that accrue to an individual who has made a rapid and quick decision and has caused a great deal of concern internationally through the news media we think he should be given a substitute solution to his problem and we therefore want to present him with a nice box of Copenhagen snoose.

Senate Nothing moved that at the conclusion of the 13th Order of Business, the Senate adjourn until Tuesday, February 22, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## THIRTY-FIFTH DAY

Bismarck, February 22, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. DeVern Schwenn, First United Methodist Church, Bismarck.

"Oh God, our Heavenly Father, we pause in holy reverence to recognize You; and Your sovereignty over the affairs of all people everywhere. We, the people of North Dakota, have a great State, but only because You have given us such by grace. We are here today to choose the future of our State. As we do so we are reminded of the words of the Psalmist that "Unless the Lord builds the house, those who build it labor in vain." We recognize that if we endeavor to succeed in our strength and wisdom we shall fail; but if we learn the ways of God, and do them, we shall help our people. We believe that You have an order for the affairs of State that will bless the people and satisfy Your Divine Will. As we as elected officials seek to find that order, give us sensitive minds and moral insight. Make us aware of the promptings of Your Holy Spirit. Help us to be able to discern the Higher Good for the sake of the people. We ask this through Christ, our Lord. Amen."

The roll was called and all Senators were present except Sandness, Solberg, Strand and Tallackson.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-third day after recess and Thirty-fourth day and recommends that the same be corrected as follows:

On page 728, line 3, after the word which, delete the "n"

On page 732, line 5, after the word "bill" insert the word "passed"

On page 740, line 55, after the word "to" insert "and the emergency clause carried."

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1034 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1034 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to

whom was referred House Bill No. 1038 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1038 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1079 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, of the engrossed bill, after the word "prevailing" delete the word "defendant" and insert in lieu thereof the word "party"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1079 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1104 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1104 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1105 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1105 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1106 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1106 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1134 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1134 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1189 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1189 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1197 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1197 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1203 has had the same under con-

sideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1203 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1204 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1204 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1209 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 5, of the engrossed bill, after the word "institutions" insert the following: "or by the department of public instruction"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR VOSPER, Vice Chairman

House Bill No. 1209 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1218 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, delete the words "have had" and insert in lieu thereof the following words: "are in"

On page 1, line 18, delete the word "intern" and insert in lieu thereof the word "extern"

On page 1, line 20, delete the word "internships" and insert in lieu thereof the word "externships"

On page 1, line 21, delete the word "agency" and insert in lieu thereof the following: "committee, including the North Dakota Board of Dental Examiners"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1218 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1231 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1231 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1232 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

House Bill No. 1232 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1238 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12 of the engrossed bill, after the word "thousand" insert the following words: "five hundred"



On page 1, line 13, delete the word "one" and insert in lieu thereof the word "two"

On page 1, line 18, after the word "thousand" insert the following words: "five hundred"

On page 1, line 19, delete the word "one" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1238 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1274 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

House Bill No. 1274 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1295 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the ending triple parentheses delete the words "one hundred" and insert in lieu thereof the word "fifty"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR VOSPER, Vice Chairman

House Bill No. 1295 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1302 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, of the engrossed bill, after the word "understand" insert the following: "the English language"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1302 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1303 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1303 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1376 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1376 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1428 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1428 was placed on the 14th order of business on the calendar for the succeeding legislative day.

## MOTION

Senator Melland moved that the rules be suspended, that the Senate be on the 9th Order of Business, which motion prevailed.

## FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills Introduced:

**Senate Resolution No. 10.** A resolution urging President Carter to visit North Dakota to discuss the Garrison Diversion Project.

Was read the first time.

Senator Lashkowitz moved that the rules be suspended, that Senate Resolution No. 10 not be printed as a bill, not referred to a committee, but 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. 10

Introduced by Senator Lashkowitz.

A resolution urging President Carter to visit North Dakota to discuss the Garrison Diversion Project.

WHEREAS, North Dakotans have registered deep concern and anxiety over the revelation that funds for the much-needed Garrison Diversion Project have been deleted from the budget President Jimmy Carter has submitted to Congress; and

WHEREAS, the need for water in North Dakota and the other Upper Midwestern and Western states is as great now as it has been since the drought-stricken 1930's; and

WHEREAS, the need for water is a basic need for human consumption and to grow food, the very essentials of life sustaining activities; and

WHEREAS, North Dakotans are shocked and sick at heart at the unfortunate action that came without warning cutting Garrison Diversion funds from the budget at a time when North Dakota farmers are facing the very real possibility of drought years, when North Dakota cities are desperately seeking water sources, and when some cities have been forced to implement water rationing; and

WHEREAS, a trip to North Dakota would enable President Carter to view firsthand the need for the Garrison Diversion Project and to visit with citizens at the grassroots level to get the benefit of their views, concerns, and expertise regarding Garrison Diversion; and

WHEREAS, North Dakotans are looking to the Forty-fifth Legislative Assembly to take the initiative in meeting the mounting difficulties facing the Garrison Diversion Project;

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

## Page 2

That the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota hereby extends to President Jimmy Carter an invitation to visit North Dakota as soon as possible to view firsthand the vital need for the Garrison Diversion Project and to discuss with local officials and citizens on the grassroots level the very human needs, concerns, and anxieties involved with an irrigation project such as Garrison Diversion which involves the basic human needs of food and water to a very real extent, not only for North Dakotans, but to the United States and world agricultural markets; and

BE IT FURTHER RESOLVED, that the Senate of the Forty-fifth Legislative Assembly urges Governor Arthur Link, the state's elected public officials, and the legislative leaders of both parties to take im-

mediate steps to obtain and facilitate a visit to the state by President Jimmy Carter; and

BE IT FURTHER RESOLVED, that the Secretary of State send an original copy of this resolution to President Jimmy Carter and that additional copies of the resolution be sent to the North Dakota Congressional Delegation, the Secretary of the Interior, the Speaker of the House of Representatives, the Vice President of the United States, and the chairmen of the House and Senate Appropriations and Interior and Insular Affairs Committees.

SECOND READING OF SENATE RESOLUTIONS

Senate Resolution No. 10. A resolution urging President Carter to visit North Dakota to discuss the Garrison Diversion Project.

Was read the second time.

Senator Lashkowitz moved that the resolution be adopted, which motion prevailed and Senate Resolution No. 10 was adopted.

MOTION

Senator Lodoen moved that Senate Bill No. 2543 be placed ahead of Senate Bill No. 2542 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2540. A Bill for an Act to require certain provisions to be included in every life insurance policy delivered or issued for delivery in this state relating to minimum benefits to be made available to the lapsing policyholder, to provide for certain exemptions from the Act, and to provide for an operative date with respect to the policies of a particular company issued on and after such date; and to repeal the subsection entitled "Options on Surrender or Lapse" in each of sections 26-03-26, 26-03-27, 26-03-28 and 26-03-29, to repeal the subsection entitled "Continuance of Insurance on Lapse" in each of sections 26-03-30 and 26-03-31, and to repeal subsections 8 and 9 of section 26-03-35 of the North Dakota Century Code, relating to required options on lapse of a life insurance policy.

Which has been read

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 627) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |      |      |              |      |      |            |      |      |                  |      |      |
|---------------------|------|------|--------------|------|------|------------|------|------|------------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      |            |      |      | 1977 LEGISLATURE |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAAREN   |      |      | • SMYKOWSKI      |      |      |
| • BARTH             |      |      | • JENSEN     |      |      | • NELSON   |      |      | • SPRENGER       |      |      |
| • BURBE             |      |      | • KAUFER     |      |      | • NETHING  |      |      | • STRAND         |      |      |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE   |      |      | • STRINDEN       |      |      |
| • EKDMAN            |      |      | • LASHKOWITZ | •    |      | • PETERSON |      |      | • TALLACKSON     |      |      |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON  |      |      | • TENNESIS       |      |      |
| • FRED              |      |      | • LIFS       |      |      | • RAIT     |      |      | • THANE          |      |      |
| • FRITZELL          |      |      | • LODDEN     |      |      | • REDLIN   |      |      | • VOSPER         |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN   |      |      | • WALSH          |      |      |
| • HANSON            |      |      | • MAH        |      |      | • SANDNESS |      |      | • WENZEL         |      |      |
| • HOFFNER           |      |      | • MILLAND    |      |      | • SANDS    |      |      | • WRIGHT         |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO |      |      | • MR. PRESIDENT  |      |      |
| • ISZLER            |      |      | • MORGAN     |      |      | • SHARLOW  |      |      |                  |      |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2540 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2547. A Bill for an Act to require certain provisions to be included in every individual deferred annuity contract delivered or

issued for delivery in this state relating to minimum benefits to be made available to the contractholder on cessation of payment of consideration, to provide for certain exemptions from the Act, and to provide for an operative date with respect to the contracts of a particular company issued on and after such date.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |      |      |              |      |      |                  |      |      |                 |      |      |
|---------------------|------|------|--------------|------|------|------------------|------|------|-----------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      | 1977 LEGISLATURE |      |      |                 |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS             | N.V. | NAYS | YEAS            | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN         |      |      | • TAYKOWSKI     |      |      |
| • BARTH             |      |      | • JONES      |      |      | • NETHING        |      |      | • SOBERG        |      |      |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING        |      |      | • STRAND        |      |      |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE         |      |      | • STRINDEN      |      |      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON       |      |      | • TALLACKSON    |      |      |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON        |      |      | • TENNERIS      |      |      |
| • FREED             |      |      | • LIPS       |      |      | • RAIT           |      |      | • THANE         |      |      |
| • FRITZELL          |      |      | • LODDIN     |      |      | • REDLIN         |      |      | • VOSPEP        |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN         |      |      | • WALSH         |      |      |
| • HANSON            |      |      | • MAU        |      |      | • SANDNOR        |      |      | • WENSTROM      |      |      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS          |      |      | • WRIGHT        |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADG       |      |      | • MR. PRESIDENT |      |      |
| • ISZLER            |      |      | • MORGAN     |      |      | • SHABLOW        |      |      |                 |      |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2541 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2543.** A Bill for an Act to empower the commissioner of insurance to annually value or cause to be valued the reserve liabilities of every life insurance company doing business in this state and to establish minimum standards for the valuation of such liabilities; and to repeal sections 26-03-33, 26-03-34 and 26-10-01 of the North Dakota Century Code, relating to the valuation of life and accident insurance policies.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |      |      |              |      |      |                  |      |      |                 |      |      |
|---------------------|------|------|--------------|------|------|------------------|------|------|-----------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      | 1977 LEGISLATURE |      |      |                 |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS             | N.V. | NAYS | YEAS            | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN         |      |      | • EMYROWSKI     |      |      |
| • BARTH             |      |      | • JONES      |      |      | • NELSON         |      |      | • SOBERG        |      |      |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING        |      |      | • STRAND        |      |      |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE         |      |      | • STRINDEN      |      |      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON       |      |      | • TALLACKSON    |      |      |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON        |      |      | • TENNERIS      |      |      |
| • FREED             |      |      | • LIPS       |      |      | • RAIT           |      |      | • THANE         |      |      |
| • FRITZELL          |      |      | • LODDIN     |      |      | • REDLIN         |      |      | • VOSPEP        |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN         |      |      | • WALSH         |      |      |
| • HANSON            |      |      | • MAU        |      |      | • SANDNOR        |      |      | • WENSTROM      |      |      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS          |      |      | • WRIGHT        |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADG       |      |      | • MR. PRESIDENT |      |      |
| • ISZLER            |      |      | • MORGAN     |      |      | • SHABLOW        |      |      |                 |      |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2543 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**Senate Bill No. 2542.** A Bill for an Act to amend and reenact subsections 2 and 4 of section 12.1-28-02 of the North Dakota Century Code, relating to gambling and related offenses and the classification of offenses.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |     |            |      |     |          |                  |     |               |
|---------------------|-----|------|-----------|-----|------------|------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |            |      |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS       | YEAS | N-V | NAYS     | YEAS             | N-V | NAYS          |
|                     |     | •    |           | •   | JACOBSON   | •    | •   | NAADEN   | •                | •   | SMYKOWSKI     |
| •                   |     |      |           | •   | JONES      | •    | •   | NELSON   | •                | •   | SOLBERG       |
|                     |     | •    |           | •   | KRAUTER    | •    | •   | NETHING  | •                | •   | STRAND        |
|                     |     | •    |           | •   | LARSON     | •    | •   | ORANGE   | •                | •   | STRINDEN      |
|                     |     | •    |           | •   | LASHKOWITZ | •    | •   | PETERSON | •                | •   | TALLACKSON    |
|                     |     | •    |           | •   | LEE        | •    | •   | PIETRON  | •                | •   | TENNEFOS      |
|                     |     | •    |           | •   | LIPS       | •    | •   | RAIT     | •                | •   | THANE         |
|                     |     | •    |           | •   | LODOEN     | •    | •   | REDLIN   | •                | •   | VOSPER        |
| •                   |     | •    |           | •   | MAHER      | •    | •   | REITEN   | •                | •   | WALSH         |
|                     |     | •    |           | •   | MAU        | •    | •   | SANDNESS | •                | •   | WENSTROM      |
|                     |     | •    |           | •   | MELLAND    | •    | •   | SANDS    | •                | •   | WRIGHT        |
|                     |     | •    |           | •   | MILLER     | •    | •   | SCHIRADO | •                | •   | MR. PRESIDENT |
|                     |     | •    |           | •   | MORGAN     | •    | •   | SHABLOW  | •                | •   |               |

Senate Bill No. 2542 was declared lost.

Senate Bill No. 2544. A Bill for an Act to create and enact a new section to chapter 23-09 of the North Dakota Century Code, relating to smoke detection devices or other approved alarm systems in hotels, motels, and lodginghouses; to amend and reenact subsection 1 of section 23-09-01 of the North Dakota Century Code, relating to the definition of a motel; and providing a date of compliance.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 668) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |     |            |      |     |          |                  |     |               |
|---------------------|-----|------|-----------|-----|------------|------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |     |            |      |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS       | YEAS | N-V | NAYS     | YEAS             | N-V | NAYS          |
| •                   |     |      |           | •   | JACOBSON   | •    | •   | NAADEN   | •                | •   | SMYKOWSKI     |
| •                   |     |      |           | •   | JONES      | •    | •   | NELSON   | •                | •   | SOLBERG       |
| •                   |     |      |           | •   | KRAUTER    | •    | •   | NETHING  | •                | •   | STRAND        |
| •                   |     |      |           | •   | LARSON     | •    | •   | ORANGE   | •                | •   | STRINDEN      |
| •                   |     |      |           | •   | LASHKOWITZ | •    | •   | PETERSON | •                | •   | TALLACKSON    |
| •                   |     |      |           | •   | LEE        | •    | •   | PIETRON  | •                | •   | TENNEFOS      |
| •                   |     |      |           | •   | LIPS       | •    | •   | RAIT     | •                | •   | THANE         |
| •                   |     |      |           | •   | LODOEN     | •    | •   | REDLIN   | •                | •   | VOSPER        |
| •                   |     |      |           | •   | MAHER      | •    | •   | REITEN   | •                | •   | WALSH         |
| •                   |     |      |           | •   | MAU        | •    | •   | SANDNESS | •                | •   | WENSTROM      |
| •                   |     |      |           | •   | MELLAND    | •    | •   | SANDS    | •                | •   | WRIGHT        |
| •                   |     |      |           | •   | MILLER     | •    | •   | SCHIRADO | •                | •   | MR. PRESIDENT |
| •                   |     |      |           | •   | MORGAN     | •    | •   | SHABLOW  | •                | •   |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2544 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2545. A Bill for an Act to authorize the active promotion and orderly development of the film, television, and multimedia production industry in North Dakota; and providing an appropriation.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 34; nays, 13; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |                |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS           | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |           |      | ● NAADEN   |     |                  | ● SMYKOWSKI    |     | ●    |
| ● BARTH             |     |      | ● JONES      |           | ●    | ● NELSON   |     |                  | ● SOLBERG      |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |           |      | ● NETHING  |     |                  | ● STRAND       |     |      |
| ● CHRISTENSEN       | ●   |      | ● LARSON     |           |      | ● ORANGE   |     |                  | ● STRINDEN     |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |           |      | ● PETERSON |     |                  | ● TALLACKSON   |     |      |
| ● FARRINGTON        | ●   |      | ● LEE        |           |      | ● PIETRON  |     |                  | ● TENNEFOS     |     | ●    |
| ● FREED             |     |      | ● LIPS       |           |      | ● RAIT     |     |                  | ● THANE        |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |           |      | ● REDLIN   |     |                  | ● VOSPER       |     | ●    |
| ● GOODMAN           |     |      | ● MAHER      |           |      | ● REITEN   |     |                  | ● WALSH        |     |      |
| ● HANSON            |     |      | ● MAU        |           |      | ● SANDNESS |     |                  | ● WENSTROM     |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |           |      | ● SANDS    |     |                  | ● WRIGHT       |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |           |      | ● SCHIRADO |     |                  | ● MR PRESIDENT |     |      |
| ● ISZLER            | ●   |      | ● MORGAN     |           |      | ● SHABLOW  |     |                  |                |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2545 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2546. A Bill for an Act to authorize the state board of higher education to purchase two and sixty-nine hundredths acres of land adjacent to the university of North Dakota medical center rehabilitation hospital using certain funds on hand.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |                |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS           | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |           |      | ● NAADEN   |     |                  | ● SMYKOWSKI    |     | ●    |
| ● BARTH             |     |      | ● JONES      |           | ●    | ● NELSON   |     |                  | ● SOLBERG      |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |           |      | ● NETHING  |     |                  | ● STRAND       |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |           |      | ● ORANGE   |     |                  | ● STRINDEN     |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |           |      | ● PETERSON |     |                  | ● TALLACKSON   |     |      |
| ● FARRINGTON        |     |      | ● LEE        |           |      | ● PIETRON  |     |                  | ● TENNEFOS     |     |      |
| ● FREED             |     |      | ● LIPS       |           |      | ● RAIT     |     |                  | ● THANE        |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |           |      | ● REDLIN   |     |                  | ● VOSPER       |     |      |
| ● GOODMAN           |     |      | ● MAHER      |           |      | ● REITEN   |     |                  | ● WALSH        |     |      |
| ● HANSON            |     |      | ● MAU        |           |      | ● SANDNESS |     |                  | ● WENSTROM     |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |           |      | ● SANDS    |     |                  | ● WRIGHT       |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |           |      | ● SCHIRADO |     |                  | ● MR PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |           |      | ● SHABLOW  |     |                  |                |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2546 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

Senate Bill No. 2547. A Bill for an Act to amend and reenact subdivision a of subsection 4 and subdivision b of subsection 5 of section 65-01-02 of the North Dakota Century Code, relating to the definition of hazardous employment and the exclusions from the definition of employee; and providing for an effective date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 11; nays, 36; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |           |      |           |     |                  |             |     |      |
|---------------------|-----|------|------------|-----------|------|-----------|-----|------------------|-------------|-----|------|
| REGULAR SESSION     |     |      |            | ROLL-CALL |      |           |     | 1977 LEGISLATURE |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS      | N-V | NAYS             | YEAS        | N-V | NAYS |
| ● ALBERS            |     | ●    | ● JACOBSON |           | ●    | ● NAADEN  |     |                  | ● SMYKOWSKI |     | ●    |
| ● BARTH             |     |      | ● JONES    |           | ●    | ● NELSON  |     |                  | ● SOLBERG   |     | ●    |
| ● BERUBE            |     | ●    | ● KRAUTER  |           |      | ● NETHING |     |                  | ● STRAND    |     | ●    |



|            |           |            |                 |
|------------|-----------|------------|-----------------|
| FRITZELL   | • LODOEN  | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WESTROM       |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2548 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 4032. A concurrent resolution directing the Capitol Grounds Planning Commission to study the feasibility of constructing tunnels connecting the Capitol, the Highway Building, and the Heritage Center.

Was read the second time.

The question being on the final adoption of the resolution. Senate Concurrent Resolution No. 4032 was declared lost.

#### MOTION

Senator Rait moved that the Senate reconsider the action whereby Senate Bill 2529 lost, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2529. A Bill for an Act to amend and reenact sections 27-11-01, 27-11-22 and 27-12-02 of the North Dakota Century Code, relating to prohibition of practicing law or serving on certain courts without certificate of admission and payment of annual license fee and providing a penalty, relating to the requirement for an annual license to practice law or serve on certain courts, issuance thereof, fees therefore and membership in the state bar association of North Dakota of all attorneys and persons serving on certain courts.

Which has been read.

Senator Rait offered the following amendments to Senate Bill 2529:

On page 2, line 1, delete the words "or any court created by the legislature where"

On page 2, delete line 2

On page 2, line 18, delete the first comma after the word "court" and insert in lieu thereof the word "or" and delete the comma and the word "or" at the end of the line

On page 2, delete line 19

On page 2, delete line 20

On page 2, line 21, delete the words "such court,"

And renumber the lines accordingly.

Senator Rait moved that the amendments be adopted.

Senator Sands moved to lay the amendments to Senate Bill 2529 on the table, which motion lost.

The question being on the motion to adopt the amendments, a division vote was taken and the amendments to Senate Bill 2529 were adopted.

Senator Freed moved that the rules be suspended, that Senate Bill 2529 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. 2529. A Bill for an Act to amend and reenact sections 27-11-01, 27-11-22 and 27-12-02 of the North Dakota Century Code, relating to prohibition of practicing law or serving on certain courts without certificate of admission and payment of annual license fee and providing a



penalty, relating to the requirement for an annual license to practice law or serve on certain courts, issuance thereof, fees therefore and membership in the state bar association of North Dakota of all attorneys and persons serving on certain courts.

Which has been read.

Senator Nething requested he be excused from voting on this bill due to a conflict of interest.

Senator Thane moved that Senators Nething, Freed, Schirado and Lashkowitz be permitted to vote, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 29; nays, 18; absent and not voting, 3.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
|                 |     |      | JACOBSON            |     |      | NAADEN    |     |      | SMYKOWSKI        |     |      |
| •               |     |      | JONES               |     |      | NELSON    |     |      | SOLBERG          |     |      |
| •               |     | •    | KRAUTER             |     |      | NETHING   |     |      | STRAND           |     |      |
| •               |     |      | LARSON              |     |      | ORANGE    |     | •    | STRINDEN         |     |      |
|                 |     | •    | LASHKOWITZ          |     |      | PETERSON  |     |      | TALLACKSON       |     |      |
|                 |     | •    | LEE                 |     |      | PIETRON   |     |      | TENNEFOS         |     |      |
| •               |     | •    | LIPS                |     |      | RAIT      |     | •    | THAME            |     |      |
| •               |     |      | LODOEN              |     |      | REDLIN    |     | •    | VOSPER           |     |      |
| •               |     |      | MAHER               |     |      | REITEN    |     |      | WALSH            |     | •    |
| •               |     | •    | MAU                 |     | •    | SANDNESS  |     |      | WENSTROM         |     | •    |
| •               |     |      | MELLAND             |     |      | SANDS     |     |      | WRIGHT           |     | •    |
| •               |     | •    | MILLER              |     |      | SCHIRADO  |     | •    | MR. PRESIDENT    |     |      |
| •               |     | •    | MORGAN              |     |      | SHABLOW   |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2529 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 4034.** A concurrent resolution urging the United States Congress to designate Theodore Roosevelt National Memorial Park as Theodore Roosevelt National Park.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4034 was adopted.

**Senate Concurrent Resolution No. 4035.** A concurrent resolution urging the President and the Congress to retain and to continue the federal highway trust fund in its present status and role.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4035 was adopted.

**Senate Concurrent Resolution No. 4040.** A concurrent resolution urging Congress to require federal agencies to enhance lands under their control with woody plantings and utilize other soil and water conservation practices, including the control of noxious weeds.

Was read the second time.

The question being on the final adoption of the resolution, as amended, (SJ page 560),

Senate Concurrent Resolution No. 4040 was adopted.

**Senate Concurrent Resolution No. 4043.** A concurrent resolution urging the Congress of the United States to exercise its power, granted under Section 2 of Article 3 of the United States Constitution, to limit the jurisdiction of the United States Supreme Court and to amend Section 242

of Title 18 of the United States Code to prevent deprivation of rights under color of law.

Was read the second time.

Senator Naaden moved that Senate Concurrent Resolution 4043 be amended as follows:

On page 1, line 1, after the word "resolution" delete the remainder of the resolution and insert in lieu thereof the following:

"requesting the Congress of the United States to adopt an amendment to the United States Constitution for ratification by the states which will guarantee the right of the unborn human to life throughout its intrauterine development subordinate only to saving the life of the mother, and will guarantee that no human life shall be denied protection of law or deprived of life on account of age, sickness, or condition of dependency.

WHEREAS, 77 percent of those voting in the November 7, 1972, general election in North Dakota rejected abortion as an alternative to solving the problems of maternal and prenatal and natal health; and

WHEREAS, the United States Supreme Court on January 22, 1973, nullified the overwhelming decision of the North Dakota electorate to protect unborn human life by interpreting the United States Constitution in a way which allows the destruction of unborn human life to preserve the wellbeing of the pregnant woman; and

WHEREAS, the sweeping judgment of the United States Supreme Court in the Texas and Georgia abortion cases is a flagrant rejection of the unborn child's right to life through the full nine-month gestation period; and

WHEREAS, human life in the womb is entitled to the protection of the laws which may not be abridged by act of any court or legislature or by any judicial interpretation of the Constitution of the United States;

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

That the Congress of the United States is hereby urged and requested to adopt a constitutional amendment that will guarantee the explicit protection of all unborn human life throughout its intrauterine development subordinate only to saving the life of the mother, and will guarantee that no human life shall be denied protection of law or deprived of life on account of age, sickness, or condition of dependency, and that Congress and the several states shall have power to enforce this article by appropriate legislation; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the North Dakota Congressional Delegation, the Secretary of the United States Senate, the Clerk of the United States House of Representatives, and the President of the United States."

And renumber the lines and pages accordingly.

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

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

Senate Concurrent Resolution No. 4043. A concurrent resolution urging the Congress of the United States to exercise its power, granted under

Section 2 of Article 3 of the United States Constitution, to limit the jurisdiction of the United States Supreme Court and to amend Section 242 of Title 18 of the United States Code to prevent deprivation of rights under color of law.

Was read the second time.

The question being on the final adoption of the resolution, as amended, Senate Concurrent Resolution 4043 was adopted.

**Senate Concurrent Resolution No. 4044.** A concurrent resolution urging the State Department of Health to exercise discretion in requiring small communities to meet the criteria for solid waste management established in Chapter 23-29 of the North Dakota Century Code.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4044 was adopted.

**Senate Concurrent Resolution No. 4045.** A concurrent resolution urging the North Dakota Mill and Elevator and the Industrial Commission to conduct marketing research regarding the production and sale of gasohol.

Was read the second time.

The question being on the final adoption of the resolution, as amended, (SJ page 561) Senate Concurrent Resolution No. 4045 was adopted.

**Senate Concurrent Resolution No. 4046.** A concurrent resolution relating to recognition of and cooperation with a study being conducted by the North Dakota State University Community and Regional Planning Program, at the request of the North Dakota Indian Affairs Commission, concerning the distribution of county motor vehicle tax moneys for North Dakota reservation county roads.

Was read the second time.

The question being on the final adoption of the resolution, as amended, (SJ 592), Senate Concurrent Resolution No. 4046 was adopted.

#### MOTION

Senator Mau requested the unanimous consent of the Senate to withdraw Senate Concurrent Resolution No. 4047. There be no objection, the request was granted and Senate Concurrent Resolution No. 4047 was withdrawn.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 4048.** A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and urging the Congress and the President of the United States to exercise responsibility and authority in resolving them.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4048 was adopted.

**Senate Concurrent Resolution No. 4050.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the Pembilier Dam Project.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4050 was adopted.

**Senate Concurrent Resolution No. 4052.** A concurrent resolution urging federally authorized lending agencies to provide financial information to state authorities.

Was read the second time.

The question being on the final adoption of the resolution, as amended, (SJ page 593) Senate Concurrent Resolution No. 4052 was adopted.

MOTION

Senator Sands moved that Senate Concurrent Resolution No. 4060 be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1031. A Bill for an Act to authorize postsecondary educational institutions to operate in North Dakota; providing definitions, exemptions, powers and duties, minimum standards, prohibitions, refund of tuition fees, negotiation of promissory instruments, cancellation of contracts for instruction, treble damage remedies for defrauded students, board review, civil and criminal penalties, court jurisdiction and process, and enforcement; and to repeal chapter 15-50 of the North Dakota Century Code, relating to licensure of private trade, industrial, vocational, technical, business, and correspondence schools.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1057. A Bill for an Act to amend and reenact section 27-20-38 of the North Dakota Century Code, relating to emergency medical treatment for juveniles under the supervision of a legal custodian.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1059.** A Bill for an Act to provide good conduct and merit sentence reductions for penitentiary and state farm inmates; providing for retroactive effect; and declaring an emergency.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

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

**House Bill No. 1060.** A Bill for an Act to amend and reenact section 12-48-15 of the North Dakota Century Code, relating to the disposition of moneys earned by a penitentiary inmate, allowing an inmate to deposit penitentiary earnings in a Bank of North Dakota interest account, and to deposit outside earnings in any bank or organization upon approval of the director of institutions.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1063.** A Bill for an Act to create and enact section 28-32-02.1 of the North Dakota Century Code, relating to adopting a rule describing an agency's organization and functions; and to amend and reenact sections 28-32-01, 28-32-05, 28-32-09, 28-32-12, 28-32-21 of the North Dakota Century Code, relating to definitions, rules of procedure and notice of hearing, depositions and interrogatories, methods of recording testimony, and supreme court review.

Which has been read.



|            |   |         |   |          |   |               |   |
|------------|---|---------|---|----------|---|---------------|---|
| FARRINGTON | • | LEE     | • | PIETRON  | • | TENNEFOS      | • |
| FREED      | • | LIPS    | • | RAIT     | • | THANE         | • |
| FRITZELL   | • | LODDOEN | • | REIDIN   | • | VOSPERS       | • |
| GOODMAN    | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON     | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER    | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG   | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER     | • | MORGAN  | • | SHABLOW  | • |               |   |

House Bill No. 1127 was declared lost.

House Bill No. 1133. A Bill for an Act to provide for standards of health for public water systems; to provide for system approval, limitations on water contaminants, records and reporting procedure, variances and exemptions, enforcement process; and to provide for imposition of penalties.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 5; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEH         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     | •    |
| • FRIDMAN           |     |      | • LASHKOWITZ |     |      | • PIETRON        |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REIDIN         |     |      | • VOSPERS       |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | •    | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

#### MESSAGE TO THE HOUSE

##### Senate Chamber

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

- Senate Bill No. 2001
- Senate Bill No. 2004
- Senate Bill No. 2005
- Senate Bill No. 2010
- Senate Bill No. 2022
- Senate Bill No. 2093
- Senate Bill No. 2240
- Senate Bill No. 2307
- Senate Bill No. 2327
- Senate Bill No. 2338
- Senate Bill No. 2346
- Senate Bill No. 2379
- Senate Bill No. 2380
- Senate Bill No. 2381
- Senate Bill No. 2417
- Senate Bill No. 2463
- Senate Bill No. 2472
- Senate Bill No. 2473
- Senate Bill No. 2475
- Senate Bill No. 2479

Senate Bill No. 2485  
Senate Bill No. 2496  
Senate Bill No. 2505  
Senate Bill No. 2513  
Senate Bill No. 2514  
Senate Bill No. 2515  
Senate Bill No. 2516  
Senate Bill No. 2517  
Senate Bill No. 2519  
Senate Bill No. 2520  
Senate Bill No. 2527  
Senate Bill No. 2530  
Senate Bill No. 2531  
Senate Bill No. 2534  
Senate Bill No. 2537  
Senate Bill No. 2538

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
House Chamber

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

House Bill No. 1001  
House Bill No. 1013  
House Bill No. 1181  
House Bill No. 1308  
House Bill No. 1314  
House Bill No. 1315  
House Bill No. 1330  
House Bill No. 1387  
House Bill No. 1430  
House Bill No. 1459  
House Bill No. 1468  
House Bill No. 1478  
House Bill No. 1484  
House Bill No. 1501  
House Bill No. 1509  
House Bill No. 1516  
House Bill No. 1548  
House Bill No. 1553  
House Bill No. 1571  
House Concurrent Resolution No. 3034

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE BILLS

House Bill No. 1037. A Bill for an Act to create and enact a new section to chapter 38-14 of the North Dakota Century Code, relating to notice of noncompliance and surface mining permit suspension and revocation; to amend and reenact section 38-14-01, subsection 9 of section 38-14-02, subsections 1 and 3 of section 38-14-04, subsection 5 of section 38-14-05, and section 38-14-07 of the North Dakota Century Code, relating to the declaration of policy on reclamation of affected lands, definition of refuse, application requirements for surface mining permits, amended



applications, placement of material outside the permit area, and operator bonds; and to repeal subsections 10, 11, and 15 of section 38-14-02 of the North Dakota Century Code, relating to the definition of ridge, peak, and rolling topography.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1097.** A Bill for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to restrictions on the issuance of construction permits by the public service commission for the location and construction of electric transmission lines.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1178.** A Bill for an Act to create and enact subsection 8 of section 38-14-03.1, and subsection 16 of section 38-14-05, relating to powers of the public service commission, and duties of the operator; to amend and reenact subsections 3 and 8 of section 38-14-02, subsections 2 and 3 of section 39-14-04, subsection 6 of section 38-14-05.1, and section 38-14-12, relating to definitions, data required to be filed in the application for a mining permit, expedited amendments to existing permits and waiver or modification of time schedules or procedures, limitations, and civil penalties.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1397.** A Bill for an Act to repeal subsection 5 of section 38-18-06 of the North Dakota Century Code, relating to district court actions when a surface owner does not consent to strip mining by an owner of a severed mineral interest.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1441.** A Bill for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to joint water management district boards; and to amend and reenact section 61-16-05, subsection 9 of section 61-16-11, and sections 61-16-12, 61-16-19.1, 61-16-48, and 61-16-50 of the North Dakota Century Code, relating to the powers and duties of a water management district board of commissioners, consolidation or adjustment of districts, and tax levy limitations.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1448.** A Bill for an Act to create and enact chapter 16.1-03, and sections 16.1-11-18, 16.1-14-18, 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code, relating to political party organization from precinct caucuses through district and state committees, to the form of the consolidated primary election ballot, and to voting for presidential electors by persons not meeting the residency requirements for voting in the state; and to repeal sections 16-04-15.1, 16-16-17, 16-16-17.1, 16-16-18, 16-16-19, 16-16-20, 16-16-21, 16-16-22, 16-16-23, 16-16-24, 16-16-26, 16-16-27, and 16-16-28, and chapter 16-17 of the North Dakota Century Code, relating to the primary election ballot, political party organization, and voting for presidential electors by persons unqualified to vote at state elections.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1458.** A Bill for an Act to provide for instruction by the state game and fish commissioner on the safe use of firearms and hunter responsibilities; and to provide an effective date.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1461.** A Bill for an Act to provide for continuous insurance coverage of an insured juvenile whose legal custody has been given by the court to any state institution or agency.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1481.** A Bill for an Act to amend and reenact sections 15-53.1-06 and 15-53.1-18 of the North Dakota Century Code, relating to county committees for annexation and plans of reorganization of school districts in more than one county.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1510.** A Bill for an Act to amend and reenact subsection 3 of section 26-41-10 of the North Dakota Century Code, relating to the coordination of insurance benefits between no-fault insurers and other insurers.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1517.** A Bill for an Act to amend and reenact subsection 2 of section 38-14-05 of the 1975 Supplement to the North Dakota Century Code relating to the duties of mine operators to save suitable plant growth material within the permit area.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1523.** A Bill for an Act to create and enact one new section to chapter 27-01 of the North Dakota Century Code, relating to the waiver of fees in civil actions.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1565.** A Bill for an Act to amend and reenact section 61-01-22 of the North Dakota Century Code, relating to drainage.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1567.** A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to interest on security deposits for residential dwelling units.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1591.** A Bill for an Act to amend and reenact sections 10-30-10, 10-30-12 and 10-30-14 of the North Dakota Century Code, relating to loans by and investments in a state development corporation.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1592.** A Bill for an Act to amend and reenact section 43-07-13 of the North Dakota Century Code, relating to contractor registrar disposing of inactive licenses.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1594.** A Bill for an Act to provide for the inception and expiration times of insurance policies.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1597.** A Bill for an Act to create and enact two new subsections to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for travel trailers and snowmobiles sold to residents of other states.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1598.** A Bill for an Act to provide for reporting statistical data regarding legal malpractice claims, settlements and final judgments.

Which was read the first time and referred to the Committee on Judiciary.

**House Concurrent Resolution No. 3021.** A concurrent resolution urging the President and the Congress of the United States to expeditiously exact a long-range and comprehensive energy conservation and development program.

Which was read the first time and referred to the Committee on Natural Resources.

**House Concurrent Resolution No. 3028.** A concurrent resolution urging the President of the United States to seek an amendment to the Convention for the Protection of Migratory Birds and Mammals to allow the destruction of certain harmful blackbirds, grackles, and cowbirds.

Which was read the first time and referred to the Committee on Natural Resources.

**House Concurrent Resolution No. 3030.** A concurrent resolution supporting the expeditious reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Illinois.

Which was read the first time and referred to the Committee on Agriculture.

**House Concurrent Resolution No. 3033.** A concurrent resolution urging Congress to amend the Federal Occupational Safety and Health Act.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Concurrent Resolution No. 3038.** A concurrent resolution asking Congress and federal agencies to require federal building projects to comply with local zoning ordinances, building codes, and similar health and safety regulations.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Concurrent Resolution No. 3039.** A Concurrent resolution urging the President and Congress to permit the Soil Conservation Service to give technical assistance to landowners and to other projects in the State of North Dakota.

Which was read the first time and referred to the Committee on Agriculture.

**House Concurrent Resolution No. 3040.** A concurrent resolution acknowledging the gift to the State of North Dakota of the antique collection and farmstead of Mr. and Mrs. Dale Hawk, and expressing gratitude for the gift to Mr. and Mrs. Hawk.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Concurrent Resolution No. 3041.** A concurrent resolution urging support for the adoption of a teachers' Indian education requirement for certification.

Which was read the first time and referred to the Committee on Education.

**House Concurrent Resolution No. 3049.** A concurrent resolution urging the President of the United States to exercise his authority to limit the import of fresh, chilled, or frozen beef into the United States.

Which was read the first time and referred to the Committee on Agriculture.

**House Concurrent Resolution No. 3051.** A concurrent resolution urging the United States Congress to provide impact funding for transportation-related impact resulting from coal development.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Concurrent Resolution No. 3052.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the development of a regional system of veterinary education and directing the Legislative Council to appoint a committee to be consulted in the development of such a veterinary educational system.

Which was read the first time and referred to the Committee on Agriculture.

**House Concurrent Resolution No. 3054.** A concurrent resolution urging Congress to amend 16 U.S.C. 715s to provide that the National Wildlife Refuge System's land value readjustment period and annual, in lieu of tax payments to state counties be the same as the state land value assessment period and in lieu of tax payments made by the State Game and Fish Department.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Concurrent Resolution No. 3057.** A concurrent resolution urging Congress to reject legislation providing for the vertical and horizontal divestiture of American oil companies.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Concurrent Resolution No. 3058.** A concurrent resolution commending the North Dakota Conference of Churches for its sponsorship of the North Dakota Harvest for Hunger.

Which was read the first time and referred to the Committee on Agriculture.

**House Concurrent Resolution No. 3059.** A concurrent resolution urging the Congress of the United States to authorize construction of the Horsehead Flats-Winona segment of the Apple Creek Unit of the Pick-Sloan Missouri River Basin program.

Which was read the first time and referred to the Committee on Agriculture.

**House Concurrent Resolution No. 3061.** A concurrent resolution urging the states of Minnesota, Wisconsin, Iowa, Illinois, and Missouri, through their elected officials, to institute the required action to adopt and enact the vehicle weight limitations as expressed by the United States Congress in Public Law 93-643, Section 106.

Which was read the first time and referred to the Committee on Transportation.

Senator Nething moved that at the conclusion of the 13th Order of Business and after the reading of House Bills 1034, 1038, 1084, 1104, 1105, 1106, 1134, 1189, 1197, 1203, 1204, 1231, 1232, 1274, 1303, 1376 and 1428, the Senate recess until Wednesday, February 23, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary.

## THIRTY-FIFTH DAY AFTER RECESS AND THIRTY-SIXTH DAY

Bismarck, February 23, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2023

and find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

## MOTIONS

Senator Nething moved that the Senate request the return of House Bill 1032, which motion prevailed.

Senator Nething moved that the Senate reconsider its action whereby Senate Bill 2135 tied, which motion prevailed.

Senator Nething moved that Senate Bill No. 2135 be placed at the head of the calendar on the 11th Order of Business, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber

Bismarck, N.D.

Mr. Speaker: I have the honor to inform you that the Senate requests the return of House Bill No. 1032.

LEO LEIDHOLM, Secretary

House Chamber

Mr. President: I have the honor to return House Bill No. 1032, which the Senate has requested.

ROY GILBREATH, Chief Clerk

## POINT OF PERSONAL PRIVILEGE

IN RE: Supreme Court Opinion on Lt. Governor's Right to Vote  
Senator Hoffner:

I rise on this occasion to inform the members of the Senate that the Supreme Court of the State of North Dakota has ruled on the issue whether the President of this body can constitutionally vote to break tie votes on both procedural and substantive matters. Unfortunately, a majority of that body has chosen not to support the Lt. Governor of this state.

The Supreme Court has chosen not to rule in accordance with the Attorney General's opinion of 1975 but rather to base its decision on totally different grounds, that is, rules of constitutional construction and on some alleged long-standing tradition of this body. It is sad to learn that

the people of this state are to be ruled not by a Constitution which they have mandated but rather by judicial rules of construction and vague traditions.

I think that it is interesting that in 1973 the Republican majority leader saw fit to introduce a resolution for constitutional amendment which restructured the office of Lt. Governor. It is also interesting to note that the vast majority of the Senate members of that majority party voted in support of that resolution. Now we find that same majority has successfully redefined the powers and function of Lt. Governor. They have accomplished this task by persuading, once again, three justices to agree with their actions.

By their action the majority party and a majority of the court have seen fit to deny what the people of this state ordained in 1974 when they reenacted, by constitutional amendment, the provision of the Constitution which authorized the Lt. Governor to cast a tie-breaking vote in his capacity as President of the Senate.

I would like to remind the Supreme Court and the majority party of the Senate that all branches of government function by the grace of the people as expressed in the Constitution of this state. Also, let us not forget that the State Constitution is the supreme law of the state of North Dakota and can only be changed by a vote of the people.

The people of this state by constitutional amendment in 1974 authorized the power of the Lt. Governor to cast the tie-breaking vote in the Senate. Whether the majority party of the Senate and a majority of the Supreme Court agrees or disagrees with the decision reached by the people of this state in 1974 is of no consequence. Nor is it their right to play fast and loose with the rights and powers which reside exclusively in the hands of the people; rules of construction and alleged long-term custom and usage notwithstanding.

While the points that I have just made deal with past events, their effect concerns me most when applied to the future.

This body on several occasions has found itself in conflict with Section 43 of the Constitution which reads as follows:

"Any member who has a personal or private interest in any measure or bill proposed or pending before the legislative assembly, shall disclose the fact to the house of which he is a member, and shall not vote thereon without the consent of the house."

The question which is now raised in my mind is whether the majority party of this body in conjunction with three members of the Supreme Court can chose to violate that which the people have mandated.

If it is held that this body can, in conjunction with the court, circumvent the constitutional provisions which deal with the legislature, can it then also by majority rule violate and infringe upon the constitutional powers granted to the Governor of this state by the people of this state.

#### FIRST READING OF SENATE RESOLUTIONS

##### Committee on Delayed Bills Introduced:

**Senate Resolution No. 11.** A resolution congratulating the Velva High School wrestling team on winning its second consecutive State Class "B" Championship.

Was read the first time.

Senator Sands moved that the rules be suspended, that Senate Resolution No. 11 not be printed as a bill, not referred to a committee, but

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. 11**

Introduced by Committee on Delayed Bills.

A resolution congratulating the Velva High School wrestling team on winning its second consecutive State Class "B" Championship.

WHEREAS, the Velva High School Aggies, vary ably coached by Mike Norland, used an outstanding team effort to capture their second consecutive State Class "B" Wrestling Championship Saturday, February 19, 1977, in the state tourney in Jamestown; and

WHEREAS, these back-to-back accomplishments have been achieved against schools much larger than Velva High School, thus showing the Aggies' determination, teamwork, and fine coaching; and

WHEREAS, the team effort was proven by the fact that the Aggies did not garner a single individual champion, but had seven of their eleven wrestlers pick up points in the final rounds; and

WHEREAS, Velva wrestling coach Mike Norland was selected as Class "B" Wrestling Coach of the Year for his fine work with the Aggies; and

WHEREAS, this shows that not only are people from Velva some of the nicest people around, but that pound-for-pound they are also some of the strongest;

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

That the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota hereby extends to the Velva High School wrestling team and its coach sincere and hearty congratulations on winning its second consecutive State Class "B" Wrestling Championship; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Superintendent of Velva High School and to Velva wrestling coach Mike Norland.

**SECOND READING OF SENATE RESOLUTIONS**

Senate Resolution No. 11. A resolution congratulating the Velva High School wrestling team on winning its second consecutive State Class "B" Championship.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Sands moved that the resolution be adopted, which motion prevailed and Senate Resolution No. 11 was adopted.

**MOTION**

Senator Nething moved that Senate Bill No. 2417 be re-printed not to exceed 300 copies, which motion prevailed.

**SIGNING OF BILLS**

The Secretary announced that the President was about to sign:

Senate Bill No. 2023

and the President signed the same in the presence of the Senate.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, Senate Bill No. 2023

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

LEO LEIDHOLM, Secretary



## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1017 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1017 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1022 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR JONES, Chairman

House Bill No. 1022 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1044 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1044 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1062 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1062 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1114 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1114 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1136 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1136 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1171 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1171 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1191 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 12, of the engrossed bill, after the word "a" insert the word "hospitalized" and on the same line after the word "patient" delete the following: "hospitalized by court order"

On page 1, line 23, of the engrossed bill, after the word "and" insert the following: "/or"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1191 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1226 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1226 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1230 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1230 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1241 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1241 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1242 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1242 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1253 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1 of the engrossed bill, after the word "appropriation" insert the following: "to the national guard"

On page 1, line 11 of the engrossed bill, after the word "the" delete the words "department of accounts and" and insert in lieu thereof the following: "national guard"

On page 1, line 12 of the engrossed bill, delete the word "purchases" and renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

To pay the National Guard for the purpose of compensating Mr. Price for the loss of his turkeys due to the low flight of a National Guard helicopter.

SENATOR LIPS, Chairman

House Bill No. 1253 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1261 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2, of the engrossed bill, after the word "that" delete the words "public employees" and insert in lieu thereof the words "members of the commission"

On page 2, line 25, after the word "No" delete the words "public em-

ployee" and insert in lieu thereof the words "member of the commission"  
And renumber the lines accordingly.

And when so amended recommends the same do pass and be re-referred to the Committee on Appropriations.

SENATOR STRAND, Vice Chairman

House Bill No. 1261 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1265 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1265 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1273 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 24, of the engrossed bill, after the word "than" delete the words: "the equivalent of"

And renumber the lines and pages accordingly.

And when so amended recommends the same and be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

House Bill No. 1273 was placed on the 6th Order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1306 has had the same under consideration and recommends that the same do pass.

SENATOR STRAND, Vice Chairman

House Bill No. 1306 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1310 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 5, after the word "exceed" delete the words "one thousand" and insert in lieu thereof the following: "seven hundred and fifty"

And renumber the lines and pages accordingly.

And when so amended recommends the same and be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

House Bill No. 1310 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1325 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 20, of the engrossed bill, after the word "within" delete the word "five" and insert in lieu thereof the word "ten"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1325 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to

whom was referred House Bill No. 1332 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1332 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1333 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1333 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1348 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1348 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1360 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

House Bill No. 1360 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1367 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1367 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1370 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1370 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1440 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 11, after the word "to" delete the word "residents" and insert in lieu thereof the following: "those who have resided in this state for at least one year"

On page 1, line 12, delete the words "of this state"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1440 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1472 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1472 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1493 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1493 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1526 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1526 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### RECOGNITION

Senator Nething announced that the Senate was honored to have in the chamber today, a group of Northern Lights Council Scouts and moved that the President appoint a committee of one to escort them to the podium. The motion prevailed, and the President appointed Senator Lips, who escorted the group to the podium whereupon they were introduced to the Senate as follows:

#### LIFE SCOUT DUANE STAUS — BISMARCK

1st place Northern Lights Council Public Speaking Contest 1976 — Scout For his Eagle project — organized a new Troop at McCabe Methodist Duane will attend the National Jamboree at Morraire State Park in Pennsylvania this summer

Parents: Mr. & Mrs. Kasy Staus

#### EAGLE SCOUT GEORGE AMSDEN — HAZEN

Northern Lights Council and Manywaters Area nomination to National Youth Representative Program

Parents: Mr. & Mrs. Lynn Amsden

#### EXPLORER BONITA BORNER — BISMARCK

1st place Northern Lights Council and 1st place Manywaters Area Public Speaking Contest 1976 - Explorer

Parents: Mr. & Mrs. Al Borner

#### EXPLORER TOM TKACH — BISMARCK

Bismarck's representative to the National Explorer Presidents Congress, Washington, D.C. in April, 1977

Parents: Mr. & Mrs. John Tkach, Jr.

#### CUB SCOUT TRAVIS HAMMEREN — WATFORD CITY

Special Cub Pack at ND School for the Deaf, Devils Lake

Parents: Mr. & Mrs. Allen Hammeren

#### CUB SCOUT SCOTT THOM — CAVALIER

Special Cub at ND School for the Deaf, Devils Lake

Parents: Mr. & Mrs. Marvin Thom

#### CUB SCOUT TRACY TIXEN — FARGO

Representing the Red River Valley

Parents: Mrs. Marie Rixen

The group was accompanied by Ms. Lilla Bakken, a teacher at the North Dakota School for the Deaf.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2135. A Bill for an Act to create and enact two new sections to chapter 50-01 of the North Dakota Century Code, relating to reimbursement to counties by the social service board of North Dakota for county general assistance payments, and social service board



## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1079 as recommended by the Committee on Judiciary as printed on page 766 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the amendments to House Bill No. 1209 as recommended by the Committee on State and Federal Government as printed on page 767 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1218 as recommended by the Committee on Industry, Business and Labor as printed on page 767 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1238 as recommended by the Committee on Industry, Business and labor as printed on pages 767 and 768 of the Senate Journal be adopted, which motion lost on a division vote.

Senator Vosper moved that the amendments to House Bill No. 1295 as recommended by the Committee on State and Federal Government as printed on page 768 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1302 as recommended by the Committee on Judiciary as printed on page 768 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILLS

**House Bill No. 1034.** A Bill for an Act to amend and reenact section 49-02-01 of the North Dakota Century Code, relating to public service commission jurisdiction over public utilities.

Which has been read.

## ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | •    | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1038.** A Bill for an Act to create and enact chapter 49-03.1 of the North Dakota Century Code, relating to certificates of public convenience and necessity for public utilities other than electric public utilities or carriers of persons or property for hire; and to amend and reenact section 49-03-01 of the North Dakota Century Code, relating to certificates of public convenience and necessity secured by electric public utilities.

Which has been read.





|            |           |            |              |
|------------|-----------|------------|--------------|
| • FREED    | • LIPS    | • RAIT     | • THANE      |
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER     |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH      |
| • HANSON   | • MAU     | • SANDNES  | • WENSTROM   |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT     |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |              |

So the bill passed and the title was agreed to.

**House Bill No. 1106.** A Bill for an Act to amend and reenact section 47-18-01 and subsection 4 of section 47-18-04 of the North Dakota Century Code, relating to the definition of a homestead for exemption from judgments and execution and to homesteads subject to execution.

Which has been read.

Senator Smykowski requested he be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that Senator Smykowski be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 37; nays, 11; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            | •   |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1134.** A Bill for an Act to amend and reenact subsection 1 of section 21-02-11 of the North Dakota Century Code, relating to waiver of bid advertisement when certificates of indebtedness are to be sold to the Bank of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 9; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1152.** A Bill for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to the minimum fixed assets reporting value for financial statements for state agencies.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1155.** A Bill for an Act to amend and reenact subsections 1 and 2 of section 39-12-04 of the North Dakota Century Code, relating to width, height, and length limitations on vehicles.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1156.** A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code relating to law enforcement radio equipment prohibited in private automobiles without permit.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 535) the roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     |      | • WENSTROM       |     |      |

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|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1157.** A Bill for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to examination of applicants; to repeal subsection 2 of section 39-06-14 of the North Dakota Century Code, relating to licenses issued to operators.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON    |     | •    | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL      |     |      | • LODGFEN    |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON        |     | •    | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG      |     |      | • MILLER     |     | •    | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

## MOTION

Sentor Nothing moved that the Senate stand recessed for fifteen minutes, which motion prevailed.

The Senate reconvened, President Sanstead presiding.

## SECOND READING OF HOUSE BILLS

**House Bill No. 1158.** A Bill for an Act to amend and reenact subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to the disposition of school building funds and providing for the use of such funds for vocational education facilities financed under the Municipal Industrial Development Act.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL      |     | •    | • LODGFEN    |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**House Bill No. 1165.** A Bill for an Act to amend and reenact section 43-23-08 of the North Dakota Century Code, relating to license standards under the real estate commission.

Which has been read.

Senator Smykowski requested to be excused from voting due to a conflict of interest.

Senator Nething moved that the Senator be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 670) the roll was called and there were ayes, 23; nays, 26; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                |
|---------------------|-----|------|--------------|-----|------|------------------|-----|----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS           |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND       |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN     |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON   |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS     |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     | • THANE        |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN         |     | • VOSPER       |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH        |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNES        |     | • WENSTROM     |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT       |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO       |     | • MR PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW        |     |                |

House Bill No. 1165 was declared lost.

House Bill No. 1166. A Bill for an Act to provide for destruction of records maintained by the filing officer under the uniform commercial code.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                |
|---------------------|-----|------|--------------|-----|------|------------------|-----|----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS           |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND       |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN     |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON   |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS     |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     | • THANE        |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN         |     | • VOSPER       |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH        |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNES        |     | • WENSTROM     |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT       |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO       |     | • MR PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW        |     |                |

So the bill passed and the title was agreed to.

House Bill No. 1167. A Bill for an Act to amend and reenact section 46-04-19 of the North Dakota Century Code, relating to disposal of certain volumes of the law.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |             |
|---------------------|-----|------|------------|-----|------|------------------|-----|-------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |             |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS        |
| • ALBERS            |     | •    | • JACOBSON |     |      | • NAADEN         |     | • SMYKOWSKI |
| • BARTH             |     | •    | • JONES    |     |      | • NELSON         |     | • SOLBERG   |
| • BERUBE            |     | •    | • KRAUTER  |     | •    | • NETHING        |     | • STRAND    |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1187.** A Bill for an Act to amend and reenact subsection 3 of section 54-11-01 and sections 54-11-04 and 54-11-05 of the North Dakota Century Code, relating to the numbering, retention, and storage of certain documents by the state treasurer.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1189.** A Bill for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limits of the small claims court and the answer and counterclaim.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1197.** A Bill for an Act to amend and reenact subsections 1 and 4 of section 51-10-01, sections 51-10-03, 51-10-05, and 51-10-07 of the North Dakota Century Code, relating to the definition of cost; unfair advertising, offer to sell, or sale; advertising, offering, or selling articles at less than cost; and the application of provisions of this chapter.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | ●          |     |      | ●                |     |               |
| ALBERS          |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| BARTH           |     |      | JONES      |     |      | ●                |     | SOLBERG       |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| BERUBE          |     |      | KRAUTER    |     |      | ●                |     | STRAND        |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| CHRISTENSEN     |     |      | LARSON     |     |      | ●                |     | STRINDEN      |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| ERDMAN          |     |      | LASHKOWITZ |     |      | ●                |     | TALLACKSON    |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| FARRINGTON      |     |      | LIPS       |     |      | ●                |     | TENNEFOS      |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| FREED           |     |      | LIPSON     |     |      | ●                |     | THANE         |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| FRITZELL        |     |      | LODOEN     |     |      | ●                |     | VOSPER        |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| GOODMAN         |     |      | MAHER      |     |      | ●                |     | WALSH         |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| HANSON          |     |      | MAU        |     |      | ●                |     | WENSTROM      |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| HOFFNER         |     |      | MELLAND    |     |      | ●                |     | WRIGHT        |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| HOLMBERG        |     |      | MILLER     |     |      | ●                |     | MR. PRESIDENT |
| ●               |     |      | ●          |     |      | ●                |     |               |
| ISZLER          |     |      | MORGAN     |     |      | ●                |     |               |
| ●               |     |      | ●          |     |      | ●                |     |               |
|                 |     |      |            |     |      | SHABLOW          |     |               |

House Bill No. 1197 was declared lost.

House Bill No. 1199. A Bill for an Act to create and enact a new subsection to section 39-24-09 of the North Dakota Century Code, relating to the towing of sleds behind snowmobiles.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                 |     |      | ●          |     |      | ●                |     |               |
| ALBERS          |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| BARTH           |     |      | JONES      |     |      | ●                |     | SOLBERG       |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| BERUBE          |     |      | KRAUTER    |     |      | ●                |     | STRAND        |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| CHRISTENSEN     |     |      | LARSON     |     |      | ●                |     | STRINDEN      |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| ERDMAN          |     |      | LASHKOWITZ |     |      | ●                |     | TALLACKSON    |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| FARRINGTON      |     |      | LEE        |     |      | ●                |     | TENNEFOS      |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| FREED           |     |      | LIPS       |     |      | ●                |     | THANE         |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| FRITZELL        |     |      | LODOEN     |     |      | ●                |     | VOSPER        |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| GOODMAN         |     |      | MAHER      |     |      | ●                |     | WALSH         |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| HANSON          |     |      | MAU        |     |      | ●                |     | WENSTROM      |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| HOFFNER         |     |      | MELLAND    |     |      | ●                |     | WRIGHT        |
| ●               |     |      | ●          |     |      | ●                |     | ●             |
| HOLMBERG        |     |      | MILLER     |     |      | ●                |     | MR. PRESIDENT |
| ●               |     |      | ●          |     |      | ●                |     |               |
| ISZLER          |     |      | MORGAN     |     |      | ●                |     |               |
| ●               |     |      | ●          |     |      | ●                |     |               |
|                 |     |      |            |     |      | SHABLOW          |     |               |

So the bill passed and the title was agreed to.

House Bill No. 1203. A Bill for an Act to create and enact section 43-23-06.1 of the North Dakota Century Code and to repeal section 43-23-06 of the North Dakota Century Code, all relating to the definition of real estate brokers, mortgage brokers, and salesman.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |            |
|-----------------|-----|------|------------|-----|------|------------------|-----|------------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS       |
|                 |     |      | ●          |     |      | ●                |     |            |
| ALBERS          |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI  |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| BARTH           |     |      | JONES      |     |      | ●                |     | SOLBERG    |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| BERUBE          |     |      | KRAUTER    |     |      | ●                |     | STRAND     |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| CHRISTENSEN     |     |      | LARSON     |     |      | ●                |     | STRINDEN   |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| ERDMAN          |     |      | LASHKOWITZ |     |      | ●                |     | TALLACKSON |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| FARRINGTON      |     |      | LEE        |     |      | ●                |     | TENNEFOS   |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| FREED           |     |      | LIPS       |     |      | ●                |     | THANE      |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| FRITZELL        |     |      | LODOEN     |     |      | ●                |     | VOSPER     |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| GOODMAN         |     |      | MAHER      |     |      | ●                |     | WALSH      |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
| HANSON          |     |      | MAU        |     |      | ●                |     | WENSTROM   |
| ●               |     |      | ●          |     |      | ●                |     | ●          |
|                 |     |      |            |     |      | SANDNES          |     |            |

|            |           |            |              |
|------------|-----------|------------|--------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT     |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |              |

So, the bill passed and the title was agreed to.

**House Bill No. 1204.** A Bill for an Act to amend and reenact section 64-02-07 of the North Dakota Century Code, relating to duties of the director.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS   |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE      |     |      |
| • FRITZELL          |     |      | • LODON      |     |      | • REDLIN         |     |      | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH      |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM   |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT     |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |              |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1210.** A Bill for an Act to repeal sections 57-22-26, 57-22-27, and 57-22-28 of the North Dakota Century Code, relating to the deduction of personal property taxes from salaries, wages, and claims against public funds.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS   |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE      |     |      |
| • FRITZELL          |     |      | • LODON      |     |      | • REDLIN         |     |      | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH      |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM   |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT     |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |              |     |      |

So the bill passed and the title was agreed to.

#### MOTION

Senator Lashkowitz moved that House Bill No. 1231 be re-referred to the Committee on Judiciary, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1232.** A Bill for an Act to amend and reenact section 2-05-01 of the North Dakota Century Code, relating to the aeronautics commission, its creation, membership and salary of its members.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title, was agreed to.

House Bill No. 1234. A Bill for an Act to create and enact section 36-04-11.1 of the North Dakota Century Code, relating to rules and regulations; and to amend and reenact subsection 4 of section 36-04-02, subsection 1 of section 36-04-04, and sections 36-04-07 and 36-04-21 of the North Dakota Century Code, relating to licensing of livestock dealers.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1249. A Bill for an Act to amend and reenact section 15-53.1-06 of the North Dakota Century Code, relating to the annexation of school districts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.



House Bill No. 1259. A Bill for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the membership of the state board of higher education and providing for an advisory student representative; and providing an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 25; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON     |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NOTHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZEL           |     | •    | • LODDEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

House Bill No. 1259 was declared lost.

House Bill No. 1260. A Bill for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to membership of the state board of higher education, providing for an advisory faculty representative; and providing an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 16; nays, 33; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON     |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NOTHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZEL           |     | •    | • LODDEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

House Bill No. 1260 was declared lost.

House Bill No. 1274. A Bill for an Act to authorize the board of higher education to deed property to the city of Wahpeton for use as a fire station.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|-----------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL |     |      |           |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON  |     | •    | • NAADEN  |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES   |     | •    | • NELSON  |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER |     | •    | • NOTHING |     | •    | • STRAND         |     | •    |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDOEN    | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1281.** A Bill for an Act to provide for the payment of school aid for any high school student on active duty while a member of the North Dakota national guard.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 11; nays, 5; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |                 |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|-----------------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |                 | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS            | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |                 | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | • SOLBERG       | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | • STRAND        | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | • STRINDEN      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | • TALLACKSON    | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | • TENNEFOS      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | • THANE         | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     | • VOSPER        | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | • WALSH         | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | • WENSTROM      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | • WRIGHT        | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | • MR. PRESIDENT | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |                 |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1286.** A Bill for an Act to amend and reenact sections 15-10-28 and 15-10-28.1 of the North Dakota Century Code, relating to agreements with other states' institutions of higher learning and notes from veterinary medicine, optometry, or dental students.

Which has been read:

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |                 |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|-----------------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |                 | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS            | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |                 | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | • SOLBERG       | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | • STRAND        | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | • STRINDEN      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | • TALLACKSON    | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | • TENNEFOS      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | • THANE         | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     | • VOSPER        | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | • WALSH         | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | • WENSTROM      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | • WRIGHT        | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | • MR. PRESIDENT | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |                 |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1303.** A Bill for an Act to amend and reenact section 29-10.1-10 of the North Dakota Century Code, relating to challenge of selection of grand jurors.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             | ●   |      | ● JONES      | ●   |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNES  |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO | ●   |      | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MOTION

Senator Nething moved that House Bills 1338 and 1376 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1428. A Bill for an Act to amend and reenact sections 58-03-05, 58-03-10, 58-04-01, 58-04-03, 58-04-19, and 58-07-01 of the North Dakota Century Code, relating to the posting of certain meeting notices by township clerks and to provide instead for publication; and to repeal section 58-03-09 of the North Dakota Century Code, relating to township electors annually designating public places for posting notices.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             | ●   |      | ● JONES      | ●   |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     | ●   |      | ● REDLIN   |     |      | ● VOSPER         | ●   |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNES  |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MESSAGES TO THE HOUSE

Senate Chamber

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

- Senate Bill No. 2529
- Senate Bill No. 2540
- Senate Bill No. 2541
- Senate Bill No. 2543
- Senate Bill No. 2544
- Senate Bill No. 2545

Senate Bill No. 2546  
Senate Bill No. 2548  
Senate Concurrent Resolution No. 4034  
Senate Concurrent Resolution No. 4035  
Senate Concurrent Resolution No. 4040  
Senate Concurrent Resolution No. 4043  
Senate Concurrent Resolution No. 4044  
Senate Concurrent Resolution No. 4045  
Senate Concurrent Resolution No. 4046  
Senate Concurrent Resolution No. 4048  
Senate Concurrent Resolution No. 4050  
Senate Concurrent Resolution No. 4052

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1032

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to return herewith the following, Senate Bill No. 2023

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1049  
House Bill No. 1074  
House Bill No. 1262  
House Bill No. 1284  
House Bill No. 1294  
House Bill No. 1346  
House Bill No. 1365  
House Bill No. 1392  
House Bill No. 1404  
House Bill No. 1405  
House Bill No. 1423  
House Bill No. 1431  
House Bill No. 1462  
House Bill No. 1519  
House Bill No. 1551

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2023 was delivered to the Governor for his approval on February 23, 1977.

SENATOR STRAND, Chairman

FIRST READING OF HOUSE BILLS

House Bill No. 1001. — BUDGETS — Elected State Officials — A Bill for an Act making an appropriation for defraying expenses of various

departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1013. Budgets — Adjutant General —** A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the office of the adjutant general.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1181.** A Bill for an Act to continue the Devils Lake basin advisory committee, and providing an appropriation.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1308.** A Bill for an Act relating to the promotion, advertising, research and development of edible beans, creating a state edible bean council and prescribing its powers, duties, and authority, prescribing a tax on edible bean production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1314.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for sales to certain nonprofit meal delivery organizations.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1315.** A Bill for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the closing or limiting of hunting in counties by the action of the board of county commissioners.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1330.** A Bill for an Act to create and enact a new section to chapter 25-07 of the North Dakota Century Code, relating to a home intervention program for hearing impaired preschoolers.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1387.** A Bill for an Act to amend and reenact subsections 1, 2, 3, 9, and 14 of section 38-14-05, and subsection 1 of section 38-14-05.1 of the North Dakota Century Code, relating to duties of surface mine operators to reclaim surface mined land in a manner that the gentlest topography of the land consistent with other lands is obtained, save and segregate at least five feet of suitable plant growth material by layer, establish natural drainage compatible with the topography on all reclaimed land, and revegetate reclaimed land according to certain criteria, to protect the domestic or livestock water supply of the surface owner or adjoining surface owners, to provide for recovery of damages, by the surface owner for contamination or interruption of the water supply, to prohibit surface mining in certain areas based on certain special, exceptional, critical, or unique characteristics such as biological productivity, ecological fragility, ecological importance, and scenic,

historic, archaeological, ethnologic, cultural, or recreational significance and to require the public service commission to delete those areas from surface mining.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1430.** A Bill for an Act to require a feasibility study on energy conservation and the use of alternative energy sources in the construction or renovation of state-owned buildings.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1459.** A Bill for an Act to amend and reenact subsection 6 of section 57-39.2-01 of the North Dakota Century Code, relating to sales taxes on items sold at auction.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1468.** A Bill for an Act to create and enact section 5-02-05.1 of the North Dakota Century Code, providing for a special Sunday convention alcoholic beverage permit which may be issued by the governing body of a home rule city to a private club, lodge, motel, or hotel serving as a state convention headquarters; and to amend and reenact section 5-02-05, subsection 11 of section 12.1-30-02, and subsection 29 of section 12.1-30-03 of the North Dakota Century Code, relating to prohibited liquor disposal on certain days, to personal property sales allowable on Sunday, and to businesses allowed to operate on Sunday.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1478.** Bill for an Act to create and enact section 19-20.1-03.1 and 19-20.1-03.2 of the North Dakota Century Code, relating to the licensing of fertilizer dealers and proof of product effectiveness; to amend and reenact section 19-20.1-02, 19-20.1-03, 19-20.1-04, 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code relating to definitions, registration, labeling of fertilizer and soil amendments, inspection fees, tonnage reports, sampling and analysis, false statements, publications, short weight, cancellation of licenses and registration, "stop sale" orders, seizure, and providing a penalty; and to repeal sections 19-20.1-05 and 19-20.1-09 of the North Dakota Century Code relating to labeling soil conditioners and minimum plant food content.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1484.** A Bill for an Act to create and enact a new section to chapter 39-06.1 and two new sections to chapter 39-07 of the North Dakota Century Code, relating to the notification of parents or guardians of juvenile traffic offenders and of the necessity of their notification prior to any fines being paid by the juveniles, and restrictions on the interrogating of juveniles by law enforcement officers.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1501.** A Bill for an Act to require a sixty-day notice prior to evicting a mobile home owner from a mobile home park, to prohibit any more than one rent increase in any twelve-month period, and to require a thirty-day notice of lot rent increase in mobile home parks.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1509.** A Bill for an Act to require banking institutions, building and loan associations, and other similar financial institutions to pay interest on certain escrow and unaccrued contingent accounts.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1516.** A Bill for an Act to create and enact section 10-06-07 of the North Dakota Century Code, relating to a civil penalty for violating the corporate farming law.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1548.** A Bill for an Act to provide that cities and health units shall not assess for dairy inspection or issue licenses or permits; to amend and reenact section 4-29-04 of the North Dakota Century Code, relating to the powers and duties of the dairy commissioner and authorizing the dairy commissioner to contract for dairy farm inspection; and to provide an appropriation.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1553.** A Bill for an Act to amend and reenact section 15-63-05 of the North Dakota Century Code, relating to the amount of Indian scholarship payments.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1571.** A Bill for an Act to create a consumer product safety code; to place enforcement responsibility in the state laboratories department; and providing a penalty.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Concurrent Resolution No. 3034.** A concurrent resolution urging Congress to retain Section 14(b) of the Taft-Hartley Act.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

Senator Nething moved that at the conclusion of the 13th Order of Business and after the reading of House Bills 1017, 1022, 1044, 1062, 1079, 1084, 1114, 1136, 1171, 1209, 1218, 1226, 1230, 1238, 1241, 1242, 1265, 1295, 1302, 1306, 1332, 1333, 1338, 1348, 1360, 1367, 1370, 1376, 1472, 1493 and 1526, the Senate recess until Thursday, February 24, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

THIRTY-SIXTH DAY AFTER RECESS AND  
THIRTY-SEVENTH DAY

Bismarck, February 24, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

MESSAGES FROM THE HOUSE

House Chamber

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

House Bill No. 1006

House Bill No. 1007

House Bill No. 1010

House Bill No. 1014

House Bill No. 1026

House Bill No. 1043

House Bill No. 1046

House Bill No. 1047

House Bill No. 1320

House Bill No. 1345

House Bill No. 1368

House Bill No. 1381

House Bill No. 1418

House Bill No. 1424

House Bill No. 1429

House Bill No. 1443

House Bill No. 1470

House Bill No. 1475

House Bill No. 1477

House Bill No. 1490

House Bill No. 1508

House Bill No. 1528

House Bill No. 1559

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House requests the return of House Bill No. 1262.

ROY GILBREATH, Chief Clerk

MOTIONS

Senator Hoffner moved that the Senate grant the request of the House and return House Bill 1262 to that chamber.

Senator Nething moved that the Senate table the motion to return House Bill 1262.



President Sanstead moved that Senator Nething's motion was out of order.

Senator Hoffner requested a roll call vote on the motion to return House Bill 1262, which request was granted.

### ROLL CALL

The question being on the motion to return House Bill 1262, the roll was called and there were 16 ayes; 32 nays; absent and not voting 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              |     | •    | JACOBSON     |     | •    | NAADEN     |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | • JONES      |     | •    | NEISON     |     | •    | SOLBERG          |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

The motion to return House Bill 1262 lost.

### POINT OF PERSONAL PRIVILEGE

Senator Hoffner: Mr. President, I rise on a point of personal privilege.

Mr. President, ladies and gentlemen of the Senate, House Bill 1032 was requested returned by Majority Leader Nething and the House sent it back. Such a request has never been denied in the past, it is a courtesy thing, sort of an unwritten code of ethics that we have, a code of conduct, call it what you like. The respect for the other chamber that they are an equal body and down here to enact legislation. I don't think there is any member here that wants to indulge in trickery or deceitfulness. I think that the people of North Dakota sent us down here to enact legislation, to do the business of state — we are the Board of Directors for the State of North Dakota and we are sent down here to do that. In the process, it is just that. We have two chambers, meeting simultaneously to enact laws. We have hearings and if we don't agree on a measure on a certain law, certainly House Bill 1262 is a big one, coal severance tax, then we appoint a conference committee, three members from each chamber, and we try to work out our differences again.

The Majority Leader said that his reason for refusing the request to return House Bill 1262 to the House was that the House had played games with House Bill 1360. He said that the House forced the Bill out of the Taxation Committee by using parliamentary tactics. I want to remind the members of the Senate that House Bill 1360 had a proper hearing and was properly brought before the North Dakota House of Representatives. If every bill had as thorough hearing as House Bill 1360 we'd be here for the entire year and I'm very disappointed that this Chamber chose on party lines to deny the request of the House to return House Bill 1262. It is unfortunate that the Majority Leader chose again to use a motion to table as a method to kill my motion to return the House Bill and shut off all debate.

### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that it is with regret that your request for the return of House Bill No. 1262 has been denied.

LEO LEIDHOLM, Secretary

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred House Bill No. 1053 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1053 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1058 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1058 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1069 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1069 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Bill No. 1103 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1103 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1109 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1109 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1147 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1147 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1168 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1168 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred House Bill No. 1180 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1180 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1182 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1182 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1183 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1183 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1216 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1216 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1217 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1217 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1220 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1220 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1235 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1235 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1248 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1248 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1474, has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3 of the engrossed bill, after the word "drought" insert the following:

"and to provide for the reporting of net operating losses for income tax purposes"

On page 1, after line 20, insert the following new section:

"SECTION 2. REPORTING NET OPERATING LOSS.) A taxpayer who incurred a net operating loss for a taxable year ending after December 31, 1975, who, pursuant to section 172 of the United States Internal Revenue Code of 1954 as amended by the 1976 Federal Tax Reform Act, elected not to carry back such loss to a preceding year, shall, for state income tax purposes, carry forward the loss in the same manner as for federal income tax purposes."

On page 1, line 21, after the word "of" insert the words "section 1 of"  
And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1474 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Concurrent Resolution No. 3040 has had the same under consideration and recommends that the same do pass.

SENATOR VOSPER, Vice Chairman

House Concurrent Resolution No. 3040 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### MOTIONS

Senator Morgan moved that House Bill No. 1569 be returned to the Senate floor from the Committee on Agriculture which motion prevailed.

Senator Morgan moved that House Bill No. 1569 be re-referred to the Committee on Judiciary, which motion prevailed.

Senator Goodman moved that House Bill No. 1041 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Goodman moved that House Bill No. 1041 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1191 as recommended by the Committee on State and Federal Government as printed on page 792 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1253 as recommended by the Committee on Appropriations as printed on page 793 of the Senate Journal be adopted, which motion prevailed.

Senator Strand moved that the amendments to House Bill No. 1261 as recommended by the Committee on Education as printed on pages 793 and 794 of the Senate Journal be adopted, and that House Bill 1261 be re-referred to the Committee on Appropriations. Senator Nelson moved that House Bill 1261 be placed on the 14th Order on the calendar, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1273 as recommended by the Committee on State and Federal Government as printed on page 794 of the Senate Journal be adopted, and that House Bill 1273 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1310 as recommended by the Committee on State and Federal Government as printed on page 794 of the Senate Journal be adopted, and that House Bill 1310 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1325 as recommended by the Committee on State and Federal Government as printed on page 794 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1440 as



|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL   | • LODDOEN    | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH         |
| • HANSON     | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

House Bill No. 1044. A Bill for an Act to eliminate the statement of damages in certain pleadings.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 31; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI     |     |      |
|                     |     |      | JONES      |     |      | NELSON           |     |      | SOLBERG       |     |      |
|                     |     |      | KRAUTER    |     |      | NETHING          |     |      | STRAND        |     |      |
|                     |     |      | LARSON     |     |      | ORANGE           |     |      | STRINDEN      |     |      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     |      | TALLACKSON    |     |      |
|                     |     |      | LEE        |     |      | PIETRON          |     |      | TENNEFOS      |     |      |
|                     |     |      | LIPS       |     |      | RAIT             |     |      | THANE         |     |      |
|                     |     |      | LODDOEN    |     |      | REDLIN           |     |      | VOSPER        |     |      |
|                     |     |      | MAHER      |     |      | REITEN           |     |      | WALSH         |     |      |
|                     |     |      | MAU        |     |      | SANDNESS         |     |      | WENSTROM      |     |      |
|                     |     |      | MELLAND    |     |      | SANDS            |     |      | WRIGHT        |     |      |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     |      | MR. PRESIDENT |     |      |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |      |               |     |      |

House Bill No. 1044 was declared lost.

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

Senator Nothing moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

**THIRTY-SEVENTH DAY**

Bismarck, February 24, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Don DeKok, Bismarck Reformed Church, Bismarck.

"Almighty God in heaven, the creator of all beings and we here in this chamber. You have told us you have created us for a purpose — that purpose being to give glory and honor to you — O God.

"Enable this Senate, and its presiding officer, to do that by being truthful, honest and just, placing the well-being of others before ourselves.

"Give wisdom, understanding, and diligence to this Senate in all its decisions — knowing that it is before You — some day — that we must give account of all our actions.

"We pray in Jesus name, Amen."

The roll was called and all Senators were present except Barth and Sandness.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-fifth day after recess and Thirty-sixth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

### MOTIONS

Senator Lips moved that the Senate reconsider its action whereby House Bill 1259 lost, which motion prevailed on a division vote.

Senator Lips moved that House Bill 1259 be placed at the foot of the calendar and laid over two legislative days, which motion prevailed.

### SECOND READING OF HOUSE BILLS

**House Bill No. 1062.** A Bill for an Act to amend and reenact section 28-32-19 of the North Dakota Century Code, relating to scope of and procedure on appeal from administrative agency determinations.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1079.** A Bill for an Act to amend section 28-26-01 of the North Dakota Century Code, relating to the awarding of costs and attorney's fees to the prevailing defendant in a civil case.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 766) the roll was called and there were ayes, 31; nays, 15; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1084.** A Bill for an Act to amend and reenact section 57-15-14 of the North Dakota Century Code relating to petitions for school district tax levy limitation elections.

Which has been read.





in the chamber. Senator Nething moved that the President appoint a committee of one to escort Mr. Scott to the rostrum. The motion prevailed, and the President appointed Senator Berube. Mr. Scott was escorted to the rostrum and introduced to the members whereupon he addressed the Assembly.

### SECOND READING OF HOUSE BILLS

**House Bill No. 1136.** A Bill for an Act to amend and reenact section 12.1-04-03 of the North Dakota Century Code, relating to lack of criminal responsibility as a defense.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •         | LODDOEN    |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    | •    | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**House Bill No. 1171.** A Bill for an Act to amend and reenact section 54-24-09 of the North Dakota Century Code, relating to the distribution of state publications.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 3; absent and not voting, 5.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      | •    |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •         | LODDOEN    |      | •    | REDLIN   | •    | •                | VOSPER        | •    |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      | •    | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

**House Bill No. 1209.** A Bill for an Act to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to department names being painted on the side of state-owned vehicles.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 767) the roll was called and there were ayes, 44; nays, 3; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MALI       |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO | •   |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1218. A Bill for an Act to amend and reenact subsection 2 of section 43-28-02 of the North Dakota Century Code, relating to persons exempt for the licensing provisions for dentists.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 767) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MALI       |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1226. A Bill for an Act to amend and reenact sections 12-53-06, 12-53-07, 12-53-09, 12-53-10, 12-53-14, and 12-53-16 of the North Dakota Century Code, relating to the functions and procedures of the parole board; to amend and reenact sections 12-59-09 and 12-59-15 of the North Dakota Century Code, relating to parole applications and the hearing and parole board procedures following a breach of parole; and to repeal sections 12-53-08 and 12-59-19 of the North Dakota Century Code, relating to the parole board furnishing forms to the court clerk, and reports of the parole board.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| ● FRITZELL | ● LODOEN  | ● REDLIN   | ● VOSPER      |
| ● GOODMAN  | ● MAHER   | ● REITEN   | ● WALSH       |
| ● HANSON   | ● MAU     | ● SANDNES  | ● WENSTROM    |
| ● HOFFNER  | ● MELLAND | ● SANDS    | ● WRIGHT      |
| ● HOLMBERG | ● MILLER  | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER   | ● MORGAN  | ● SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1230.** A Bill for an Act to provide funds to reimburse the federal government for the state's twenty-five percent share of three individual and family grant programs that were conducted in North Dakota following the spring flood of 1975, the severe storm and summer floods of 1975, and the spring flood of 1976.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 7; absent and not voting, 3.

| NORTH DAKOTA SENATE |      |      |              |      |      |            |      |      |                  |      |      |
|---------------------|------|------|--------------|------|------|------------|------|------|------------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      |            |      |      | 1977 LEGISLATURE |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS |
| ● ALBERS            |      |      | ● JACOBSON   |      |      | ● NAADEN   |      |      | ● SMYKOWSKI      |      |      |
| ● BARTH             | ●    |      | ● JONES      |      |      | ● NELSON   |      |      | ● SOLBERG        |      |      |
| ● BERUBE            |      |      | ● KRAUTER    |      | ●    | ● NETHING  |      |      | ● STRAND         |      |      |
| ● CHRISTENSEN       |      |      | ● LARSON     |      |      | ● ORANGE   |      |      | ● STRINDEN       |      |      |
| ● ERDMAN            |      |      | ● LASHKOWITZ |      |      | ● PETERSON |      |      | ● TALLACKSON     |      | ●    |
| ● FARRINGTON        | ●    |      | ● LEE        |      |      | ● PIETRON  |      | ●    | ● TENNEFOS       |      |      |
| ● FREED             |      |      | ● LIPS       |      |      | ● RAIT     |      |      | ● THANE          |      |      |
| ● FRITZELL          |      |      | ● LODOEN     |      |      | ● REDLIN   |      |      | ● VOSPER         |      |      |
| ● GOODMAN           |      |      | ● MAHER      | ●    |      | ● REITEN   |      |      | ● WALSH          |      |      |
| ● HANSON            |      |      | ● MAU        |      | ●    | ● SANDNES  |      |      | ● WENSTROM       |      |      |
| ● HOFFNER           |      |      | ● MELLAND    |      |      | ● SANDS    |      | ●    | ● WRIGHT         |      |      |
| ● HOLMBERG          |      |      | ● MILLER     |      |      | ● SCHIRADO |      |      | MR. PRESIDENT    |      |      |
| ● ISZLER            |      |      | ● MORGAN     |      |      | ● SHABLOW  |      |      |                  |      |      |

So the bill passed and the title was agreed to.

**House Bill No. 1238.** A Bill for an Act to amend and reenact sections 5-02-03 and 5-02-04 of the North Dakota Century Code, relating to establishing exclusive on sale alcoholic beverage licenses and fees therefor.

Which has been read.

Senator Lodoen moved to amend House Bill 1238 as follows:

On page 1, line 12 of the engrossed bill, after the word "thousand" insert "five hundred"

On page 1, line 13, delete the word "one" and insert in lieu thereof the word "two"

On page 1, line 18, after the word "thousand" insert the following words: "five hundred"

On page 1, line 19, delete the word "one" and insert in lieu thereof the word "two"

and renumber the lines and pages accordingly.

Senator Lodoen moved that the amendments be adopted, which motion lost.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1241.** A Bill for an Act to create and enact chapter 49-10.1 of the North Dakota Century Code relating to the regulation of railroads by the public service commission; to amend and reenact section 49-04-09 of the North Dakota Century Code, relating to long and short haul rates; and to repeal chapters 49-12, 49-13, 49-14, 49-15 and 49-17, and sections 49-16-01, 49-16-06, 49-16-07, 49-16-09 and 49-16-10 of the North Dakota Century Code relating generally to railroads.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1242.** A Bill for an Act to amend and reenact section 5-02-06 of the NDCC, relating to permitting a person under twenty-one years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |

|            |           |            |              |
|------------|-----------|------------|--------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT     |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |              |

So the bill passed and the title was agreed to.

**House Bill No. 1265.** A Bill for an Act to create and enact a new section to chapter 27-08 of the North Dakota Century Code, requiring judges of county courts having increased jurisdiction to be learned in the law; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 5; absent and not voting, 5.

| NORTH DAKOTA SENATE |             |      |           |            |      |            |     |      |                  |     |      |
|---------------------|-------------|------|-----------|------------|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |             | •    |           | • JACOBSON |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
|                     | •           |      | •         | JONES      |      | • NELSON   |     |      | • SOLBERG        |     |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | • NETHING  |     |      | • STRAND         |     |      |
| •                   | CHRISTENSEN |      |           | LARSON     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| •                   | FREED       |      | •         | LIPS       |      | • RAIT     |     | •    | • THANE          |     |      |
| •                   | FRITZELL    |      | •         | LODDEN     |      | • REDLIN   |     |      | • VOSPER         | •   |      |
| •                   | GOODMAN     |      | •         | MAHER      | •    | • REITEN   |     |      | • WALSH          |     |      |
| •                   | HANSON      |      | •         | MAU        |      | • SANDNOS  |     |      | • WENSTROM       | •   |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | • SANDS    |     |      | • WRIGHT         |     |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | • SHABLOW  |     |      |                  |     |      |

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

**House Bill No. 1295.** A Bill for an Act to amend and reenact section 43-34-05 of the North Dakota Century Code, relating to license fees for nursing home administrators.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 768) the roll was called and there were ayes, 44; nays, 1; absent and not voting, 5.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |            |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|------------|------|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V        | NAYS |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI  |      |
|                     | BARTH       | •    | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG    |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND     |      |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN   |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS   |      |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE      |      |
| •                   | FRITZELL    |      | •         | LODDEN     |      | •    | REDLIN   |      | •                | VOSPER     |      |
| •                   | GOODMAN     |      | •         | MAHER      | •    | •    | REITEN   |      | •                | WALSH      |      |
| •                   | HANSON      |      | •         | MAU        |      | •    | SANDNOS  |      | •                | WENSTROM   |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    | •    | •                | WRIGHT     |      |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      | MR PRESIDENT     |            |      |
| •                   | ISZLER      |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |            |      |

So the bill passed and the title was agreed to.

**House Bill No. 1302.** A Bill for an Act to amend and reenact section 31-01-11 of the North Dakota Century Code, relating to the right to subpoena an interpreter for a witness.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 768) the roll was called and there were ayes, 44; nays, 0; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1306.** A Bill for an Act to provide for a mill levy for the rental of buildings, property or classroom space by school districts.

Which has been read.

Senator Shablow moved to amend House Bill 1306 as follows:

On page 1, line 10 of the engrossed bill, after the word district, insert "upon approval of sixty per cent of the voters,"

Senator Shablow moved that the amendment be adopted, which motion lost.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 29; nays, 20; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1332.** A Bill for an Act to create and enact subsection 4 to section 43-33-07 of the North Dakota Century Code, commonly relating to establishing a fee for examination to determine qualifications for license as a hearing aid dealer and fitter.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1333.** A Bill for an Act to amend and reenact section 43-30-11 of the North Dakota Century Code, relating to the renewal date and grace period for private detective and private detective agency licenses; and providing for expiration date of existing licenses.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |               |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SMYKOWSKI   |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • SOLBERG     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRAND      |
| • FRDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • STRINDEN    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TALLACKSON  |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • TENNEFOS    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • THANE       |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • VOSPER      |
| • HANSON            |     |      | • MAU        |     |      | • SANDS          |     | • WALSH       |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WENSTROM    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • WRIGHT      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

#### MOTION

Senator Nething moved that House Bill 1338 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1348.** A Bill for an Act to authorize the construction of a medical research and educational center at Fargo using federal funds, providing for use of the center by the university of North Dakota school of medicine, providing for construction on land owned by the United States of America under the jurisdiction of the United States Veterans Administration, and providing for a ninety-nine year lease to the state of North Dakota doing business as the university of North Dakota; providing an appropriation; and declaring an emergency.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |               |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SMYKOWSKI   |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • SOLBERG     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRAND      |
| • FRDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • STRINDEN    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TALLACKSON  |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • TENNEFOS    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • THANE       |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • VOSPER      |
| • HANSON            |     |      | • MAU        |     |      | • SANDS          |     | • WALSH       |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WENSTROM    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • WRIGHT      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | MR. PRESIDENT |

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

## POINT OF PERSONAL PRIVILEGE

Senator Tallackson:

Mr. President: I rise on a point of personal privilege.

Mr. President and distinguished colleagues, as many of you possibly noticed, I was missing from my Senate seat on Tuesday, February 22. I want to relate to you, Mr. President and my distinguished colleagues that I was in Atlanta, Georgia. My first purpose was to attend the national meeting of the Rural Electric held in Atlanta.

On Tuesday, I took time to visit the capitol of Georgia at Atlanta. I was shown about by a friend of our own Senate President who was president pro tem of the Georgia Senate, Senator Holloway. He showed me about the floor of the Senate and I sat in on consideration of four bills.

The Georgia Senate consists of 56 senators who represent about 80,000 people each. They meet in a Senate chamber about two thirds the size of ours. Their districts are not the same as those of the representatives. There are 180 representatives. Their legislature meets for 40 days each year and consider about 2,500 bills and resolutions each year. A senator receives \$7200 per year and \$36 daily expenses plus actual mileage.

A senator who sponsors a bill always carries it on the Senate floor. They also go to the front of the senate and deliver their message from a podium. Educational public television is on at all times and later it is edited and an hour of legislative activity is shown on prime time between 7:00 p.m. and 8:00 p.m.

The Georgia Senate uses a voting machine, but it is quite different from ours. When the time to vote occurs, a bell rings and the board counts down a minute with the bell ringing each 10 seconds. At the end of a minute, the board is turned on and votes registered. You do not know how anyone votes until it's over.

I was impressed by their capitol building. The capitol was built in 1874 and contains many more meeting rooms than ours even though the chambers are smaller.

I do not wish to demean their quarters, but I believe we should be real proud of our capitol and our system. I did visit the governor's office and brought back some genuine Georgia peanuts. Thank you.

## MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1031

House Bill No. 1057

House Bill No. 1059

House Bill No. 1060

House Bill No. 1113

House Bill No. 1133

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. 1127

LEO LEIDHOLM, Secretary

Senate Chamber

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



House Bill No. 1063

**LEO LEIDHOLM, Secretary**  
**MESSAGES FROM THE HOUSE**  
 House Chamber

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

House Bill No. 1344  
 House Bill No. 1500  
 House Bill No. 1541  
 House Bill No. 1546

**ROY GILBREATH, Chief Clerk**  
 House Chamber

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

House Bill No. 1258  
 House Bill No. 1507  
 House Bill No. 1573  
 House Bill No. 1587  
 House Bill No. 1588

**ROY GILBREATH, Chief Clerk**

**FIRST READING OF HOUSE BILLS**

**House Bill No. 1049.** A Bill for an Act to create and enact chapter 16.1-01, 16.1-04, 16.1-05, 16.1-06, 16.1-07, 16.1-09, 16.1-10, 16.1-12, 16.1-13, 16.1-15, and 16.1-16, and sections 16.1-11-03, 16.1-11-04, 16.1-11-05, 16.1-11-06, 16.1-11-07, 16.1-11-08, 16.1-11-09, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-13, 16.1-11-14, 16.1-11-15, 16.1-11-16, 16.1-11-17, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-23, 16.1-11-24, 16.1-11-26, 16.1-11-27, 16.1-11-28, 16.1-11-29, 16.1-11-30, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-34, 16.1-14-01, 16.1-14-02, 16.1-14-03, 16.1-14-04, 16.1-14-05, 16.1-14-06, 16.1-14-07, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, 16.1-14-14, 16.1-14-15, 16.1-14-16, and 16.1-14-17 of the North Dakota Century Code, relating to a new election code establishing qualifications for electors, initiative and referendum procedures, election offenses, the administration of elections, the establishment of voting precincts, the qualifications and duties of election officers, election supplies, ballots and voting machines, absent voters' ballots, the disclosure of financial interests, corrupt practices, primary elections, nominations at the general election, the conduct of elections, presidential electors, election returns, recounts, and contests; and to repeal chapters 16-01, 16-03, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 16-11, 16-12, 16-13, 16-14, 16-15, 16-18, 16-21, and 16-22, and sections 16-04-02.1, 16-04-03, 16-04-05, 16-04-06, 16-04-07, 16-04-08, 16-04-09, 16-04-10, 16-04-12, subsections 2, 3, and 4 of section 16-04-13, sections 16-04-15.2, 16-04-18, 16-04-19, 16-04-20, 16-04-25, 16-04-26, 16-04-27, 16-04-28, 16-04-29, 16-04-30, 16-04-31, 16-04-32, 16-04-33, 16-04-34, 16-04-35, 16-04-36, 16-16-01, 16-16-02, 16-16-03, 16-16-04, 16-16-05, 16-16-06, 16-16-07, 16-16-08, 16-16-09, 16-16-10, 16-16-11, 16-16-12, 16-16-13, 16-16-14, 16-16-15, 16-16-16, 16-20-04, 16-20-07, 16-20-12, 16-20-15, 16-20-16, 16-20-17, 16-20-18, and 16-20-23 of the North Dakota Century Code, and sections 16-04-02, 16-04-04, subsection 1 of section 16-04-13, sections 16-04-16, 16-04-17, 16-04-21, 16-16-03.1, 16-20-01, 16-20-01.1, 16-20-06, 16-20-17.1, 16-20-17.2, 16-20-17.3, and 16-20-19 of the 1975 Supplement to the North

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

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1074.** A Bill for an Act to amend and reenact sections 15-39.1-09 and 15-39.1-10 of the North Dakota Century Code, relating to assessments for and benefits from the teachers' fund for retirement; and to provide an appropriation.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1262.** A Bill for an Act to create and enact a new section to chapter 57-62 of the North Dakota Century Code, relating to a coal development impact review committee; to amend and reenact subsection 4 of section 57-62-04 of the North Dakota Century Code, relating to the powers and duties of the coal development impact office; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1284.** A Bill for an Act to create and enact a new subsection to section 57-02-08.1 of the North Dakota Century Code, to exclude medical expenses in determining income for eligibility under the homestead credit law; and providing an appropriation.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1294.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, requiring the game and fish department to plant trees for wildlife purposes on not less than five percent of each one hundred sixty acre or larger tract of land owned by the department.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1346.** A Bill for an Act to allow the construction superintendent to adopt a uniform standards code for energy conservation in new building construction.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1365.** A Bill for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for constructing revenue-producing buildings at the university of North Dakota; to make an appropriation; and to declare an emergency.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1392.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and section 57-37.1-04 of the North Dakota Century Code, relating to estate tax definitions and providing that the rate of the estate tax shall equal the maximum federal estate tax credit for state death taxes; and providing an effective date.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1404.** A Bill for an Act to provide state assistance for airports served by commercial air carriers and to provide procedures for the distribution of funds to such airports; and to provide an appropriation.

Which was read the first time and referred to the Committee on Transportation.

**House Bill No. 1405.** A Bill for an Act making an appropriation for the extinguishing of coal vein fires that were ignited by prairie fires in western North Dakota during the fall of 1976; and declaring an emergency.

Which was read the first time and referred to the Committee on Natural Resources.

**House Bill No. 1423.** A Bill for an Act relating to the promotion, advertising, research, and development of sunflowers, creating a state sunflower council and prescribing its powers, duties, and authority, prescribing a tax on sunflower production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1431.** A Bill for an Act to establish a state housing finance agency.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1462.** A Bill for an Act to amend and reenact section 54-05.1-02 of the North Dakota Century Code, relating to persons subject to legislative lobbyist regulation.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1519.** A Bill for an Act to amend and reenact section 24-05-01 of the North Dakota Century Code, to provide that the allocation of the county road tax shall not apply to oil and gas tax distributions and other intergovernmental transfers.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1551.** A Bill for an Act to amend and reenact section 47-18-18 of the North Dakota Century Code, relating to the execution and acknowledgment of a declaration of homestead.

Which was read the first time and referred to the Committee on Agriculture.

Senator Nething moved that at the conclusion of the 13th order of business and after the reading of House Bills 1053, 1058, 1069, 1103, 1109, 1147, 1168, 1180, 1182, 1183, 1191, 1216, 1217, 1220, 1235, 1248, 1253, 1261, 1325, 1338, 1440 and HCR 3040, the Senate recess until Friday, February 25, 1977 at 12:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

THIRTY-SEVENTH DAY AFTER RECESS AND  
THIRTY-EIGHTH DAY

Bismarck, February 25, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

MOTION

Senator Nething moved that House Bill 1360 be removed from the 14th Order today and placed at the head of the 14th Order for the next legislative day, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1018 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR MORGAN, Chairman

House Bill No. 1018 was re-referred to the Committee on Appropriations order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1025 has had the same under consideration and recommends that the same be amended as follows:

On page 7 of the engrossed bill, delete all of line 3 and the remainder of the bill and insert in lieu thereof the following:

“SECTION 4. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.”

And renumber the lines accordingly.

And when so amended recommends the same do pass, and be re-referred to the Committee on Education.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to delete the Section providing \$2,500,000.00 for the school construction fund.

SENATOR LIPS, Chairman

House Bill No. 1025 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1055 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1055 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1068 has had the same under consideration and

recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

House Bill No. 1068 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1088 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1088 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1111 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1111 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1112 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1112 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1142 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1142 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1148 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 11 of the engrossed bill delete "INSURANCE" and insert in lieu thereof "ISSUANCE"

Page 2, line 8 delete the triple parentheses around the word "four"

Page 2, line 9, delete the word "six"

Page 2, line 12, delete the triple parentheses around the word "four" and delete the word "six"

Page 2, line 18, after the period insert the following new language: "For each snowmobile registered under the provisions of this chapter, there shall be assessed a snowmobile trail tax in the amount of two dollars.

Page 2, line 35 delete the following "One-third of the snowmobile registration and insert in lieu thereof the following new language: The snowmobile trail tax shall be deposited in a state snowmobile fund in the state treasury. The State Outdoor Recreation Agency may expend from such fund any monies as it deems necessary for purposes of establishing snowmobile facilities.

Page 3, delete all of lines 1 through 6

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1148 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was

referred House Bill No. 1154 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1154 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1172 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1172 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1177 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1177 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1186 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1186 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1200 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

House Bill No. 1200 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1215 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1215 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1239 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1239 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1256 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1256 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1297 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1297 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1326 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR SOLBERG, Chairman

House Bill No. 1326 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1343 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1343 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1357 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 6, after the word "conviction" delete the following: "or adjudication"

On page 2, line 7, after the word "criminal" delete the following: "or noncriminal"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1357 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1482 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1482 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Morgan moved that the amendments to House Bill No. 1474 as recommended by the Committee on Agriculture as printed on pages 818 and 819 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Committee on Delayed Bills introduced:

**Senate Bill No. 2549.** A Bill for an Act appropriating federal revenue sharing funds for foundation program payments.

Was read the first time and referred to the committee on Appropriations.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1367.** A Bill for an Act to create and enact a new section to chapter 28-14 of the North Dakota Century Code, relating to the size of juries in civil cases.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 8; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDER       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1370. A Bill for an Act to amend and reenact section 29-17-12 of the North Dakota Century Code, relating to the size of juries in criminal cases.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 11; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDER       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1376. A Bill for an Act to amend and reenact sections 49-05-05, 49-05-06, and 49-06-07 of the North Dakota Century Code, relating to notice to the public service commission of proposed rate changes, public service commission hearings on proposed public utility rates, and temporary rates prescribed by the commission.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 30; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDER       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

House Bill No. 1376 was declared lost.



MOTIONS

Senator Nothing moved that the rules be suspended, in concurrence with like action in the House, the time limitation for messaging Senate Bills to the House pursuant to Joint Legislative Rule No. 8, be delayed until 3:30 P.M., Thursday, February 24, 1977, which motion prevailed.

Senator Redlin moved that the Senate reconsider the action whereby House Bill No. 1165 lost, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1165. A Bill for an Act to amend and reenact section 43-23-08 of the North Dakota Century Code, relating to license standards under the real estate commission.

Which has been read.

Senators Smykowski and Lodoen requested to be excused from voting due to a conflict of interest on this bill.

Senator Nothing moved that Senators Smykowski and Lodoen and any other Senators who have indicated a conflict of interest be permitted to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 670) the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |               |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDER      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REITEN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | SANDNESS |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDS    | •    | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SCHIRADO |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SHABLOW  |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      |      |          |      |                  |               |      |

So the bill passed and the title was agreed to.

House Bill No. 1472. A Bill for an Act to amend and reenact section 43-09-04 of the North Dakota Century Code, relating to the compensation of members of the state electrical board.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDER      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REITEN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | SANDNESS |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDS    |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SCHIRADO |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SHABLOW  |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      |      |          |      |                  |               |      |

So the bill passed and the title was agreed to.

**House Bill No. 1493.** A Bill for an Act to amend and reenact sections 44-08-04 and 54-06-10 of the North Dakota Century Code, relating to persons exempt from in-state travel limitations and the necessity of authorization of out-of-state travel.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |   |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |   |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |   |               |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      | • | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | • | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      | • | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      | • | STRINDER      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | • | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | • | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | • | THANE         |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   |      | • | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | • | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNES  |      | • | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | • | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      | • | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |   |               |

So the bill passed and the title was agreed to.

**House Bill No. 1526.** A Bill for an Act to create and enact one new subsection to section 32-09-02 of the North Dakota Century Code, relating to the restriction on garnishment of earnings.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 5; nays, 43; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |   |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |   |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |   |               |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      | • | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | • | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      | • | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      | • | STRINDER      |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | • | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | • | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | • | THANE         |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   |      | • | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | • | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNES  |      | • | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | • | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      | • | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |   |               |

House Bill No. 1526 was declared lost.

**House Bill No. 1053.** A Bill for an Act to create and enact section 14-10-17.1 of the North Dakota Century Code, relating to emergency treatment of minors without their parents' permission, and to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to the treatment of minors for alcoholism without their parents' permission.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 30; nays, 17; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |          |      |                  |        |      |   |           |
|---------------------|-----|------|-----------|----------|------|------------------|--------|------|---|-----------|
| REGULAR SESSION     |     |      | ROLL-CALL |          |      | 1977 LEGISLATURE |        |      |   |           |
| YEAS                | N-V | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V    | NAYS |   |           |
| •                   |     |      | •         | JACOBSON |      | •                | NAADEN |      | • | SMYKOWSKI |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDER      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1058.** A Bill for an Act to amend and reenact sections 40-45-15 and 40-46-16 of the North Dakota Century Code, relating to the loss of a policeman's and a city employee's right to retirement benefits upon conviction of a felony, and providing that conviction of a felony shall not cause forfeiture once a person is entitled to be retired.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDER      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1069.** A Bill for an Act to provide for solar easements, and for the contents of instruments creating those easements.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 33; nays, 15; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDER      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         | •   | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1103.** A Bill for an Act to amend and reenact section 57-02-31 of the North Dakota Century Code, relating to the furnishing of assessment books to county assessors by the county auditor.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| ROLL CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAAEDEN  |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT       |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |  |  |

So the bill passed and the title was agreed to.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

THIRTY-EIGHTH DAY

Bismarck, February 25, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Harold Vold, Pastor, Sharon Lutheran Church, Grand Forks.

Lord, We exist because of You

You Don't exist because of us

We exist because of You.

Lord, You govern because of us

We don't govern because of You

You govern because of us.

Lord, teach us that we govern best

When we are governed by You.

Lord, may the job that these people do,

Men and women elected as representatives of others,

Show Your governing power and grace.

Lord, Bless each one, and their families;

Thank You for giving us representatives

Who Love justice and honor and freedom.

Help them to walk humbly with You.

Amen

The roll was called and all Senators were present except Sandness and Strinden.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-sixth day after recess and thirty-seventh day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

SECOND READING OF HOUSE BILLS

House Bill No. 1360. A Bill for an Act to provide for a severance tax for

the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; and to provide for a coal development impact commission to approve or disapprove impact grants.

Which has been read.

#### POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, in regard to the severance tax issue, it appears that this Legislative Assembly is acting out "the inevitable scenario", with both sides not only polarized but also unyieldingly galvanized.

We are at an impasse — with emotions high, bitterness mounting, and time running short. Yet, we must act to produce desperately needed energy, reclaim and restore our soil, and cushion the physical, social and economic impact of this development. Thus, the need for a reasonable severance tax has arisen.

It is apparent that neither side of this legislature can impose its will on the other side — and that perhaps neither side can convince the other side by undisputed data. Thus, it appears that an honorable, open adjustment of differences must be sincerely sought — to enable us to legislate in the public's interest.

It is further apparent that whatever we do here — that the 46th Legislative Assembly will review and perhaps modify.

While I acknowledge with gratitude the impressive analysis developed by our especially able and distinguished tax commissioner, and further recognizing that a percentage tax should be able to adjust to the sometimes unpredictable vagaries of the market and further recognizing the limitations of present knowledge — the public well-being requires that we make an earnest effort to reach an honorable, intelligent resolution of these different positions on the severance tax issue. It is in that spirit I offer the following amendment.

Senator Lashkowitz moved to amend House Bill No. 1360 as follows:

On page 4, line 19, delete the words "thirty-three and one-third" and insert in lieu thereof the word "twenty-five"

On page 4, line 25, after the period, delete the rest of the line.

Delete lines 26 and 27.

Senator Lashkowitz moved that the amendments be adopted, which motion lost.

#### ROLL CALL

The question being on the final passage of House Bill 1360, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |            |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V        | NAYS |
|                     |             | •    |           |            | •    |      |          | •    |                  |            | •    |
| •                   | ALBERS      |      |           | JACOBSON   |      |      | NAADEN   |      |                  | SMYKOWSKI  |      |
| •                   | BARTH       |      |           | JONES      |      |      | NELSON   |      |                  | SOLBERG    |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      |      | NETHING  |      | •                | STRAND     |      |
|                     | CHRISTENSEN | •    | •         | LARSON     |      | •    | ORANGE   |      |                  | STRINDEN   |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      |      | PETERSON |      | •                | TALLACKSON |      |
|                     | FARRINGTON  | •    |           | LEE        |      | •    | PIETRON  |      |                  | TENNEFOS   |      |
|                     | FREED       | •    |           | LIPS       |      | •    | RAIT     |      |                  | THANE      |      |
| •                   | FRITZELL    |      |           | LODDEN     |      | •    | REDLIN   |      |                  | VOSPER     |      |
|                     | GOODMAN     | •    | •         | MAHER      |      |      | REITEN   |      | •                | WALSH      |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

House Bill No. 1360 was declared lost.

**MESSAGE FROM THE HOUSE**  
House Chamber

Mr. President:

I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendments to House Bill No. 1064, and discharged the conference committee appointed, and now concurs in the Senate amendments to House Bill No. 1064.

ROY GILBREATH, Chief Clerk

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1109.** A Bill for an Act to create and enact section 15-05-12.1 of the North Dakota Century Code, relating to improvements placed on state lands; to amend and reenact section 15-08-26 of the North Dakota Century Code, relating to improvements placed on state lands; and to repeal section 15-05-12 of the North Dakota Century Code, relating to improvements placed on state lands.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 1; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1147.** A Bill for an Act to amend and reenact section 20.1-02-25 of the North Dakota Century Code, relating to the months of the year during which advisory board members shall hold public meetings.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1168. A Bill for an Act to amend and reenact section 46-06-01 of the North Dakota Century Code, relating to selection of official county newspapers.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | •         |            |      | •    |          |      | •                |     |               |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                |     | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                |     | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                |     | STRAND        |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                |     | STRINDEN      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                |     | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                |     | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                |     | THANE         |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                |     | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                |     | WALSH         |
| •                   |     |      | •         | MAU        |      | •    | SANDNES  |      | •                |     | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                |     | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

House Bill No. 1180. A Bill for an Act to amend and reenact subsection 1 of section 50-25.1-02 and section 50-25.1-08 of the North Dakota Century Code, relating to the definition of "abused child", and the appointment of a guardian ad litem.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                |     | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                |     | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                |     | STRAND        |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                |     | STRINDEN      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                |     | TALLACKSON    |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                |     | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                |     | THANE         |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                |     | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                |     | WALSH         |
| •                   |     |      | •         | MAU        |      | •    | SANDNES  |      | •                |     | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                |     | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                |     | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

House Bill No. 1182. A Bill for an Act to amend and reenact section 11-32-01 of the North Dakota Century Code, relating to county commissioners' authorization to erect war memorials.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |          |      |      |         |      |                  |     |           |
|---------------------|-----|------|-----------|----------|------|------|---------|------|------------------|-----|-----------|
| REGULAR SESSION     |     |      | ROLL-CALL |          |      |      |         |      | 1977 LEGISLATURE |     |           |
| YEAS                | N-V | NAYS | YEAS      | N-V      | NAYS | YEAS | N-V     | NAYS | YEAS             | N-V | NAYS      |
| •                   |     |      | •         | JACOBSON |      | •    | NAADEN  |      | •                |     | SMYKOWSKI |
| •                   |     |      | •         | JONES    |      | •    | NELSON  |      | •                |     | SOLBERG   |
| •                   |     |      | •         | KRAUTER  |      | •    | NETHING |      | •                |     | STRAND    |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRIDEN     |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODDOEN    | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNOS  | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1183.** A Bill for an Act to amend and reenact sections 37-15-12 and 37-15-15 of the North Dakota Century Code, relating to moneys in the soldiers' home fund.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBI            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRIDEN        |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

- So the bill passed and the title was agreed to.

**House Bill No. 1191.** A Bill for an Act to create and enact a new section to chapter 25-03 of the North Dakota Century Code, relating to referral of patients of the state hospital upon discharge.

Which has been read.

Senator Jones moved to amend House Bill No. 1191 as follows:

On page 1 of the engrossed bill, line 1, delete the words "to chapter"

On page 1 of the engrossed bill, line 2, delete the numerals "25-03"

On page 1 of the engrossed bill, line 8, delete the words and numerals "to chapter 25-03"

And renumber the lines accordingly.

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

Senator Jones moved that the rules be suspended, that House Bill 1191 be placed on the calendar as amended for second reading and final passage, which motion prevailed.

**House Bill No. 1191.** A Bill for an Act to create and enact a new section to chapter 25-03 of the North Dakota Century Code, relating to referral of patients of the state hospital upon discharge.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 792) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1216.** A Bill for an Act to amend and reenact sections 23-11-31, 23-11-32, 23-11-33, 23-11-34, and subsection 8 of section 23-11-35 of the North Dakota Century Code, relating to housing for veterans.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1217.** A Bill for an Act to amend and reenact section 4-10.1-09 of the North Dakota Century Code, relating to potato promotion assessment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 2; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1220.** A Bill for an Act to amend and reenact subsection D of section 52-09-20 of the North Dakota Century Code, relating to the

determination of the primary insurance benefit under the North Dakota old age and survivor insurance system.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |               |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |               |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |               |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |               |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |               |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |               |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     |               |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |               |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNS         |     |               |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |               |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |               |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |
|                     |     |      |              |     |      |                  |     | ● SMYKOWSKI   |
|                     |     |      |              |     |      |                  |     | ● SOLBERG     |
|                     |     |      |              |     |      |                  |     | ● STRAND      |
|                     |     |      |              |     |      |                  |     | ● STRINDEN    |
|                     |     |      |              |     |      |                  |     | ● TALLACKSON  |
|                     |     |      |              |     |      |                  |     | ● TENNEFOS    |
|                     |     |      |              |     |      |                  |     | ● THANE       |
|                     |     |      |              |     |      |                  |     | ● VOSPER      |
|                     |     |      |              |     |      |                  |     | ● WALSH       |
|                     |     |      |              |     |      |                  |     | ● WENSTROM    |
|                     |     |      |              |     |      |                  |     | ● WRIGHT      |
|                     |     |      |              |     |      |                  |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

**House Bill No. 1235.** A Bill for an Act to create and enact three new sections to chapter 55-08, relating to the functions of the recreation division of the North Dakota parks and recreation department and the outdoor recreation interagency council; to amend and reenact section 55-08-01 of the North Dakota Century Code, relating to the combination of the North Dakota park service and the state outdoor recreation agency into the North Dakota parks and recreation department; and to repeal chapter 53-07 of the North Dakota Century Code, relating to the state outdoor recreation agency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |               |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |               |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |               |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |               |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |               |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |               |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     |               |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |               |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNS         |     |               |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |               |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |               |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |
|                     |     |      |              |     |      |                  |     | ● SMYKOWSKI   |
|                     |     |      |              |     |      |                  |     | ● SOLBERG     |
|                     |     |      |              |     |      |                  |     | ● STRAND      |
|                     |     |      |              |     |      |                  |     | ● STRINDEN    |
|                     |     |      |              |     |      |                  |     | ● TALLACKSON  |
|                     |     |      |              |     |      |                  |     | ● TENNEFOS    |
|                     |     |      |              |     |      |                  |     | ● THANE       |
|                     |     |      |              |     |      |                  |     | ● VOSPER      |
|                     |     |      |              |     |      |                  |     | ● WALSH       |
|                     |     |      |              |     |      |                  |     | ● WENSTROM    |
|                     |     |      |              |     |      |                  |     | ● WRIGHT      |
|                     |     |      |              |     |      |                  |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

**House Bill No. 1248.** A Bill for an Act to amend and reenact section 57-15-19.2 of the North Dakota Century Code, relating to township special road funds.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● SOLBERG     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNOS        |     | ● WALSH       |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

**House Bill No. 1253.** A Bill for an Act to provide an appropriation to indemnify E. P. Price for the loss of turkeys and property due to activities of the North Dakota national guard.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 793) the roll was called and there were ayes, 37; nays, 8; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● SOLBERG     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNOS        |     | ● WALSH       |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

**House Bill No. 1261.** A Bill for an Act to amend and reenact section 15-38-17 of the North Dakota Century Code, to assure that public employees shall not lose their regular salary or commission compensation while serving on official business of the teachers' professional practices commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ 793 and 794) the roll was called and there were ayes, 38; nays, 5; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● SOLBERG     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNOS        |     | ● WALSH       |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

House Bill No. 1325. A Bill for an Act to amend and reenact section 11-14-16 of the North Dakota Century Code, relating to when treasurer shall pay over the funds collected.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 794) the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |           |            |     |      |               |                  |      |      |     |      |
|---------------------|-----|------|--------------|-----|-----------|------------|-----|------|---------------|------------------|------|------|-----|------|
| REGULAR SESSION     |     |      |              |     | ROLL-CALL |            |     |      |               | 1977 LEGISLATURE |      |      |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS      | YEAS       | N-V | NAYS | YEAS          | N-V              | NAYS | YEAS | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |           | • NAADEN   |     |      | • SMYKOWSKI   |                  |      |      |     |      |
| • BARTH             |     |      | • JONES      |     |           | • NELSON   |     |      | • SOLBERG     |                  |      |      |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |           | • NETHING  |     |      | • STRAND      |                  |      |      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |           | • ORANGE   |     |      | • STRINDEN    |                  |      |      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |           | • PETERSON |     |      | • TALLACKSON  |                  |      |      |     |      |
| • FARRINGTON        |     |      | • LEE        |     |           | • PIETRON  |     |      | • TENNEFOS    |                  |      |      |     |      |
| • FREED             |     |      | • LIPS       |     |           | • RAIT     |     |      | • THANE       |                  |      |      |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |           | • REDLIN   |     |      | • VOSPER      |                  |      |      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |           | • REITEN   |     |      | • WALSH       |                  |      |      |     |      |
| • HANSON            |     |      | • MAU        |     |           | • SANDNES  |     |      | • WENSTROM    |                  |      |      |     |      |
| • HOFFNER           |     |      | • MFLAND     |     |           | • SANDS    |     |      | • WRIGHT      |                  |      |      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |           | • SCHIRADO |     |      | MR. PRESIDENT |                  |      |      |     |      |
| • ISZLER            |     |      | • MORGAN     |     |           | • SHABLOW  |     |      |               |                  |      |      |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Freed moved that the Conference Committee on House Bill 1064 be discharged, which motion prevailed.

**MESSAGE FROM THE HOUSE**

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1032.

ROY GILBREATH, Chief Clerk

**MESSAGES TO THE HOUSE**

Senate Chamber

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

- House Bill No. 1034
- House Bill No. 1038
- House Bill No. 1105
- House Bill No. 1106
- House Bill No. 1134
- House Bill No. 1152
- House Bill No. 1155
- House Bill No. 1157
- House Bill No. 1158
- House Bill No. 1166
- House Bill No. 1167
- House Bill No. 1187
- House Bill No. 1189
- House Bill No. 1199
- House Bill No. 1203
- House Bill No. 1204
- House Bill No. 1210
- House Bill No. 1232
- House Bill No. 1234

House Bill No. 1249  
 House Bill No. 1274  
 House Bill No. 1281  
 House Bill No. 1286  
 House Bill No. 1303  
 House Bill No. 1428

LEO LEIDHOLM, Secretary  
 Senate Chamber

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

House Bill No. 1156  
 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. 1104  
 House Bill No. 1197  
 House Bill No. 1260

LEO LEIDHOLM, Secretary

#### FIRST READING OF HOUSE BILLS

**House Bill No. 1006.** Budgets—A Bill for An Act making an appropriation for defraying expenses of the various departments and various divisions thereof, of the state of North Dakota; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1007.** Budgets — Director of Institutions — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and which are under the supervision of the director of institutions.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1010.** Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1014.** Budgets — Recreation and Natural Resources — A Bill for an Act to appropriate money for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1026.** A Bill for an Act to prohibit school boards from selling textbooks to pupils or otherwise charging unauthorized fees, to allow school boards to establish authorized fees, to withhold foundation payments if prohibited fees are required, to exempt postsecondary instructional programs, to require school boards to reduce textbook, and unauthorized activity, fees by not less than twenty percent the first year after the effective date of this Act and not less than an additional twenty percent each year thereafter, and to provide additional payments to school districts for such purposes; to create and enact two new subsections to section 15-40.1-08 of the North Dakota Century Code, relating to foundation payments for special education pupils under the com-

pulsory age for school attendance but not less than three years of age, and to foundation aid payments for kindergarten; to amend and reenact sections 15-40.1-06 and 15-40.1-16 of the North Dakota Century Code, relating to increasing the educational support payment and the transportation aid payment; to repeal sections 15-43-07, 15-43-08, 15-43-09, and 15-43-10 of the North Dakota Century Code relating to selling textbooks to pupils, purchase of textbooks from families moving from a school district, discretionary authority of school districts to provide free textbooks, and prescribing the duty of parents or guardians of pupils to furnish textbooks; and to provide an appropriation.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1043.** A Bill for an Act to limit professional liability of qualifying health care providers to patients electing to be bound, to create a trust fund for the benefit of patients suffering damage caused by negligence of the health care provider, and to establish a commission on medical competency.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1046.** A Bill for an Act to require physicians to give patients informed consent in any cases where there is a grave risk of injury from a proposed course of diagnosis or treatment.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1047.** A Bill for an Act to establish a medical review panel to review or arbitrate medical malpractice claims, to provide a method by which a panel shall be selected, to prescribe the powers and duties of the panel, and to authorize the panel to make a report which shall be admissible into evidence in any subsequent action based on a medical malpractice claim.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1258.** A Bill for an Act to provide for a local governmental services tax, to provide procedures for the imposition, collection, and administration of such tax, and to provide for the allocation of revenues to local governmental units, to provide for an inflation credit against income taxes payable by individuals; to amend and reenact sections 57-35.2-02, 57-35.2-04, subdivision f of subsection 1 of section 57-38-01.2, and subdivision d of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the imposition and disposition of privilege taxes on banks, trust companies, and building and loan associations and adjustments to taxable income for individuals, fiduciaries, and corporations; to repeal section 57-38-66 and chapter 57-58 of the North Dakota Century Code and sections 1 and 3 of House Bill No. 1004 as approved by the forty-fifth legislative assembly providing for a business and corporation privilege tax, personal property tax allocations, and the appropriation for the replacement of personal property taxes; to provide an appropriation; and to provide effective dates.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1320.** A Bill for an Act to provide for landlord and tenant obligations to maintain residential dwelling units; and to repeal section 47-16-12 of the North Dakota Century Code, relating to the obligations of a lessor to repair dwelling units.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1344.** A Bill for an Act to provide a state matching program for county and city senior citizen programs and activities; and to provide an appropriation.

Which was read the first time and referred to the Committee on Social Welfare and Veterans Affairs.

**House Bill No. 1345.** A Bill for an Act to amend and reenact subsection 2 of section 57-39.2-12 and subsection 4 of section 57-40.2-07 of the North Dakota Century Code, to provide a discount on the amount of sales and use taxes remitted to compensate retailers for keeping tax records, filing reports, and remitting taxes.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1368.** A Bill for an Act to amend and reenact sections 57-02.2-01, 57-02.2-02, and 57-02.2-03 of the North Dakota Century Code, to provide for the exemption of improvements to residential buildings.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1381.** A Bill for an Act to amend and reenact sections 54-03-20 and 54-03-20.1 of the North Dakota Century Code, relating to the allowance for living and other expenses for members of the legislative assembly, and round trips allowed during the session; and declaring an emergency.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1418.** A Bill for an Act to create and enact section 16-18-14.1 of the North Dakota Century Code, relating to special county election boards; to amend and reenact sections 16-18-02, 16-18-07, 16-18-09, and 16-18-14 of the North Dakota Century Code, relating to delivery of application blanks and absent voter's ballots, and the canvassing of absent voter's ballots; or, in the alternative, to create and enact section 16.1-07-09.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to special county election boards; to amend and reenact sections 16.1-07-02, 16.1-07-07, 16.1-07-08, and 16.1-07-09 of the North Dakota Century Code, as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the delivery of applications and absent voter's ballots and the canvassing of absent voter's ballots; to repeal sections 16-18-15, 16-18-16, 16-18-17, and 16-18-20 of the North Dakota Century Code, relating to the care, custody, voting, and rejecting of absent voter's ballots and registration of absent voter's ballots on voting machines; or, in the alternative, to repeal sections 16.1-07-10, 16.1-07-11, 16.1-07-12, and 16.1-07-13 of the North Dakota Century Code, as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the care, custody, and voting of absent voter's ballots and the registration of absent voter's ballots on voting machines.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1424.** A Bill for an Act to amend and reenact section 60-02-09 of the North Dakota Century Code, relating to a track buyer and warehouseman's bond, and requiring annual approval to enter deferred payment contracts, a separate account for deferred payment proceeds, and necessary records available for inspection.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1429.** A Bill for an Act to provide accountability for quality education.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1443.** A Bill for an Act to permit the state of North Dakota to accept transfer from the federal government of the Nekoma ABM site and to empower the budget section to reconvey the site to the federal government.

Which was read the first time and referred to the Committee on Appropriations.

**House Bill No. 1470.** A Bill for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to the furnishing of abstracts of driving records and the contents of such records.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1475.** A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to teacher negotiations in recently reorganized districts and termination of teachers in such districts; and to amend and reenact sections 15-53.1-22, 15-53.1-26, and 15-53.1-28 of the North Dakota Century Code, relating to dates for voting on reorganization plans and to the effective date of reorganization plans.

Which was read the first time and referred to the Committee on Education.

**House Bill No. 1477.** A Bill for an Act to provide a county mill levy for planning purposes.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1490.** A Bill for an Act to amend and reenact section 23-25-10 of the North Dakota Century Code, relating to abating air pollution violations as public nuisances.

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1500.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these agencies by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all such entities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.



Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1507.** A Bill for an Act to establish a revolving fund for the purpose of making low interest loans for the installation of alternative energy devices; and providing for the administration of the loan program by the Bank of North Dakota.

Which was read the first time and referred to the Committee on Industry, Business and Labor.

**House Bill No. 1508.** A Bill for an Act to amend and reenact sections 54-52.1-06 and 54-52.1-07 of the North Dakota Century Code, relating to the state contribution to the uniform group insurance program and optional coverage for employee's family; and providing an appropriation.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1528.** A Bill for an Act to establish a central North Dakota beef cattle experiment station; to provide for determining its location; and to provide an appropriation.

Which was read the first time and referred to the Committee on Agriculture.

**House Bill No. 1541.** A Bill for an Act to require inclusion of chiropractic service under group accident and health policies, hospital service contracts and medical service contracts.

Which was read the first time and referred to the Committee on State and Federal Government.

**House Bill No. 1546.** A Bill for an Act to amend and reenact subdivision c of subsection 1 of section 57-38-01.3 and section 57-38-29 of the North Dakota Century Code, relating to adjustments to taxable income for corporations and the rate of tax on individuals; and to provide for an effective date.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1559.** A Bill for an Act to create and enact two new sections to Chapter 12.1-23 of the North Dakota Century Code, relating to the possession of altered property and dealing in stolen property; to amend and reenact section 12.1-23-09 of the North Dakota Century Code, relating to defenses and proof as to theft and related offenses; and to create and enact two new subsections to section 12.1-23-10 of the North Dakota Century Code, relating to definitions of "dealer in property" and "traffic".

Which was read the first time and referred to the Committee on Judiciary.

**House Bill No. 1573.** A Bill for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund and to the apportionment and distribution of such fund to counties and cities.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1587.** A Bill for an Act to amend and reenact sections 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenues from the privilege tax on coal conversion facilities.

Which was read the first time and referred to the Committee on Finance and Taxation.

**House Bill No. 1588.** A Bill for an Act to establish a family farm security program to encourage and guarantee loans to beginning farmers for the purchase of farmlands; and transferring Bank of North Dakota profits to a special fund for such purposes.

Which was read the first time and referred to the Committee on Agriculture.

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

Senator Nething moved that at the conclusion of the 13th Order of Business and after the reading of House Bills 1055, 1068, 1088, 1111, 1112, 1142, 1154, 1172, 1177, 1186, 1200, 1215, 1239, 1256, 1259, 1297, 1326, 1343, 1474 and 1482, the Senate adjourn until Monday, February 28, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## THIRTY-NINTH DAY

Bismarck, February 28, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Stanley G. Knudson, American Lutheran Church, Bismarck.

"Our Heavenly Father, we thank You for this new day and for the beginning of another week. Help us to see and to use time as a gift from You.

Today we ask Your Blessing upon each Senator and our leaders in this place. Give them help and guidance as their work continues this day. We would also remember their families and loved ones at home during these legislative days when this work separates families.

May Thy Blessing and Benediction go with each one as we help each other to enjoy the freedoms which You have given to us here in North Dakota and in these United States. In Jesus Name. Amen."

The roll was called and all Senators were present except Morgan, Smykowski and Thane.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-seventh day after recess and Thirty-eighth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

## REPORTS OF PROCEDURAL COMMITTEES

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

Senate Concurrent Resolution No. 4019

And find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

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

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

Senate Resolution No. 6

Senate Resolution No. 7

Senate Resolution No. 8

Senate Resolution No. 9

Senate Resolution No. 10

Senate Resolution No. 11

Senate Concurrent Resolution No. 4017

Senate Concurrent Resolution No. 4029

Senate Concurrent Resolution No. 4036

Senate Concurrent Resolution No. 4038

Senate Concurrent Resolution No. 4039

Senate Memorial Resolution No. 1

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Resolution No. 6

Senate Resolution No. 7

Senate Resolution No. 8

Senate Resolution No. 9

Senate Resolution No. 10

Senate Resolution No. 11

Senate Concurrent Resolution No. 4017

Senate Concurrent Resolution No. 4019

Senate Concurrent Resolution No. 4029

Senate Concurrent Resolution No. 4036

Senate Concurrent Resolution No. 4038

Senate Concurrent Resolution No. 4039

Senate Memorial Resolution No. 1

And the President signed the same in the presence of the Senate.

#### MOTION

Senator Nething moved that Senate Concurrent Resolutions Nos. 4061, 4062, 4063, 4064, 4065, 4066, 4067, 4068, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4078, 4079, 4081, 4082 and 4083 be returned from the Legislative Council Resolutions Committee, which motion prevailed.

Senator Nething moved that the following resolutions be re-referred to the following committees:

Senate Concurrent Resolution No. 4061 — Appropriations

Senate Concurrent Resolution No. 4062 — Agriculture

Senate Concurrent Resolution No. 4063 — State and Federal Government

Senate Concurrent Resolution No. 4064 — State and Federal Government

Senate Concurrent Resolution No. 4065 — State and Federal Government

Senate Concurrent Resolution No. 4066 — Social Welfare and Veterans' Affairs

Senate Concurrent Resolution No. 4067 — State and Federal Government

Senate Concurrent Resolution No. 4068 — Education

Senate Concurrent Resolution No. 4070 — Education

Senate Concurrent Resolution No. 4071 — Political Subdivisions

Senate Concurrent Resolution No. 4072 — Appropriations

Senate Concurrent Resolution No. 4073 — Natural Resources

Senate Concurrent Resolution No. 4074 — Appropriations

Senate Concurrent Resolution No. 4076 — Natural Resources

Senate Concurrent Resolution No. 4077 — Social Welfare and Veterans' Affairs

Senate Concurrent Resolution No. 4078 — Education

Senate Concurrent Resolution No. 4079 — Judiciary  
 Senate Concurrent Resolution No. 4081 — Political Subdivisions  
 Senate Concurrent Resolution No. 4082 — Finance and Taxation  
 Senate Concurrent Resolution No. 4083 — Industry, Business and Labor  
 Which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Nothing moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1025 as recommended by the Committee on Appropriations as printed on page 835 of the Senate Journal be adopted, and House Bill 1025 be re-referred to the Committee on Education, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1148 as recommended by the Committee on Transportation as printed on page 836 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1357 as recommended by the Committee on Transportation as printed on page 838 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1042 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1042 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1056 has had under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR FREED, Chairman

House Bill No. 1056 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1085 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1085 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred House Bill No. 1094 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1094 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1128 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1128 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1141 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1141 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans' Affairs to whom was referred House Bill No. 1174 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, of the engrossed bill, after the word "one" delete the triple parentheses around the word "-half"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1174 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1184 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1184 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1223 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1223 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1228 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1228 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1243 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1243 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1255 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 16, after the word "court" insert the following: "of an amount not to exceed fifty dollars"

On page 1, line 20, after the word "court" insert the following: "of an amount not to exceed one hundred fifty dollars"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1255 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1257 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1257 was placed on the 14th order of business on the

calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1266 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1266 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1287 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1287 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1321 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1321 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1324 has had the same under consideration and recommends that the same do pass.

And be re-referred to Committee on Appropriations.

SENATOR SANDNESS, Chairman

House Bill No. 1324 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1359 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1359 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1435 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

House Bill No. 1435 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1437 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1437 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1438 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1438 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your committee on Finance and Taxation to whom was referred House Bill No. 1459 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman



House Bill No. 1459 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1479 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, after the word "to" delete the word "ten" and insert in lieu thereof the word "five" and on the same line, after the word "for" delete the word "ten" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1479 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1481 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1481 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1510 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1510 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1515 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1515 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1575 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1575 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1584 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1584 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1594 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1594 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Concurrent Resolution No. 3033 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Concurrent Resolution No. 3033 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Concurrent Resolution No. 3054 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Concurrent Resolution No. 3054 was placed on the 14th order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

House Bill No. 1338. A Bill for an Act to provide for payroll deduction for dues to teacher representative organization.

Which has been read.

Senators Miller, Nelson and Holmberg requested they be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that the Senators be permitted to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 28; nays, 19; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |      |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |      |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | JACOBSON   | •   |      | •    |     |      | SMYKOWSKI        |     | •    |
| •                   |     |      | JONES      |     | •    |      |     | •    | SOLBERG          |     | •    |
|                     | •   |      | KRAUTER    |     | •    |      |     | •    | STRAND           |     | •    |
| •                   |     | •    | LARSON     |     | •    | •    |     |      | STRINDEN         |     | •    |
| •                   |     |      | LASHKOWITZ |     | •    | •    |     |      | TALLACKSON       |     | •    |
|                     | •   |      | LEE        |     | •    | •    |     |      | TENNEFOS         |     | •    |
|                     | •   |      | LIPS       |     | •    | •    |     |      | THANE            |     | •    |
| •                   |     |      | LODOEN     |     | •    | •    |     |      | VOSPER           |     | •    |
| •                   |     |      | MAHER      |     | •    | •    |     |      | WALSH            |     | •    |
| •                   |     |      | MAU        |     | •    | •    |     |      | WENSTROM         |     | •    |
| •                   |     |      | MELLAND    |     | •    | •    |     |      | WRIGHT           |     | •    |
| •                   |     |      | MILLER     |     | •    | •    |     |      | MR. PRESIDENT    |     |      |
|                     | •   |      | MORGAN     |     | •    | •    |     |      | SHABLOW          |     |      |

So the bill passed and the title was agreed to.

MOTION

Senator Nething moved that the Senate stand recessed for 15 minutes, which motion prevailed.

The Senate reconvened, President Sanstead presiding.

MESSAGE FROM THE HOUSE

House Chamber

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

- House Concurrent Resolution No. 3025
- House Concurrent Resolution No. 3026
- House Concurrent Resolution No. 3032
- House Concurrent Resolution No. 3035
- House Concurrent Resolution No. 3042
- House Concurrent Resolution No. 3044
- House Concurrent Resolution No. 3048

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

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

House Bill No. 1440. A Bill for an Act to create and enact a new section to Chapter 6-09 of the North Dakota Century Code, relating to the Bank of North Dakota making bank stock loans.

Which has been read.

Senators Redlin, Goodman, Rait, Tennesfos, Strand, and Lips requested they be excused from voting on this bill due to a conflict of interest.

Senator Nothing moved that the Senators be permitted to vote, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 795) the roll was called and there were ayes, 39; nays, 8; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |      |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |      |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      |      |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      |      |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      |      |     | • STRAND      |
| • CHRISTENSEN       | •   |      | • LARSON     |     |      | • ORANGE         |     |      |      |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      |      |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      |      |     | • TENNEFOS    |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT           |     |      |      |     | • THANE       |
| • FRITZELL          | •   |      | • LODOEN     |     |      | • REDLIN         |     |      |      |     | • VOSPER      |
| • GOODMAN           | •   |      | • MAHER      |     |      | • REITEN         |     |      |      |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      |      |     | • WENSTROM    |
| • HOFNER            |     |      | • MELLAND    | •   |      | • SANDS          |     |      |      |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      |      |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |      |     |               |

So the bill passed and the title was agreed to.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3040.** A concurrent resolution acknowledging the gift to the State of North Dakota of the antique collection and farmstead of Mr. and Mrs. Dale Hawk, and expressing gratitude for the gift to Mr. and Mrs. Hawk.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3040 was declared adopted.

#### REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Resolution No. 6

Senate Resolution No. 7

Senate Resolution No. 8

Senate Resolution No. 9

Senate Resolution No. 10

Senate Resolution No. 11

Senate Memorial Resolution No. 1

Were delivered to the Secretary of State on February 28, 1977.

SENATOR STRAND, Chairman

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1055.** A Bill for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to the emancipation of minors.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 2; nays, 42; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| ALBERS              |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| BARTH               | •   |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| BERUBE              |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| CHRISTENSEN         |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| ERDMAN              | •   |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FARRINGTON          | •   |      | LIPS       |     |      | RAIT             |     | THANE         |
| FREED               | •   |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| FRITZELL            |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| GOODMAN             | •   |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HANSON              | •   |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOFFNER             | •   |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| HOLMBERG            | •   |      | MORGAN     |     |      | SHABLOW          |     |               |
| ISZLER              | •   |      |            |     |      |                  |     |               |

House Bill No. 1055 was declared lost.

House Bill No. 1068. A Bill for an Act to create the office of energy coordinator, to provide for the duties and responsibilities of the energy coordinator.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 27; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| •                   |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| •                   |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| •                   |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| •                   |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| •                   |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| •                   |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| •                   |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| •                   |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     |      | SHABLOW          |     |               |
| •                   |     |      |            |     |      |                  |     |               |

House Bill No. 1068 was declared lost.

House Bill No. 1088. A Bill for an Act to create and enact a new subsection to section 57-15-56 of the North Dakota Century Code, relating to nonprofit senior citizens' organizations obtaining bonding coverage through the state bonding fund; and declaring an emergency.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING          |     | STRAND        |
| •                   |     |      | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| •                   |     |      | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| •                   |     |      | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| •                   |     |      | LIPS       |     |      | RAIT             |     | THANE         |
| •                   |     |      | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| •                   |     |      | MAHER      |     |      | REITEN           |     | WALSH         |
| •                   |     |      | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| •                   |     |      | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| •                   |     |      | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| •                   |     |      | MORGAN     |     |      | SHABLOW          |     |               |
| •                   |     |      |            |     |      |                  |     |               |

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

House Bill No. 1111. A Bill for an Act to create and enact section 15-08-21.1 of the North Dakota Century Code, relating to criminal trespass on

state lands; to amend and reenact sections 15-05-08 and 15-08-20 of the North Dakota Century Code, relating to illegal mining activities and trespassing on state lands; and providing a penalty.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 1; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| ●                   |     |      | ●         |            |      | ●    |          |      | ●                |               |      |
| ●                   |     |      | ●         | JACOBSON   |      | ●    | NAADEN   |      | ●                | SMYKOWSKI     |      |
| ●                   |     |      | ●         | JONES      |      | ●    | NELSON   |      | ●                | SOLBERG       |      |
| ●                   |     |      | ●         | KRAUTER    |      | ●    | NOTHING  |      | ●                | STRAND        |      |
| ●                   |     |      | ●         | LARSON     |      | ●    | ORANGE   |      | ●                | STRINDEN      |      |
| ●                   |     |      | ●         | LASHKOWITZ |      | ●    | PETERSON |      | ●                | TALLACKSON    |      |
| ●                   |     |      | ●         | LEE        |      | ●    | PIETRON  |      | ●                | TENNEFOS      |      |
| ●                   |     |      | ●         | LIPS       |      | ●    | RAIT     |      | ●                | THANE         |      |
| ●                   |     |      | ●         | LODDEN     |      | ●    | REDLIN   |      | ●                | VOSPER        |      |
| ●                   |     |      | ●         | MAHER      |      | ●    | REITEN   |      | ●                | WALSH         |      |
| ●                   |     |      | ●         | MAU        |      | ●    | SANDNESS |      | ●                | WENSTROM      |      |
| ●                   |     |      | ●         | MELLAND    |      | ●    | SANDS    |      | ●                | WRIGHT        |      |
| ●                   |     |      | ●         | MILLER     |      | ●    | SCHIRADO |      | ●                | MR. PRESIDENT |      |
| ●                   |     |      | ●         | MORGAN     |      | ●    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

### MOTIONS

Senator Goodman moved that House Bill No. 1477 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

Senator Goodman moved that House Bill No. 1477 be re-referred to the Committee on Political Subdivisions, which motion prevailed.

Senator Goodman moved that House Bill No. 1573 be returned to the Senate floor from the Committee on Finance and Taxation which motion prevailed.

Senator Goodman moved that House Bill No. 1573 be re-referred to the Committee on Transportation, which motion prevailed.

Senator Jones moved that House Bill No. 1431 be returned to the Senate floor from the Committee on State and Federal Government.

Senator Mau requested a roll call vote on the motion to return House Bill No. 1431 from the Committee on State and Federal Government, which request was granted.

### ROLL CALL

The question being on the motion to return House Bill No. 1431 from the Committee on State and Federal Government, the roll was called and there were 26 ayes; 18 nays; absent and not voting 6.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| ●                   |     |      | ●         | JACOBSON   |      | ●    | NAADEN   |      | ●                | SMYKOWSKI     |      |
| ●                   |     |      | ●         | JONES      |      | ●    | NELSON   |      | ●                | SOLBERG       |      |
| ●                   |     |      | ●         | KRAUTER    |      | ●    | NOTHING  |      | ●                | STRAND        |      |
| ●                   |     |      | ●         | LARSON     |      | ●    | ORANGE   |      | ●                | STRINDEN      |      |
| ●                   |     |      | ●         | LASHKOWITZ |      | ●    | PETERSON |      | ●                | TALLACKSON    |      |
| ●                   |     |      | ●         | LEE        |      | ●    | PIETRON  |      | ●                | TENNEFOS      |      |
| ●                   |     |      | ●         | LIPS       |      | ●    | RAIT     |      | ●                | THANE         |      |
| ●                   |     |      | ●         | LODDEN     |      | ●    | REDLIN   |      | ●                | VOSPER        |      |
| ●                   |     |      | ●         | MAHER      |      | ●    | REITEN   |      | ●                | WALSH         |      |
| ●                   |     |      | ●         | MAU        |      | ●    | SANDNESS |      | ●                | WENSTROM      |      |
| ●                   |     |      | ●         | MELLAND    |      | ●    | SANDS    |      | ●                | WRIGHT        |      |
| ●                   |     |      | ●         | MILLER     |      | ●    | SCHIRADO |      | ●                | MR. PRESIDENT |      |
| ●                   |     |      | ●         | MORGAN     |      | ●    | SHABLOW  |      |                  |               |      |

House Bill 1431 was returned from the Committee on State and Federal Government.

Senator Jones moved that House Bill No. 1431 be re-referred to the Committee on Political Subdivisions, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1112.** A Bill for an Act to amend and reenact subsection 2 of section 20.1-03-07 and sections 20.1-03-09 and 20.1-03-10 of the North Dakota Century Code, relating to the issuance and contents of nonresident fur-bearer licenses; and to repeal subsection 6 of section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fur-bearer licenses.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION     |     |      |              |     |      |            |     |      | 1977 LEGISLATURE    |     |      |      |     |      |  |  |  |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------|-----|------|--|--|--|
| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      |      |     |      |  |  |  |
| ROLL-CALL           |     |      |              |     |      |            |     |      | ROLL-CALL           |     |      |      |     |      |  |  |  |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS | N-V | NAYS |  |  |  |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |      |     |      |  |  |  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |      |     |      |  |  |  |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |      |     |      |  |  |  |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |      |     |      |  |  |  |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      |      |     |      |  |  |  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |      |     |      |  |  |  |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |      |     |      |  |  |  |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |      |     |      |  |  |  |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |      |     |      |  |  |  |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |      |     |      |  |  |  |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |      |     |      |  |  |  |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      |      |     |      |  |  |  |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |      |     |      |  |  |  |

So the bill passed and the title was agreed to.

**House Bill No. 1142.** A Bill for an Act to amend and reenact subsection 2 of section 20.1-02-07 of the North Dakota Century Code, relating to the number of district deputy game wardens the commissioner may appoint.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 1; absent and not voting, 6.

| REGULAR SESSION     |     |      |              |     |      |            |     |      | 1977 LEGISLATURE    |     |      |      |     |      |  |  |  |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------|-----|------|--|--|--|
| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      |      |     |      |  |  |  |
| ROLL-CALL           |     |      |              |     |      |            |     |      | ROLL-CALL           |     |      |      |     |      |  |  |  |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS | N-V | NAYS |  |  |  |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |      |     |      |  |  |  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |      |     |      |  |  |  |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |      |     |      |  |  |  |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |      |     |      |  |  |  |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      |      |     |      |  |  |  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |      |     |      |  |  |  |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |      |     |      |  |  |  |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |      |     |      |  |  |  |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |      |     |      |  |  |  |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |      |     |      |  |  |  |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |      |     |      |  |  |  |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      |      |     |      |  |  |  |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |      |     |      |  |  |  |

So the bill passed and the title was agreed to.

**House Bill No. 1154.** A Bill for an Act to amend and reenact sections 24-02-41 and 24-02-42 of the North Dakota Century Code, relating to certain highway department revenues and the time for deposit of such revenues with the state treasurer, and changing the interest rate on engineering scholarships.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 0; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1172.** A Bill for an Act to create and enact a new section to chapter 50-09, a new subsection to section 50-09-02, a new subsection to section 50-09-03, and a new subsection to section 50-09-08 of the North Dakota Century Code, relating to partial reimbursement of county social service board costs in administering the child support enforcement program, duties of the state social service board regarding the child support enforcement program, duties of the county social service boards regarding administration of the child support enforcement program, and the furnishing of information regarding absent parents by state and local agencies for the administration of the child support enforcement program; to amend and reenact section 50-09-06, section 50-09-07, and section 50-09-21 of the North Dakota Century Code, relating to the assignment of rights to support upon application for aid to dependent children, notification of deserting parent to state's attorney by the county social service board, and the appropriation of county social service board funds for the administration of the child support enforcement program.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 3; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1177.** A Bill for an Act to create a new section in Chapter 20.1-08 of the North Dakota Century Code, relating to designation of a moose hunting season and providing that recipients of a moose hunting license shall not be eligible to apply for another such license.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 4; absent and not voting, 7.

| REGULAR SESSION |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN        |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**POINT OF PERSONAL PRIVILEGE**

Senator Pietron: Mr. President, I rise on a point of personal privilege.

I would like to explain my vote on Bill No. 1348 Thursday. I am a veteran and I know that many who sit in this body have also served their country and served it well. We are veterans of four wars. Many of the veterans that are now confined to the Veterans Hospital were not as fortunate as some of us. I fear that by building this \$1.5 million dollar medical complex next to the VA Hospital in Fargo, the unfortunate persons may be subject to experimentation for the advancement of medicine in the years to come.

I have proof that this practice goes on in VA hospitals as we have a veteran in my home town who has lost one arm due to surgeons experimenting on him. They went in to remove some shrapnel and before they got finished with him they had severed the arm. This is only one instance. I have a daughter who is a disabled veteran at the age of 25 after serving 4½ years. She is disabled because of surgeon experimentation. She has a rare eye disease and they thought they could solve the problem by using laser on her eye. They shot the laser and missed the spot and hit the macula leaving her in a blind condition.

It is instances like this that prompted me to vote No against this bill. Thank you.

**SIGNING OF BILLS**

The Secretary announced that the President was about to sign:

- House Concurrent Resolution No. 3025
- House Concurrent Resolution No. 3026
- House Concurrent Resolution No. 3032
- House Concurrent Resolution No. 3035
- House Concurrent Resolution No. 3042
- House Concurrent Resolution No. 3044
- House Concurrent Resolution No. 3048

And the President signed the same in the presence of the Senate.

**MESSAGES TO THE HOUSE**

Senate Chamber

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

- House Bill No. 1017
- House Bill No. 1022
- House Bill No. 1062

- House Bill No. 1136
- House Bill No. 1171
- House Bill No. 1226



## JOURNAL OF THE SENATE

House Bill No. 1230  
 House Bill No. 1238  
 House Bill No. 1241  
 House Bill No. 1242  
 House Bill No. 1265

House Bill No. 1306  
 House Bill No. 1332  
 House Bill No. 1333  
 House Bill No. 1348  
 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. 1044  
 House Bill No. 1114

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1079  
 House Bill No. 1084  
 House Bill No. 1209  
 House Bill No. 1218  
 House Bill No. 1295  
 House Bill No. 1302

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following,  
 Senate Concurrent Resolution No. 4017  
 Senate Concurrent Resolution No. 4019  
 Senate Concurrent Resolution No. 4029  
 Senate Concurrent Resolution No. 4036  
 Senate Concurrent Resolution No. 4038  
 Senate Concurrent Resolution No. 4039

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

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following,  
 House Concurrent Resolution No. 3025  
 House Concurrent Resolution No. 3026  
 House Concurrent Resolution No. 3032  
 House Concurrent Resolution No. 3035  
 House Concurrent Resolution No. 3042  
 House Concurrent Resolution No. 3044  
 House Concurrent Resolution No. 3048  
 Which the President has signed

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. 2015  
 Senate Bill No. 2019  
 Senate Bill No. 2028  
 Senate Bill No. 2041  
 Senate Bill No. 2043  
 Senate Bill No. 2046  
 Senate Bill No. 2061

Senate Bill No. 2097  
Senate Bill No. 2161  
Senate Bill No. 2215  
Senate Bill No. 2216  
Senate Concurrent Resolution No. 4069

ROY GILBREATH, Chief Clerk  
House Chamber

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

Senate Bill No. 2095  
Senate Bill No. 2112  
Senate Bill No. 2371

ROY GILBREATH, Chief Clerk  
House Chamber

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

Senate Concurrent Resolution No. 4017  
Senate Concurrent Resolution No. 4019  
Senate Concurrent Resolution No. 4029  
Senate Concurrent Resolution No. 4036  
Senate Concurrent Resolution No. 4038  
Senate Concurrent Resolution No. 4039

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1156 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

Rep. Scofield  
Rep. Rau  
Rep. O'Shea

ROY GILBREATH, Chief Clerk  
REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4017  
Senate Concurrent Resolution No. 4019  
Senate Concurrent Resolution No. 4029  
Senate Concurrent Resolution No. 4036  
Senate Concurrent Resolution No. 4038  
Senate Concurrent Resolution No. 4039

Were delivered to the Secretary of State for his approval on February 28, 1977.

SENATOR STRAND, Chairman

Senator Nothing moved that after the reading of House Bills Nos. 1042, 1085, 1094, 1128, 1141, 1148, 1184, 1223, 1228, 1243, 1257, 1266, 1287, 1321, 1357, 1359, 1435, 1437, 1438, 1459, 1481, 1510, 1515, 1575, 1584, 1594 and HCR's 3033 and 3054, the Senate recess until Tuesday, March 1, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



THIRTY-NINTH DAY AFTER RECESS AND  
FORTIETH DAY

Bismarck, March 1, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Christensen moved that the amendments to House Bill No. 1174 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 862 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1255 as recommended by the Committee on Judiciary as printed on page 862 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1479 as recommended by the Committee on Finance and Taxation as printed on page 864 of the Senate Journal be adopted, which motion prevailed.

MOTION

Senator Nothing moved that the Senate request the return of Senate Bill 2505 from the House, which request was granted.

MOTION

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1156, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1156:

Senator Iszler  
Senator Strand  
Senator Schirado

SECOND READING OF HOUSE BILLS

House Bill No. 1186. A Bill for an Act to amend and reenact subsection 2 of section 39-24-08 of the North Dakota Century Code, relating to the regulation and use of snowmobiles upon the state highways; and declaring an emergency.

Which has been read.

**JOURNAL OF THE SENATE**  
**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     | ●    | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     | ●    | ● NELSON   |     | ●    | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     | ●    | ● NOTHING  |     | ●    | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     | ●    | ● ORANGE   |     | ●    | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON |     | ●    | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     | ●    | ● PIETRON  |     | ●    | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     | ●    | ● RAIT     |     | ●    | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     | ●    | ● REDLIN   |     | ●    | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     | ●    | ● REITEN   |     | ●    | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     | ●    | ● SANDNESS |     | ●    | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     | ●    | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     | ●    | ● SCHIRADO |     | ●    | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     | ●    | ● SHABLOW  |     | ●    |                  |     |      |

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

**REPORTS OF STANDING COMMITTEES**

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1019 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

House Bill No. 1019 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1021 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1021 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1211 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, after the ending triple parentheses delete the words "one hundred" and insert in lieu thereof the words "two thousand"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1211 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1221 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1221 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1224 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1224 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1251 has had the same under consideration and recom-

mends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1251 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1314 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1314 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1327 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1327 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1331 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 22, insert beginning triple parentheses before the numeral "5"

On page 1, line 23, after the word "be" delete the beginning triple parentheses

On page 1, line 24, after the word "five" delete the ending triple parentheses and delete the following: "fifty dollars, in addition to the annual fee"

On page 1, line 24, insert ending triple parentheses after the period  
And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1331 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1335 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1335 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1355 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 6, after the word "cause" insert the following: "or with good cause not involving fault on the part of the employer"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1355 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1363 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 23, after the period delete the remainder of the line

On page 2, delete all of lines 24 through 29

On page 2, delete the following: case may be, exceeds one hundred dollars.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1363 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1364 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR FREED, Chairman

House Bill No. 1364 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1409 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1409 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1411 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the period insert the following new language: "The exemption provided under this section shall also apply to any agency or instrumentality of the association and to any agent or employee of the association or any agency or instrumentality thereof."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, CHAIRMAN

House Bill No. 1411 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1421 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1421 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1426 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 3 of the engrossed bill, after the comma, insert the following "whose interests would be affected,"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1426 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1463 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1463 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1464 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1464 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1519 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1519 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1530 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1530 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1545 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1545 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1555 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1555 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1578 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1578 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1591 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1591 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1592 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 23, of the engrossed bill, after the word "of" insert triple parentheses around the word "two" and insert in lieu thereof the word "five"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman



House Bill No. 1592 was placed on the 6th order of business on the calendar for the succeeding legislative day.

#### RECOGNITION

Judy Lynn Fischer, Miss Rodeo North Dakota is the daughter of Mr. and Mrs. Frank Fischer of Jamestown. She is currently a junior at Dickinson State College, is named in Who's Who in American Colleges and Universities, a cheerleader at Dickinson and participates in the Modern Choir. Miss Fischer will represent North Dakota this fall in the "Miss Rodeo America" contest at the National Rodeo finals in Oklahoma City.

Senator Nething moved that the President appoint a committee of two to escort Miss Fischer to the rostrum. The motion prevailed and the President appointed as such committee, Senators Freed and Melland. Miss Fischer was escorted to the rostrum and addressed the assembly.

Senator Nething moved that the remarks of Miss Fischer be printed in the Journal, which motion prevailed.

Remarks of Miss Lynn Fischer, Miss Rodeo North Dakota:

What is it that captivates a person who has lived in North Dakota but who has left only to return again to this great state of ours? I asked myself this very question, and I'd like to share with you what might be the answer.

Dorothy Stickney, a North Dakotan by birth who became a world famous Broadway actress, returned many a time to North Dakota and upon a trip back here she stated, "North Dakota means to me all the lovely things that the word childhood implies. Summer was riding an Indian pony across the fenceless prairie, smelling the fragrant wind, hearing the meadowlarks. Winter was clean snow that squeaked and crunched beneath my overshoes, and twinkling Christmas tree lights — and most of all, my beloved family. It means the joy of coming back after a long time away to the warmth of the wonderful North Dakota people."

Yes, North Dakota and its people are truly descriptive of just such a picture. But wait, there's more, much more to this grand state. What state offers man more variety of seasons than does ours? None, that I can think of. Crisp, cold North Dakota winters are softened by being snug and warm inside. Then the beautiful North Dakota spring with melting snow, budding trees and crocuses on the hills. Next the warmth of a Dakota summer day with its sky of blue hue and finally a brisk North Dakota autumn with leaves of purest gold. Yes, her seasons go on changing. I like the idea too that it is my state that contributes an act of friendliness, like the International Peace Gardens, for it is the friendly spirit and neighborliness of North Dakotans which is the basis of our western hospitality.

Speaking of North Dakotans, they are of special types too. Good, strong, kind, and honest people. People helping each other in time of need, building strength of character as they learn to live with what they have, and learning to do so many things that are useful all through life. But what is even more special about North Dakotans? Well — it's the sweetness of Dakota friends who show you with warm, smiling eyes that they are glad when something nice happens to you.

Did I hear you say you were looking for something to do in Dakota land? Again, North Dakota offers a limitless variety of recreational activities. Enjoy a piece of western heritage by attending a rip-roaring rodeo, or hunt your favorite game. Try some camping and fishing, and how about some golfing? The fun doesn't end there. North Dakota winters offer

some fine skiing, skating and snowmobiling. There's just not much that you can't do in North Dakota.

Yes, North Dakota is truly a state of variety in every respect. Her seasonal changes, differences in land, types of people, numerous recreational activities, and even the kinds of farming done all represent the diversity of this great state. It is no wonder then, why the person who has left this state returns again, not by birth but by choice, to this state of unending opportunities — North Dakota.

MOTION

Senator Pietron moved that the Senate reconsider its action whereby House Bill 1376 lost, and requested a roll call vote on the motion, which request was granted.

ROLL CALL

The question being on the motion that the Senate reconsider its action whereby House Bill 1376 lost, the roll was called and there were 20 ayes; 29 nays; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| •                   |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
| •                   |     |      | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
| •                   |     |      | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
| •                   |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| •                   |     |      | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| •                   |     |      | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| •                   |     |      | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| •                   |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
| •                   |     |      | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

The motion to reconsider House Bill 1376 lost.

Senator Nothing moved that the absent Senators be excused, which motion prevailed.

Senator Nothing moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

FORTIETH DAY

Bismarck, March 1, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Paul Stuart, Regular Baptist Church, Bismarck.

Our gracious God, Creator of heaven and earth, we thank You that by Your grace and mercy we are able to come into Your presence, humbly, knowing that You hear and answer the prayers of those who humble themselves before you, admitting the need of your help in decisions great and small. Gracious Father, only You have the wisdom and knowledge needed to govern the people of this state. We need and ask Your help for each person here, responsible for the great job before them. As each item of business comes up, give wisdom to each of these men and women that they might recognize their need of your help, wisdom and guidance. May Your name be praised and honored in all that is done here today.

We ask in the name of our gracious Savior, the Lord Jesus Christ, who gave Himself for us.

Amen.

The roll was called and all Senators were present except Larson.

A quorum was declared by the President.



|            |           |            |               |
|------------|-----------|------------|---------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1239.** A Bill for an Act to amend and reenact sections 53-06-01 and 53-06-08 of the North Dakota Century Code, relating to the licensing of dance halls, and halls owned privately and used for public purposes.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAA DEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEF               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODGEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1256.** A Bill for an Act authorizing an easement over certain property of the state of North Dakota to the city of Bismarck for the construction and maintenance of a street and the reversion thereof in the event of nonuse.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were yeas, 46; nays, 1; absent and not voting, 3.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAA DEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEF               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODGEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Sandness moved that House Bill No. 1259 be re-referred to the Committee on Education, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1297.** A Bill for an Act to amend and reenact section 14-03-02 of the North Dakota Century Code, relating to the lawful age for marriage.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 29; nays, 20; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |                  |          |      |               |
|---------------------|-------------|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |             | •    | •         | JACOBSON   | •    | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   | BARTH       |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   | ERDMAN      | •    | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
| •                   | FARRINGTON  | •    | •         | LEE        | •    | •                | PIETRON  | •    | TENNEFOS      |
| •                   | FREED       | •    | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
| •                   | GOODMAN     | •    | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
| •                   | HANSON      |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   | HOFFNER     |      | •         | MELLAND    | •    | •                | SANDS    | •    | WRIGHT        |
| •                   | HOLMBERG    | •    | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   | ISZLER      |      | •         | MORGAN     |      | •                | SHABLOW  | •    |               |

So the bill passed and the title was agreed to.

House Bill No. 1326. A Bill for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to the care required in operating a motor vehicle, and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 25; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |                  |          |      |               |
|---------------------|-------------|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |             | •    | •         | JACOBSON   | •    | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   | BARTH       |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   | ERDMAN      | •    | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
| •                   | FARRINGTON  | •    | •         | LEE        | •    | •                | PIETRON  | •    | THANE         |
| •                   | FREED       | •    | •         | LIPS       |      | •                | RAIT     | •    | VOSPER        |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •                | REDLIN   | •    | WALSH         |
| •                   | GOODMAN     | •    | •         | MAHER      |      | •                | REITEN   | •    | WENSTROM      |
| •                   | HANSON      |      | •         | MAU        |      | •                | SANDNESS | •    | WRIGHT        |
| •                   | HOFFNER     | •    | •         | MELLAND    | •    | •                | SANDS    | •    | MR. PRESIDENT |
| •                   | HOLMBERG    | •    | •         | MILLER     |      | •                | SCHIRADO | •    |               |
| •                   | ISZLER      |      | •         | MORGAN     |      | •                | SHABLOW  | •    |               |

House Bill No. 1326 was declared lost.

House Bill No. 1343. A Bill for an Act to amend and reenact section 39-03A-09, 39-03A-12 and 39-03A-14. of the North Dakota Century Code, relating to the North Dakota highway patrolmen's retirement system.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |           |            |      |                  |          |      |               |
|---------------------|-------------|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |             | •    | •         | JACOBSON   | •    | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   | BARTH       |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   | ERDMAN      | •    | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
| •                   | FARRINGTON  | •    | •         | LEE        | •    | •                | PIETRON  | •    | TENNEFOS      |
| •                   | FREED       | •    | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
| •                   | GOODMAN     | •    | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
| •                   | HANSON      |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   | HOFFNER     | •    | •         | MELLAND    | •    | •                | SANDS    | •    | WRIGHT        |
| •                   | HOLMBERG    | •    | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   | ISZLER      |      | •         | MORGAN     |      | •                | SHABLOW  | •    |               |

So the bill passed and the title was agreed to.

**House Bill No. 1474.** a Bill for an Act to provide for the deferral of certain payments received for crop disasters and proceeds from livestock sold because of drought; to provide an effective date; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 818, 819) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

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

**House Bill No. 1482.** A Bill for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the assignment of points against the driving record of unlicensed operators; to amend and reenact subsection 1 of section 39-06-01 of the North Dakota Century Code, relating to decriminalizing the offense of driving without a license; to repeal subsection 9 of section 39-06.1-05 of the North Dakota Century Code, relating to excepting the offense of driving without a license from the noncriminal disposition of traffic offenses; and to provide a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 8; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1042.** A Bill for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to actions brought to abate taxes assessed on mobile homes.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| ●                   |     |      | ●         |            |      | ●    |          |      | ●                |               |      |
| ●                   |     |      | ●         | JACOBSON   |      | ●    | NAADEN   |      | ●                | SMYKOWSKI     |      |
| ●                   |     |      | ●         | JONES      |      | ●    | NELSON   |      | ●                | SOLBERG       |      |
| ●                   |     |      | ●         | KRAUTER    |      | ●    | NETHING  |      | ●                | STRAND        |      |
| ●                   |     |      | ●         | LARSON     |      | ●    | ORANGE   |      | ●                | STRINDEN      |      |
| ●                   |     |      | ●         | LASHKOWITZ |      | ●    | PETERSON |      | ●                | TALLACKSON    |      |
| ●                   |     |      | ●         | LEE        |      | ●    | PIETRON  |      | ●                | TENNEFOS      |      |
| ●                   |     |      | ●         | LIPS       |      | ●    | RAIT     |      | ●                | THANE         |      |
| ●                   |     |      | ●         | LODGEN     |      | ●    | REDLIN   |      | ●                | VOSPER        |      |
| ●                   |     |      | ●         | MAHER      |      | ●    | REITEN   |      | ●                | WALSH         |      |
| ●                   |     |      | ●         | MAU        |      | ●    | SANDNESS |      | ●                | WENSTROM      |      |
| ●                   |     |      | ●         | MELLAND    |      | ●    | SANDS    |      | ●                | WRIGHT        |      |
| ●                   |     |      | ●         | MILLER     |      | ●    | SCHIRADO |      | ●                | MR. PRESIDENT |      |
| ●                   |     |      | ●         | MORGAN     |      | ●    | SHADLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

House Bill No. 1085. A Bill for an Act to amend and reenact subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to the exemption of mobile homes from taxation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 28; nays, 21; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| ●                   |     |      |           | JACOBSON   | ●    |      | NAADEN   | ●    | ●                | SMYKOWSKI     |      |
| ●                   |     |      |           | JONES      | ●    |      | NELSON   | ●    | ●                | SOLBERG       | ●    |
| ●                   |     |      | ●         | KRAUTER    |      |      | NETHING  | ●    | ●                | STRAND        | ●    |
| ●                   |     |      | ●         | LARSON     |      | ●    | ORANGE   |      | ●                | STRINDEN      | ●    |
| ●                   |     |      | ●         | LASHKOWITZ | ●    | ●    | PETERSON |      | ●                | TALLACKSON    |      |
| ●                   |     |      | ●         | LEE        |      | ●    | PIETRON  |      | ●                | TENNEFOS      | ●    |
| ●                   |     |      | ●         | LIPS       |      | ●    | RAIT     |      | ●                | THANE         |      |
| ●                   |     |      | ●         | LODGEN     | ●    | ●    | REDLIN   |      | ●                | VOSPER        |      |
| ●                   |     |      | ●         | MAHER      |      | ●    | REITEN   | ●    | ●                | WALSH         |      |
| ●                   |     |      | ●         | MAU        |      | ●    | SANDNESS |      | ●                | WENSTROM      |      |
| ●                   |     |      | ●         | MELLAND    | ●    | ●    | SANDS    | ●    | ●                | WRIGHT        | ●    |
| ●                   |     |      | ●         | MILLER     |      | ●    | SCHIRADO |      | ●                | MR. PRESIDENT |      |
| ●                   |     |      | ●         | MORGAN     |      | ●    | SHABLOW  | ●    |                  |               |      |

So the bill passed and the title was agreed to.

MOTION

Senator Nothing moved that the Senate stand recessed for fifteen minutes, which motion prevailed.

The Senate reconvened, President Sanstead presiding.

MESSAGES FROM THE HOUSE

House Chamber

Mr. President:

I have the honor to return:

Senate Bill No. 2505

Which the Senate has requested.

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1079-1218-1302 and refused to concur in the Senate amendment to House Bill No. 1084 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:





Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

House Bill No. 1148. A Bill for an Act to amend and reenact sections 39-24-03 and 39-24-05 of the North Dakota Century Code, relating to snowmobile registration fees and the disposition of same.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 836) the roll was called and there were ayes, 40; nays, 8; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

### RECOGNITION

Senator Wenstrom announced to the Assembly that Pamela Falcon a pretty 4 year old blue-eyed blond has been named as the North Dakota Easter Seal Poster Child for 1977. Pamela, a Cerebral Palsy child, lives with her grandparents, Mr. and Mrs. Jens Lund of Stanton, N. Dak.

Senator Nothing moved that a committee of two be appointed to escort Pamela and her friends, Doryce Kyser, President of the North Dakota Easter Seal Society and Wil Ashworth, Executive Director of the North Dakota Easter Seal Society to the rostrum. The motion prevailed, and the President appointed as such committee, Senators Wenstrom and Redlin, whereupon Pamela and friends were introduced to the Assembly, and Mr. Ashworth addressed the Senate.

Mr. Ashworth: Thank you Mr. President, and distinguished Senators. This is our annual kick-off day. Our annual Easter Seal campaign is under way today and I would like to tell a little bit about Pammy Falcon. She is a little 4 year old from Stanton as mentioned, she does have



ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MOTION

Senator Netting moved that those Senators of the Joint Constitutional Revision Committee be excused at this time so that they can meet with a like committee with the House, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1243. A Bill for an Act to create and enact a new section to chapter 12-55 of the North Dakota Century Code, relating to confidentiality of pardon board records and disclosure to certain persons and under certain conditions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 10; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1257. A Bill for an Act to amend and reenact subsection 2 of section 27-20-05 of the North Dakota Century Code, relating to the salary of juvenile supervisors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 22; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |           |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|-----------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL |     |      |           |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON  |     | •    | • NAADEN  |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | JONES     |     | •    | • NELSON  |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     | •    | KRAUTER   |     | •    | • NETHING |     | •    | • STRAND         |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

House Bill No. 1257 was declared lost.

**House Bill No. 1266.** A Bill for an Act to repeal section 27-15-07 of the North Dakota Century Code, relating to the duties of the judicial council to gather information relating to crime and criminal and civil litigation and to the preparation of a semi-annual report of district court case activity.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1287.** A Bill for an Act to allow school districts to levy for the cost of district-owned buses.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH         |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL      |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1321.** A Bill for an Act to create and enact a new section to chapter 30.1-04, a new subsection to section 30.1-05-02, and a new subsection to section 30.1-14-01 of the North Dakota Century Code, relating to persons related to decedent through two lines, bona fide purchaser, and applicant's submission to jurisdiction; to amend and reenact sections 30.1-04-09 and 30.1-05-02, subsection 1 of section 30.1-05-05, section 30.1-05-

06, subsection 1 of section 30.1-05-07, sections 30.1-08-04, 30.1-09-08, 30.1-09-11, 30.1-10-01, subsection 2 of section 30.1-10-02, sections 30.1-12-06, 30.1-14-01, 30.1-15-07, 30.1-19-02, 30.1-19-14, 30.1-20-10, 30.1-21-04, 30.1-31-04, and 30.1-31-06 of the North Dakota Century Code, to provide amendments to the Uniform Probate Code and relating to meaning of child, augmented estate, proceeding for elective share, effect of election on benefits by will or statute, charging spouse with gifts received, self-proved will, nonademption of specific devises in certain cases, construction of generic terms to accord with relationships as defined for intestate succession, renunciation of succession, definition of surviving spouse, proceedings within the exclusive jurisdiction of court, informal probate or appointment proceedings, formal testacy proceedings, statute of limitations, encumbered assets, purchasers from distributees protected, liability of distributees to claimants, right of survivorship, and accounts and transfers nontestamentary.

Which has been read.

Senator Schirado moved to amend House Bill 1321 as follows:

On page 21, line 2 of the engrossed bill, delete the word "four" and insert in lieu thereof the word "three"

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

Senator Schirado moved that the rules be suspended, that House Bill 1321 be placed on the calendar as amended for second reading and final passage, which motion prevailed.

**House Bill No. 1321.** A Bill for an Act to create and enact a new section to chapter 30.1-04, a new subsection to section 30.1-05-02, and a new subsection to section 30.1-14-01 of the North Dakota Century Code, relating to persons related to decedent through two lines, bona fide purchaser, and applicant's submission to jurisdiction; to amend and reenact sections 30.1-04-09 and 30.1-05-02, subsection 1 of section 30.1-05-05, section 30.1-05-06, subsection 1 of section 30.1-05-07, sections 30.1-08-04, 30.1-09-08, 30.1-09-11, 30.1-10-01, subsection 2 of section 30.1-10-02, sections 30.1-12-06, 30.1-14-01, 30.1-15-07, 30.1-19-02, 30.1-19-14, 30.1-20-10, 30.1-21-04, 30.1-31-04, and 30.1-31-06 of the North Dakota Century Code, to provide amendments to the Uniform Probate Code and relating to meaning of child, augmented estate, proceeding for elective share, effect of election on benefits by will or statute, charging spouse with gifts received, self-proved will, nonademption of specific devises in certain cases, construction of generic terms to accord with relationships as defined for intestate succession, renunciation of succession, definition of surviving spouse, proceedings within the exclusive jurisdiction of court, informal probate or appointment proceedings, formal testacy proceedings, statute of limitations, encumbered assets, purchasers from distributees protected, liability of distributees to claimants, right of survivorship, and accounts and transfers nontestamentary.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        | ●   |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           | ●   |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1357.** A Bill for an Act to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to the power of the highway commissioner to suspend a driver's license for failing to appear in court after signing a promise to do so and for failing to pay a fine or serve a sentence ordered by a court.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 838) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1359.** A Bill for an Act to create and enact a new section to chapter 26-21 of the North Dakota Century Code and to create and enact subsection 6 to section 26-21-09 of the North Dakota Century Code, relating to the handling of claims against and the assets of insolvent insurance companies.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI  |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG    |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND     |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN   |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS   |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE      |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     |      | ● VOSPER     |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH      |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM   |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFNER   | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1435.** A Bill for an Act to amend and reenact subsection 1 of section 15-40.2-05 of the North Dakota Century Code, relating to application of parent or guardian for payment of tuition by district.

Which has been read.

Senator Naaden moved that House Bill 1435 be re-referred to the Committee on Education, which motion lost.

Senator Naaden moved that House Bill 1435 be laid over one legislative day, which motion lost.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 17; nays, 29; absent and not voting, 4.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |             | •    | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      |           | JONES      | •    |      | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      |      | NETHNG.  | •    |                  | STRAND        | •    |
|                     | CHRISTENSEN | •    |           | LARSON     |      |      | ORANGE   | •    |                  | STRINDEN      | •    |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      |      | PETERSON |      | •                | TALLACKSON    |      |
|                     | FARRINGTON  |      |           | LEE        |      |      | PIETRON  | •    |                  | TENNEFOS      |      |
|                     | FRED        | •    |           | LIPS       | •    |      | RAIT     | •    |                  | THANE         | •    |
|                     | FRITZELL    | •    |           | LODEN      | •    |      | REDLIN   |      |                  | VOSPER        | •    |
|                     | GOODMAN     | •    | •         | MAHER      |      |      | REITEN   |      |                  | WALSH         | •    |
|                     | HANSON      | •    | •         | MAU        |      |      | SANDNESS |      |                  | WENSTROM      |      |
|                     | HOFNER      | •    |           | MELLAND    | •    |      | SANDS    |      | •                | WRIGHT        |      |
|                     | HOLMBERG    | •    |           | MILLER     | •    |      | SCHIRADO |      |                  | MR. PRESIDENT |      |
|                     | ISZLER      | •    |           | MORGAN     | •    | •    | SHABLOW  |      |                  |               |      |

House Bill No. 1435 was declared lost.

**MOTIONS**

Senator Sandness moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1084, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1084:

- Senator Sandness
- Senator Nelson
- Senator Tallackson

Senator Reiten moved that House Bill No. 1541 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Reiten moved that House Bill No. 1541 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1437.** A Bill for an Act to amend and reenact sections 32-21-01 and 32-21-05 of the North Dakota Century Code, relating to when action for death by wrongful act maintainable and action not abated by death.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRABO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1438.** A Bill for an Act to amend and reenact subsection 24 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for all sales to boarding homes for the aged and infirm licensed by the state social service board.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRABO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1459.** A Bill for an Act to amend and reenact subsection 6 of section 57-39.2-01 of the North Dakota Century Code, relating to sales taxes on items sold at auction.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRABO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.



## JOURNAL OF THE SENATE

## 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. 1165  
 House Bill No. 1191  
 House Bill No. 1253  
 House Bill No. 1261  
 House Bill No. 1325

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. 1360  
 House Bill No. 1376  
 House Bill No. 1526

LEO LEIDHOLM, Secretary

## Senate Chamber

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

House Bill No. 1053  
 House Bill No. 1058  
 House Bill No. 1069  
 House Bill No. 1103  
 House Bill No. 1109  
 House Bill No. 1147  
 House Bill No. 1168  
 House Bill No. 1180  
 House Bill No. 1182  
 House Bill No. 1183  
 House Bill No. 1216  
 House Bill No. 1217  
 House Bill No. 1220  
 House Bill No. 1235  
 House Bill No. 1248  
 House Bill No. 1367  
 House Bill No. 1370  
 House Bill No. 1472  
 House Bill No. 1493

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1084:

Senators:  
 Sandness  
 Nelson  
 Tallackson  
 House Bill No. 1156  
 Senators:  
 Iszler  
 Strand  
 Schirado

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. 2052  
Senate Bill No. 2117  
Senate Bill No. 2172  
Senate Bill No. 2174  
Senate Bill No. 2180  
Senate Bill No. 2191  
Senate Bill No. 2200  
Senate Bill No. 2235  
Senate Bill No. 2243  
Senate Bill No. 2244  
Senate Bill No. 2247  
Senate Bill No. 2265  
Senate Bill No. 2310  
Senate Bill No. 2314  
Senate Bill No. 2315  
Senate Bill No. 2390

ROY GILBREATH, Chief Clerk  
House Chamber

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

Senate Bill No. 2118

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. 2228

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2228

On page 1, line 22, insert a comma after the word "improvement"

On page 1, line 24, insert a comma after the word "institution"

On page 3, line 31, insert beginning triple parentheses before the word "After"

On page 3, line 35, delete the beginning triple parentheses before the word "November" and delete the ending triple parentheses after the word "first"

On page 4, line 1, delete the words "September tenth" and also on line 1, insert ending triple parentheses after the word "he" and insert in lieu thereof the following new language: "On or before September tenth of each year, the county auditor"

And renumber the lines and pages accordingly.

Senator Nething moved that after the reading of House Bills 1019, 1021, 1174, 1221, 1223, 1224, 1251, 1255, 1314, 1327, 1335, 1409, 1421, 1463, 1464, 1479, 1519, 1530, 1545, 1555, 1578 and 1591, the Senate recess until Wednesday, March 2, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## FORTIETH DAY AFTER RECESS AND FORTY-FIRST DAY

Bismarck, March 2, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORTS OF PROCEDURAL COMMITTEES

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

Senate Bill No. 2121

and find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

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

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

Senate Bill No. 2021

Senate Bill No. 2100

Senate Bill No. 2103

Senate Bill No. 2115

Senate Bill No. 2119

Senate Bill No. 2134

and find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Education to whom was referred House Bill No. 1025 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1025 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1233 has had the same under consideration and recommends that the same be amended as follows:

\*On page 3, line 10, of the engrossed bill, after the word "shall" insert beginning triple parentheses and on the same line, after the word "with" insert ending triple parentheses and insert in lieu thereof the following: "include in"

On page 3, line 11, before the word "justifying" insert the words "the facts" and on the same line after the word "assessed" insert beginning triple parentheses

On page 3, line 12, after the word "incurred" insert ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass and be re-referred to the Committee on Appropriations.

SENATOR FREED, Chairman

House Bill No. 1233 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1240 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR FREED, Chairman

House Bill No. 1240 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1252 has had the same under consideration and recommends that the same 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 authorize the state game and fish department to allocate funds for pheasant propagation.

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

SECTION 1. STATE GAME AND FISH DEPARTMENT TO ALLOCATE FUNDS FOR PHEASANT PROPAGATION — LEGISLATIVE INTENT.)

The state game and fish department is hereby authorized to allocate funds not to exceed the sum of \$60,000.00 from its appropriation for the biennium beginning July 1, 1977, and ending June 30, 1979, for the purpose of having the state penitentiary raise pheasants for release by the state game and fish department. It is the intent of the legislative assembly that if the pheasant propagation program is successful the program shall be continued beyond the biennium ending June 30, 1979."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1252 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1337 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 5, delete the words "an absence of" and insert in lieu thereof the following: "the lack of special services and facilities necessary for the handicapped students"

On page 1, line 6, delete the words "appropriate public institutions" On page 2, line 6, delete the words "an absence of appropriate qualified" and insert in lieu thereof the following: "the lack of special services or facilities, or both, necessary to meet the postsecondary educational needs of the handicapped students"

On page 2, line 7, delete the words "postsecondary institutions"

And renumber the lines accordingly

And when so amended recommends the same do pass and be re-referred to the Committee on Appropriations.

SENATOR SANDNESS, Chairman

House Bill No. 1337 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1351 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

House Bill No. 1351 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1369 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1369 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1419 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1419 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1430 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, after the word "construction" delete the words "or renovation of"

On page 1, line 21, after the word "shall" delete the word "lease,"

On page 2, line 5, delete the words "or major renovation"

On page 2, line 6, after the period delete the following: "For leased areas of ten thousand"

On page 2, delete all of lines 7 through 10

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1430 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1469 has had the same under consideration and recommends that the same do pass:

SENATOR FREED, Chairman

House Bill No. 1469 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1501 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 6, of the engrossed bill after the word "PARK" delete the following: "- INCREASES LIMITED"

On page 3, line 9, after the period delete the words: "No mobile home park owner shall"

On page 3, delete all of line 10

And renumber the lines and pages accordingly

And when so amended recommends the same be indefinitely postponed.

SENATOR JONES, Chairman

House Bill No. 1501 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1518 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

House Bill No. 1518 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1527 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1527 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1529 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1529 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1531 has had the same under consideration and recommends that the same be amended as follows:

On page 2, after line 3 of the engrossed bill, insert the following new subsection: "4. Any person making a report in good faith pursuant to this Act shall be immune from liability for making said report."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1531 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1537 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

House Bill No. 1537 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1557 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1557 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Concurrent Resolution No. 3041 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Concurrent Resolution No. 3041 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1211 as

recommended by the Committee on Judiciary as printed on page 876 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1331 as recommended by the Committee on State and Federal Government as printed on page 877 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1355 as recommended by the Committee on Industry, Business and Labor as printed on page 877 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1363 as recommended by the Committee on Industry, Business and Labor as printed on pages 877 and 878 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1411 as recommended by the Committee on State and Federal Government as printed on page 878 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1426 as recommended by the committee on Judiciary as printed on page 878 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1592 as recommended by the Committee on State and Federal Government as printed on page 879 of the Senate Journal be adopted, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1481.** A Bill for an Act to amend and reenact sections 15-53.1-06 and 15-53.1-18 of the North Dakota Century Code, relating to county committees for annexation and plans of reorganization of school districts in more than one county.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |           |      |      |     |                  |      |              |      |
|---------------------|-----|------|------|-----------|------|------|-----|------------------|------|--------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL |      |      |     | 1977 LEGISLATURE |      |              |      |
| YEAS                | N-V | NAYS | YEAS | N-V       | NAYS | YEAS | N-V | NAYS             | YEAS | N-V          | NAYS |
| •                   |     |      | •    | JACOBSON  |      |      | •   | NAADEN           | •    | SMYKOWSKI    |      |
| •                   |     |      | •    | JONES     | •    |      | •   | NELSON           | •    | SOLBERG      |      |
| •                   |     |      | •    | KRAUTER   |      |      | •   | NETHING          | •    | STRAND       | •    |
| •                   |     |      | •    | LARSON    |      |      | •   | ORANGE           | •    | STRINDEN     |      |
| •                   |     |      | •    | LASKOWITZ |      |      | •   | PETERSON         | •    | TALLACKSON   |      |
| •                   |     |      | •    | LEE       |      |      | •   | PIETRON          | •    | TENNEFOS     |      |
| •                   |     |      | •    | LIPS      |      |      | •   | RAIT             | •    | THANE        |      |
| •                   |     |      | •    | LODOEN    |      |      | •   | REDLIN           | •    | VOSPER       |      |
| •                   |     |      | •    | MAHER     |      |      | •   | REITEN           | •    | WALSH        |      |
| •                   |     |      | •    | MAU       |      |      | •   | SANDNESS         | •    | WENSTROM     |      |
| •                   |     |      | •    | MELLAND   |      |      | •   | SANDS            | •    | WRIGHT       |      |
| •                   |     |      | •    | MILLER    |      |      | •   | SCHIRADO         | •    | MR PRESIDENT |      |
| •                   |     |      | •    | MORGAN    |      |      | •   | SHABLOW          |      |              |      |

So the bill passed and the title was agreed to.

**House Bill No. 1510.** A Bill for an Act to amend and reenact subsection 3 of section 26-41-10 of the North Dakota Century Code, relating to the coordination of insurance benefits between no-fault insurers and other insurers.

Which has been read.



ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •    | JONES      |      | •         | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •    | LARSON     |      | •         | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •    | LEE        |      | •         | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •    | LIPS       |      | •         | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •    | LODOEN     |      | •         | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •    | MAHER      |      | •         | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •    | MAU        |      | •         | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •    | MELAND     |      | •         | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •    | MILLER     |      | •         | SCHRADO  |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

MOTION

Senator Reiten moved that House Bill No. 1515 be re-referred to the Committee on Industry, Business and Labor, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1575. A Bill for an Act to amend and reenact section 15-53.1-34 of the North Dakota Century Code, relating to the sale or removal of school buildings in reorganized districts.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BARTH       |      | •    | JONES      |      | •         | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •    | LARSON     |      | •         | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •    | LEE        |      | •         | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED       |      | •    | LIPS       |      | •         | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL    |      | •    | LODOEN     |      | •         | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN     |      | •    | MAHER      |      | •         | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      |      | •    | MAU        |      | •         | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •    | MELAND     |      | •         | SANDS    |      | •                | WRIGHT        |      |
| •                   | HOLMBERG    |      | •    | MILLER     |      | •         | SCHRADO  |      | •                | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •    | MORGAN     |      | •         | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

House Bill No. 1584. A Bill for an Act to create and enact a new section in chapter 49-02 of the North Dakota Century Code relating to commission regulation of nonessential or wasteful consumption of gas furnished by gas utilities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 25; nays, 23; absent and not voting, 2.

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |            |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL CALL |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V        | NAYS |
| •                   | ALBERS      |      | •    | JACOBSON   |      | •         | NAADEN   |      | •                | SMYKOWSKI  |      |
| •                   | BARTH       |      | •    | JONES      |      | •         | NELSON   |      | •                | SOLBERG    |      |
| •                   | BERUBE      |      | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND     |      |
| •                   | CHRISTENSEN |      | •    | LARSON     |      | •         | ORANGE   |      | •                | STRINDEN   |      |
| •                   | ERDMAN      |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON |      |

|            |        |          |               |
|------------|--------|----------|---------------|
| FARRINGTON | LEE    | PIETRON  | TENNEFOS      |
| FREED      | LIPS   | RAIT     | THANE         |
| FRITZELL   | LODOEN | REDLIN   | VOSPER        |
| GOODMAN    | MAHER  | REITEN   | WALSH         |
| HANSON     | MAU    | SANDNESS | WENSTROM      |
| HOFNER     | MELAND | SANDS    | WRIGHT        |
| HOLMBERG   | MILLER | SCHIRADO | MR. PRESIDENT |
| ISZLER     | MORGAN | SHABLOW  |               |

House Bill No. 1584 lost due to a lack of a constitutional majority.

MOTION

Senator Morgan moved that the Senate reconsider the action whereby House Bill 1338 passed, which motion prevailed on a division vote.

Senator Nething moved that House Bill 1338 be placed at the foot of the calendar, which motion prevailed.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

FORTY-FIRST DAY

Bismarck, March 2, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Fr. Victor Feser, Annunciation Priory, Bismarck.

"Let us pray.

Almighty God, Father of us all, look upon us gathered here, and guide us in our work. You have created us in your image and likeness, giving us the privilege and duty of sharing and of cooperating to build a world where all may live in peace and dignity. We ask the blessings of your wisdom this day, that our deliberations and decisions, our goals and principles, may be in accord with Your will. Make us mindful of the responsibility given us by Your people, make us dedicated to their well-being, make us conscious of their needs. We ask too that You give us a spirit of gratitude for all the blessings of past and present, and a spirit of hope for the good things that You, O Lord, desire to bring about in our world. May we be worthy to share in Your work.

We ask this through Christ our Lord. Amen."

The roll was called and all Senators were present except Larson.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 875, delete lines 9 through 14

On page 876, line 21 after the word "to" insert ", and the emergency clause carried."

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

Senator Nething moved that the Senate recess the regular business of the session for the purpose of conducting the Senate Memorial Service, which motion prevailed.

Memorial Service Committee:

Senator Christensen  
 Senator Miller  
 Senator Peterson  
 President Sanstead presiding Officer.

## PROGRAM

State of North Dakota  
 45th Legislative Assembly  
 SENATE MEMORIAL SERVICE

Wednesday  
 March 2, 1977  
 2:00 P.M.

## SENATE CHAMBER

## INVOCATION

Rev. Hensel E. Hendrickson  
 Trinity Lutheran Church  
 Bismarck, North Dakota

## READING OF

## SENATE MEMORIAL RESOLUTION

Leo Leidholm  
 Secretary

## SONG

"Deep River"

Valley City Bicentennial Choir

"Troubadours"

Miss Gloria Peterson, Director  
 Accompanist, Geraldine Field Keeling

## REMARKS BY

Rev. Hendrickson

## SONG

"Battle Hymn of the Republic"

Valley City Bicentennial Choir

## BENEDICTION

Rev. Hendrickson

## FIRST READING OF A SENATE MEMORIAL RESOLUTION

Senators Christensen, Miller, Peterson Introduced:

**Senate Memorial Resolution No. 2.** A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the first time.

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

## SENATE MEMORIAL RESOLUTION No. 2

Introduced by Senators Christensen, Miller, Peterson.

A memorial resolution for deceased members of the Senate of the State of North Dakota.

WHEREAS, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

FRANK ALBERS, who served in the Thirtieth and Thirty-first Legislative Assemblies, from the forty-eighth district, died October 31, 1974.

AMOS FREED, who served in the Thirty-first through Thirty-sixth

Legislative Assemblies, from the thirty-first district, died July 7, 1976.

SELMER GILBERTSON, who served in the Thirty-fourth through the Thirty-seventh Legislative Assemblies, from the thirty-eighth district, died March 14, 1976.

C. G. KEE, who served in the Thirty-fifth through the Thirty-eighth Legislative Assemblies, from the twenty-fifth district, died June 25, 1976.

ANTON LAVIK, who served in the Twenty-fifth through the Twenty-eighth Legislative Assemblies, from the thirteenth district, died September 23, 1975.

EDWARD LIAN, who served in the Twenty-fifth and Twenty-sixth Legislative Assemblies, from the third district, died December 12, 1976.

HALVOR ROLFSRUD, who served in the Thirty-ninth Legislative Assembly, from the forty-first district, died April 1, 1976.

LAVERN SCHOEDER, who served in the Thirty-first through the Thirty-fourth Legislative Assemblies, from the forty-ninth district, died March 16, 1976.

ALOYS WARTNER, who served in the Thirty-fifth through the Thirty-eighth Legislative Assemblies, from the thirty-third district, died June 7, 1976.

WHEREAS, today, we, as members of the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota, pause to mourn the passing of our former colleagues, and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contribution to their fellowmen and their communities;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE SENATE OF THE FORTY-FIFTH LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

That we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these, our former colleagues; and

BE IT FURTHER RESOLVED, that, for the perpetuation of their memory, this token of respect and sympathy by their successors in trust be printed in the journal of the Senate, and that duly enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased Senators.

#### SECOND READING OF A SENATE MEMORIAL RESOLUTION

Senate Memorial Resolution No. 2. A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Memorial Resolution No. 2 was adopted on a voice vote.

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

#### REMARKS OF

Rev. Hensel E. Hendrickson  
Senate Memorial Service

A few days ago I had one of those experiences that I am sure many of you have had. I don't get back to the home of my boyhood years very often. So naturally when there is an opportunity, it is a very special treat.

Through the years, you and I have visited many places and have seen much of the beauty that abounds as God's gifts to us. Sometimes our eyes have gazed upon great Cathedrals — bearing testimony of man and his

faith in God and man's faith in fellowman. We have been struck by these dazzling sights — gleaming stained glass windows, magnificent altars, quiet, meditative surroundings.

Or we have been enriched by the spectacle of a Cathedral on the prairie, with all of its history and memories that unlock for us treasures of great worth. Each structure has a message of its own.

We all have Cathedrals in our lives, that are special to us, that release the dams of our mind's reservoir and allow us to enjoy momentarily at least a system of recall. My home of boyhood years could hardly be judged a Cathedral in the architectural sense. What makes it a Holy place are the memories that I have — a communion with brothers and sisters, a remembrance of the sacrifice of Mother and Father, that makes the place a Shrine. The walls have a Psalmist's melody of its own as it glances into the past through pictures of a different era. As I walk through those rooms and point out parts of that Cathedral to my children, the liturgical music of the past rests in my heart. Great arias from great composers with simple melodies for some hard times arise almost spontaneously.

Time has sent the inhabitants of those years to different places to establish new Cathedrals. The Leader of the Group, the High Priest, has gone and lies as a silent sentinel over the Cathedral he and his spouse so religiously created.

I feel that your Senate Chamber is also a Cathedral of its own. Here there are many memories of the past — a place hallowed by many as they return from their stations in life. I rather suspect that you develop a kinship here that stays with you as you go from here to the highways and byways of life. I feel that in the inner recesses of your hearts there beats a mystique that is personal and is shared only by a selected few.

It's strange, in a way, that this place should so captivate a person. Like our house, it has little special architectural phenomena as a Cathedral to bind you to it.

Even Governor Langer could not have had that much foresight!

But what ties you together is more intangible than tangible. You have earned the right to be here and that right carries an awesome responsibility. A friend of mine has loaned me a book entitled *The History of Congress*. In its first few pages it describes the struggle that went on, as Congress fought for identity, until Thaddeus Steven spoke these words that ricocheted through the halls of time.

"This is not a government of Kings, but a government of the people and that Congress is the people."

To feel the weight of the needs of people is a heavy one to carry. It sets you apart in this Cathedral.

In this Cathedral there is the constant pervading need of Divine Guidance. Loneliness is present here for this is a lonely task of service. There is solace in the words:

"Behold, I have set before you an open door and no man can shut it."

In this Cathedral, I am sure that you receive support from one another. That here there is a freedom to agree to disagree — but free above all. Here we know what freedom and liberty are really all about.

We are aware of some age old litany that came from the lips of Benjamin Franklin:

"Those who would give up essential liberty to purchase a little temporary safety, deserve neither liberty nor safety."

Today in this Cathedral you have set aside a few moments for a

Memorial Service. It is not too strange that you should do this. For here you have given a great part of your wisdom and your life.

You have cherished the memories of those of your calling whose voices are now silent but whose labors are known in the laws of this land. It is fitting that they should be remembered.

May God's Power and God's Peace keep those memories alive as you and I reflect the days and the times that stand before us. May we hold high those ideals that were precious to them as we go about the tasks that we have been called upon to perform in this Cathedral.

Senator Nething moved that the Memorial Session be dissolved, which motion prevailed.

The Senate reconvened, the President presiding.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1594.** A Bill for an Act to provide for the inception and expiration times of insurance policies.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODGEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**House Concurrent Resolution No. 3033.** A concurrent resolution urging Congress to amend the Federal Occupational Safety and Health Act.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3033 was declared adopted.

**House Concurrent Resolution No. 3054.** A concurrent resolution urging Congress to amend 16 U.S.C. 715s to provide that the National Wildlife Refuge System's land value readjustment period and annual in lieu of tax payments to state counties be the same as the state land value assessment period and in lieu of tax payments made by the State Game and Fish Department.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3054 was declared adopted.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1019.** A Bill for an Act to repeal section 12-48-13 of the North Dakota Century Code, relating to depositing receipts from manufacture and sale of license plates and road signs at the state penitentiary into the general fund.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     |
| BARTH               | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG       |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING          | •   | STRAND        |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE           | •   | STRINDEN      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS      |
| FREED               | •   |      | LIPS       | •   |      | RAIT             | •   | THANE         |
| FRITZELL            | •   |      | LODDEN     | •   |      | REDLIN           | •   | VOSPER        |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN           | •   | WALSH         |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS         | •   | WENSTROM      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW          | •   |               |

House Bill No. 1019 was declared lost.

House Bill No. 1021. A Bill for an Act to amend and reenact paragraph 5 of subdivision i of subsection 15 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation for spouses of students.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     |
| BARTH               | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG       |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING          | •   | STRAND        |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE           | •   | STRINDEN      |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS      |
| FREED               | •   |      | LIPS       | •   |      | RAIT             | •   | THANE         |
| FRITZELL            | •   |      | LODDEN     | •   |      | REDLIN           | •   | VOSPER        |
| GOODMAN             | •   |      | MAHER      | •   |      | REITEN           | •   | WALSH         |
| HANSON              | •   |      | MAU        | •   |      | SANDNESS         | •   | WENSTROM      |
| HOFFNER             | •   |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        |
| HOLMBERG            | •   |      | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT |
| ISZLER              | •   |      | MORGAN     | •   |      | SHABLOW          | •   |               |

So the bill passed and the title was agreed to.

House Bill No. 1174. A Bill for an Act to amend and reenact section 57-15-06.4 of the North Dakota Century Code, relating to the levy authorized for county veterans' service officers' salary, traveling and office expenses.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 862) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |            |
|---------------------|-----|------|------------|-----|------|------------------|-----|------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |            |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS       |
| ALBERS              | •   |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI  |
| BARTH               | •   |      | JONES      | •   |      | NELSON           | •   | SOLBERG    |
| BERUBE              | •   |      | KRAUTER    | •   |      | NETHING          | •   | STRAND     |
| CHRISTENSEN         | •   |      | LARSON     | •   |      | ORANGE           | •   | STRINDEN   |
| ERDMAN              | •   |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON |
| FARRINGTON          | •   |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS   |
| FREED               | •   |      | LIPS       | •   |      | RAIT             | •   | THANE      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER      |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1221.** A Bill for an Act to provide for a solvency contribution to the unemployment compensation fund and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |             |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|-------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |             |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL CALL           |     |      |             |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON  |     | •    | • NAADEN         |     | •    | • SMYKOWSKI   |     | •    |
| • BARTH             |     |      | • JONES     |     |      | • NELSON         |     | •    | • SOLBERG     |     | •    |
| • BERUBE            |     |      | • KRAUTER   |     | •    | • NETHING        |     |      | • STRAND      |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON    |     |      | • ORANGE         |     |      | • STRINDEN    |     | •    |
| • ERDMAN            |     |      | • LASKOWITZ |     | •    | • PETERSON       |     |      | • TALLACKSON  |     | •    |
| • FARRINGTON        |     | •    | • LEE       |     | •    | • PIETRON        |     |      | • TENNEFOS    |     | •    |
| • FREED             |     |      | • LIPS      |     |      | • RAIT           |     |      | • THANE       |     | •    |
| • FRITZELL          |     |      | • LODOEN    |     |      | • REDLIN         |     |      | • VOSPER      |     | •    |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN         |     |      | • WALSH       |     | •    |
| • HANSON            |     |      | • MAU       |     |      | • SANDNESS       |     |      | • WENSTROM    |     | •    |
| • HOFFNER           |     |      | • MELLAND   |     |      | • SANDS          |     | •    | • WRIGHT      |     | •    |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     | •    | • MORGAN    |     |      | • SHABLOW        |     |      |               |     |      |

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

**House Bill No. 1223.** A Bill for an Act to create and enact a new subsection to section 29-28-07 of the North Dakota Century Code, relating to an appeal by the state of an order suppressing evidence.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 23; nays, 25; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |             |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|-------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |             |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL CALL           |     |      |             |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON  |     |      | • NAADEN         |     | •    | • SMYKOWSKI   |     | •    |
| • BARTH             |     |      | • JONES     |     |      | • NELSON         |     | •    | • SOLBERG     |     | •    |
| • BERUBE            |     | •    | • KRAUTER   |     | •    | • NETHING        |     |      | • STRAND      |     | •    |
| • CHRISTENSEN       |     |      | • LARSON    |     |      | • ORANGE         |     | •    | • STRINDEN    |     | •    |
| • ERDMAN            |     |      | • LASKOWITZ |     | •    | • PETERSON       |     |      | • TALLACKSON  |     | •    |
| • FARRINGTON        |     | •    | • LEE       |     |      | • PIETRON        |     |      | • TENNEFOS    |     | •    |
| • FREED             |     |      | • LIPS      |     |      | • RAIT           |     |      | • THANE       |     | •    |
| • FRITZELL          |     |      | • LODOEN    |     |      | • REDLIN         |     |      | • VOSPER      |     | •    |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN         |     |      | • WALSH       |     | •    |
| • HANSON            |     |      | • MAU       |     |      | • SANDNESS       |     |      | • WENSTROM    |     | •    |
| • HOFFNER           |     | •    | • MELLAND   |     |      | • SANDS          |     |      | • WRIGHT      |     | •    |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN    |     |      | • SHABLOW        |     |      |               |     |      |

House Bill No. 1223 was declared lost.

**MOTION**

Senator Nothing moved that the Senate recess for fifteen minutes, which motion prevailed.

The Senate reconvened, the President presiding.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1224.** A Bill for an Act to amend and reenact section 27-08-38 of the North Dakota Century Code, relating to a change of judge for trial of a criminal action in county court with increased jurisdiction.



Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SHYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

House Bill No. 1251. A Bill for an Act to amend and reenact section 27-06-02 of the North Dakota Century Code, relating to salary and expenses of court reporter.

Which has been read.

Senator Mau moved to amend House Bill 1251 as follows:

On page 1, line 13 of the bill, delete the word "nineteen" and insert in lieu thereof the word "seventeen"

Senator Mau moved that the amendment be adopted, which motion lost.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 33; nays, 14; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

MOTION

Senator Melland moved that the Senate reconsider its action whereby House Bill No. 1223 lost, which motion prevailed on a division vote.

Senator Strinden moved that House Bill No. 1223 be laid over one legislative day, which motion prevailed.

MOTION

Senator Sandness moved that House Bill No. 1026 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

Senator Sandness moved that House Bill No. 1026 be re-referred to the Committee on Education, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1255. A Bill for an Act to amend and reenact section 27-11-17 of the North Dakota Century Code, relating to fees for admission to the bar upon examination, and for admission to the bar upon motion.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 862) the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           | •   |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | •    | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1314. A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for sales to certain nonprofit meal delivery organizations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 3; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      | •   |      | • NELSON         |     | •    | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           | •   |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     | •    | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1327. A Bill for an Act to create and enact a new subsection to section 41-02-81 of the North Dakota Century Code, relating to seller's remedies on discovery of buyer's insolvency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 2; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |             |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|-------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS        | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON |     |      | • NAADEN         |     |      | • SMYKOWSKI |     | •    |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1335.** A Bill for an Act to amend and reenact sections 16-22-02 and 16-22-05 of the North Dakota Century Code, relating to the disclosure of financial interests by candidates for office, or, in the alternative, to amend and reenact sections 16.1-09-02 and 16.1-09-05 of the North Dakota Century Code as created by section 8 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the disclosure of financial interests of candidates for office.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 39; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   | •   |      | • NAADEN         | •   |      | • SMYKOWSKI     | •   |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON         | •   |      | • SOLBERG       | •   |      |
| • BERUBE            | •   |      | • KRAUTER    | •   |      | • NETHING        | •   |      | • STRAND        | •   |      |
| • CHRISTENSEN       | •   |      | • LARSON     | •   |      | • ORANGE         | •   |      | • STRINDEN      | •   |      |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   |      | • PETERSON       | •   |      | • TALLACKSON    | •   |      |
| • FARRINGTON        | •   |      | • LEE        | •   |      | • PIETRON        | •   |      | • TENNEFOS      | •   |      |
| • FREED             | •   |      | • LIPS       | •   |      | • RAIT           | •   |      | • THANE         | •   |      |
| • FRITZELL          | •   |      | • LODOEN     | •   |      | • REDLIN         | •   |      | • VOSPER        | •   |      |
| • GOODMAN           | •   |      | • MAHER      | •   |      | • REITEN         | •   |      | • WALSH         | •   |      |
| • HANSON            | •   |      | • MAU        | •   |      | • SANDNESS       | •   |      | • WENSTROM      | •   |      |
| • HOFFNER           | •   |      | • MELLAND    | •   |      | • SANDS          | •   |      | • WRIGHT        | •   |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO       | •   |      | • MR. PRESIDENT |     |      |
| • ISZLER            | •   |      | • MORGAN     | •   |      | • SHABLOW        | •   |      |                 |     |      |

House Bill No. 1335 was declared lost.

**House Bill No. 1409:** A Bill for an Act to create and enact section 6-08-16.2 of the North Dakota Century Code, relating to the issuance of checks without an account or with insufficient funds and providing a penalty.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON   | •   |      | • NAADEN         | •   |      | • SMYKOWSKI     | •   |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON         | •   |      | • SOLBERG       | •   |      |
| • BERUBE            | •   |      | • KRAUTER    | •   |      | • NETHING        | •   |      | • STRAND        | •   |      |
| • CHRISTENSEN       | •   |      | • LARSON     | •   |      | • ORANGE         | •   |      | • STRINDEN      | •   |      |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   |      | • PETERSON       | •   |      | • TALLACKSON    | •   |      |
| • FARRINGTON        | •   |      | • LEE        | •   |      | • PIETRON        | •   |      | • TENNEFOS      | •   |      |
| • FREED             | •   |      | • LIPS       | •   |      | • RAIT           | •   |      | • THANE         | •   |      |
| • FRITZELL          | •   |      | • LODOEN     | •   |      | • REDLIN         | •   |      | • VOSPER        | •   |      |
| • GOODMAN           | •   |      | • MAHER      | •   |      | • REITEN         | •   |      | • WALSH         | •   |      |
| • HANSON            | •   |      | • MAU        | •   |      | • SANDNESS       | •   |      | • WENSTROM      | •   |      |
| • HOFFNER           | •   |      | • MELLAND    | •   |      | • SANDS          | •   |      | • WRIGHT        | •   |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO       | •   |      | • MR. PRESIDENT |     |      |
| • ISZLER            | •   |      | • MORGAN     | •   |      | • SHABLOW        | •   |      |                 |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1421.** A Bill for an Act to amend and reenact section 12-

53-18 of the North Dakota Century Code, relating to records on discharge from probation:

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 43; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODOEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |                 |

House Bill No. 1421 was declared lost.

House Bill No. 1463. A Bill for an Act to amend and reenact subsection 2 of section 10-15-25 of the North Dakota Century Code, relating to the number of directors of cooperative associations.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

House Bill No. 1464. A Bill for an Act to amend and reenact sections 28-01-16 and 28-01-17 of the North Dakota Century Code, relating to the time for commencing a cause of action for a mechanic's lien.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER     |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1479.** A Bill for an Act to provide an income tax credit for the installation of solar or wind energy devices.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 864) the roll was tallied and there were ayes, 39; nays, 9; absent and not voting, 2.

| REGULAR SESSION |     |      |              |     |      |      |     |      | NORTH DAKOTA SENATE |     |      |                  |     |      |  |  |  | 1977 LEGISLATURE |  |  |  |  |  |  |  |  |
|-----------------|-----|------|--------------|-----|------|------|-----|------|---------------------|-----|------|------------------|-----|------|--|--|--|------------------|--|--|--|--|--|--|--|--|
| REGULAR SESSION |     |      | ROLL-CALL    |     |      |      |     |      |                     |     |      | 1977 LEGISLATURE |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |  |  |  |                  |  |  |  |  |  |  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      |      |     |      | • NAADEN            |     |      | • SMYKOWSKI      |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • BARTH         |     |      | • JONES      |     |      |      |     |      | • NELSON            | •   |      | • SOLBERG        |     | •    |  |  |  |                  |  |  |  |  |  |  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      |      |     |      | • NETHING           |     |      | • STRAND         |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      |      |     |      | • ORANGE            |     |      | • STRINDEN       |     | •    |  |  |  |                  |  |  |  |  |  |  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      |      |     |      | • PETERSON          |     |      | • TALLACKSON     |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      |      |     |      | • PIETRON           |     |      | • TENNEFOS       |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • FREED         |     |      | • LIPS       |     |      |      |     |      | • RAIT              | •   |      | • THANE          |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • FRITZELL      |     |      | • LODGEN     |     |      |      |     |      | • REDLIN            |     |      | • VOSPER         |     | •    |  |  |  |                  |  |  |  |  |  |  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      |      |     |      | • REITEN            |     |      | • WALSH          |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • HANSON        |     | •    | • MAU        |     |      |      |     |      | • SANDNESS          |     |      | • WENSTROM       |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      |      |     |      | • SANDS             |     | •    | • WRIGHT         |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      |      |     |      | • SCHIRADO          |     |      | MR. PRESIDENT    |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      |      |     |      | • SHABLOW           |     |      |                  |     |      |  |  |  |                  |  |  |  |  |  |  |  |  |

So the bill passed and the title was agreed to.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on Delayed Bills introduced:

**Senate Concurrent Resolution No. 4084.** A concurrent resolution urging lignite mining companies, state agencies, and political subdivisions to be aware of and work to solve potential problems from haul roads.

Was read the first time and referred to the committee on Transportation.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2021

Senate Bill No. 2100

Senate Bill No. 2103

Senate Bill No. 2115

Senate Bill No. 2119

Senate Bill No. 2121

Senate Bill No. 2134

and the President signed the same in the presence of the Senate.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

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

House Bill No. 1088

House Bill No. 1111

House Bill No. 1112

House Bill No. 1142

House Bill No. 1154

House Bill No. 1172

House Bill No. 1177

House Concurrent Resolution No. 3040

LEO LEIDHOLM, Secretary  
Senate Chamber

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

Senate Bill No. 2021  
Senate Bill No. 2100  
Senate Bill No. 2103  
Senate Bill No. 2115  
Senate Bill No. 2119  
Senate Bill No. 2121  
Senate Bill No. 2134

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

LEO LEIDHOLM, Secretary  
Senate Chamber

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

House Bill No. 1055  
House Bill No. 1068

LEO LEIDHOLM, Secretary  
Senate Chamber

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

House Bill No. 1440

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. 2181  
Senate Bill No. 2182  
Senate Bill No. 2183  
Senate Bill No. 2186  
Senate Bill No. 2229  
Senate Bill No. 2253  
Senate Bill No. 2257  
Senate Bill No. 2259  
Senate Bill No. 2261  
Senate Bill No. 2299  
Senate Bill No. 2354  
Senate Bill No. 2366

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. 2058  
Senate Bill No. 2223  
Senate Bill No. 2324  
Senate Bill No. 2431  
Senate Bill No. 2442

ROY GILBREATH, Chief Clerk  
HOUSE AMENDMENTS TO SENATE BILL 2058

On page 3, line 15 of the engrossed bill delete the word "counsel" and insert in lieu thereof the word "advisor"

On page 3, line 26 delete the word "counsel" and insert in lieu thereof the word "advisor"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SENATE BILL No. 2223

On page 1, line 4 of the engrossed bill, delete the words "and associations"

On page 1, line 17, delete the words "or association"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL 2324

On page 1, line 16 of the engrossed bill insert beginning triple parentheses before the comma and word ", which"

On page 1, line 17 insert ending triple parentheses after the word "incurred"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SENATE BILL 2431

On page 1, line 18, insert beginning triple parentheses before the first word "the"

On page 1, line 19, delete the beginning triple parentheses before the word "county" and also on line 19, delete the ending triple parentheses after the word "the" and also on line 19, delete the beginning triple parentheses before the word "is"

On page 1, line 22, after the ending triple parentheses and before the period, insert the following new language: "a newspaper of general circulation in such district, which the school board has designated as its official newspaper"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL 2442

On page 1, line 16, of the engrossed bill, place beginning triple parentheses before the word "The"

On page 1, line 17, place ending triple parentheses after the word "buildings" and also on line 17, delete the words "and other school facilities" and also on line 17, place beginning triple parentheses before the word "under"

On page 1, line 18, delete the beginning triple parentheses before the word "shall" and also on line 18, delete the word "may" and also on line 18, place beginning triple parentheses before the word "be"

On page 1, line 19, place ending triple parentheses after the word "furniture" and insert in lieu thereof the word "Furniture"

House Chamber

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

House Bill No. 1017

House Bill No. 1020

House Bill No. 1030

House Bill No. 1033

House Bill No. 1036

House Bill No. 1039

House Bill No. 1040

House Bill No. 1051

House Bill No. 1054

House Bill No. 1076

House Bill No. 1078

House Bill No. 1090

House Bill No. 1101

House Bill No. 1107  
House Bill No. 1115  
House Bill No. 1117  
House Bill No. 1119  
House Bill No. 1122  
House Bill No. 1123  
House Bill No. 1146  
House Bill No. 1151  
House Bill No. 1153

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

ROY GILBREATH, Chief Clerk  
House Chamber

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

Senate Bill No. 2021  
Senate Bill No. 2100  
Senate Bill No. 2103  
Senate Bill No. 2115  
Senate Bill No. 2119  
Senate Bill No. 2121  
Senate Bill No. 2134

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1017  
House Bill No. 1020  
House Bill No. 1030  
House Bill No. 1033  
House Bill No. 1036  
House Bill No. 1039  
House Bill No. 1040  
House Bill No. 1051  
House Bill No. 1054  
House Bill No. 1076  
House Bill No. 1078  
House Bill No. 1090  
House Bill No. 1101  
House Bill No. 1107  
House Bill No. 1115  
House Bill No. 1117  
House Bill No. 1119  
House Bill No. 1122  
House Bill No. 1123  
House Bill No. 1146  
House Bill No. 1151  
House Bill No. 1153

and the President signed the same in the presence of the Senate.

Senator Nething moved that after the reading of House Bills 1025, 1211, 1223, 1331, 1338, 1351, 1355, 1363, 1369, 1411, 1419, 1426, 1469, 1518, 1527, 1529, 1537, 1557, 1592 and HCR 3041, the Senate recess until Thursday, March 3, 1977 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary





## FORTY-FIRST DAY AFTER RECESS AND FORTY-SECOND DAY

Bismarck, March 3, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

## REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2021  
 Senate Bill No. 2100  
 Senate Bill No. 2103  
 Senate Bill No. 2115  
 Senate Bill No. 2119  
 Senate Bill No. 2121  
 Senate Bill No. 2134

Were delivered to the Governor for his approval on March 2, 1977.

SENATOR STRAND, Chairman

## COMMUNICATION

President Sanstead announced to the Assembly that he had received a personally written letter from President Jimmy Carter regarding Senator Lashkowitz' Senate Resolution No. 10 concerning Garrison Diverson.

Senator Maher moved that the communication be printed in the Journal, which motion prevailed.

THE WHITE HOUSE

WASHINGTON

*March 1, 1977*

*To Hon Wayne Sanstead*

*Please express to the  
 North Dakota Senate my ap-  
 preciation for the invitation  
 to visit your state.*

## JOURNAL OF THE SENATE

THE WHITE HOUSE

WASHINGTON

All projects, including the Garrison Diversion Project, will be assessed for benefit: cost ratio, environmental impact and safety, and my own position will be made according to what I consider to be best for our Country, which I am sure is what you would want me to do.

Adequate opportunity for testimony will be provided during March & April.

Because there are more than 300 in all, I will not be able to visit individual projects.

Jimmy Carter

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Transportation to whom was referred Senate Concurrent Resolution No. 4084 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Concurrent Resolution No. 4084 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1087 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 9, delete the words "All real" and insert in lieu thereof the word "Real"

On page 1, line 17, after the word "be" insert the word "properly" and on the same line delete the words "with particularity"

On page 1, line 18, after the first word "the" delete the word "exact"

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1087 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1179 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1179 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1207 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

House Bill No. 1207 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1225 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1225 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1307 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1307 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1323 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1323 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1328 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

House Bill No. 1328 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1341 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

House Bill No. 1341 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1349 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1349 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1350 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1350 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1389 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

House Bill No. 1389 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1401 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1401 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1416 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1416 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1473 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1473 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1476 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 25, after the first word "the" insert beginning triple parentheses and on the same line after the word "cast" insert ending triple parentheses and insert in lieu thereof the words "property owners" and renumber the lines accordingly

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1476 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1538 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1538 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1539 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1539 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1548 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR MORGAN, Chairman

House Bill No. 1548 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Concurrent Resolution No. 3038 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Concurrent Resolution No. 3038 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Concurrent Resolution No. 3057 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Concurrent Resolution No. 3057 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Concurrent Resolution No. 3061 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Concurrent Resolution No. 3061 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### MOTIONS

Senator Rait moved that the Senate reconsider its action whereby House Bill No. 1257 lost, which motion prevailed on a division vote.

Senator Rait moved that House Bill No. 1257 be laid over one legislative day, which motion prevailed.

Senator Freed moved that the house reconsider its action whereby House Bill No. 1184 lost, which motion prevailed.

Senator Freed moved that House Bill No. 1184 be re-referred to the Committee on Judiciary, which motion prevailed.

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

Senator Lips moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

## FORTY-SECOND DAY

Bismarck, March 3, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Ron Norman, Bismarck Baptist Church.

Almighty God, You have granted to this state the democratic ideal by which our destiny may be fashioned: We thank You that You have blessed our land to survive the infectious climate of confusion and uncertainty, helplessness and irresponsibility, by preserving among us enlightened and concerned citizens who cherish their heritage and who have purposed in their hearts to extend it.

We thank You for like-minded leaders whom You have raised up to guide our state. We would pray that You would grant those whom we have entrusted with the authority of government to be responsible and wise, courageous and strong.

And guide us, the people, to expect of them and to support them in all wise legislation and a faithful administration that we may all prosper under an equal law. Defend our liberties and grant us a sense of our responsibility. Achieve unity and purpose among us, and grant unto the victory of faith in the ideals to which we are committed as a state and as a nation.

Strengthen us with honor and grant us peace. Provide us, O God, with the strength and spiritual sustenance for performing with might the tasks which our common life yet confronts us — this is our common prayer, in the Name of Jesus Christ our Saviour, Amen.

The roll was called and all Senators were present except Barth, Hoffner, Nething and Thane who are attending the Garrison Diversion Overview meeting at the International Peace Gardens today.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fortieth day after recess and Forty-first day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

## CONSIDERATION OF AMENDMENTS

Senator Lips moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1233 as recommended by the Committee on Judiciary as printed on pages 899 and 900 of the Senate Journal be adopted, and that House Bill 1233 be referred to the Committee on Appropriations, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1252 as recommended by the Committee on Appropriations as printed on page 900 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to House Bill No. 1337 as recommended by the Committee on Education as printed on page 900 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1430 as recommended by the Committee on State and Federal Government as printed on page 901 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1501 as recommended by the Committee on State and Federal Government as printed on page 901 of the Senate Journal be adopted, and recommends that House Bill No. 1501 be Indefinitely Postponed, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1531 as recommended by the Committee on Judiciary as printed on page 902 of the Senate Journal be adopted, which motion prevailed.

MOTION

Senator Melland moved that the following Message from the House be printed in the Journal, which motion prevailed.

SPECIAL MESSAGE TO THE SENATE

MR. PRESIDENT: I have the honor to inform you the House has properly moved that this Assembly on March 3, 1977, with unanimous acclaim, extend to the Senate of the Great State of North Dakota its congratulations and best wishes to Acting Majority Floor Leader Senator Lips and Acting Minority Floor Leader Senator Maher on their attaining the high positions for which they have been selected to serve this day.

Further, The House would admonish the members of the Senate who are absent today on official business to conclude that business prior to the session of March 4, 1977; otherwise, the efficiency and speed with which legislation has been handled on this 42nd Legislative Day might prove to be a pattern to be followed hereafter and forever more in that august Chamber—a pattern, the House adds, which might prove extremely difficult for the officially elected floor leaders to follow.

Rep. Fleming, Acting Speaker

Rep. Peterson, Acting Republican Floor Leader

Rep. Mertens, Acting Democratic Floor Leader

Rep. Peterson moved that the foregoing message be read in its entirety, not be printed in the Journal, but be properly called to the attention of the officially elected floor leaders when and if they return to the Senate Chambers.

MOTION

Senator Goodman moved that House Bill No. 1519 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1530. A Bill for an Act to repeal sections 12-46-23, 12-47-10, and 37-01-15 of the North Dakota Century Code, relating to exempting from jury service officers and employees of the state industrial school and penitentiary, and members of the national guard.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were yeas, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |              |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|--------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI  |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS   |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE      |     |      |
| • FRITZELL          |     |      | • LODGEN     |           |      | • REDLIN   |     |                  | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH      |     |      |



|            |           |            |              |
|------------|-----------|------------|--------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM   |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT     |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |              |

So the bill passed and the title was agreed to.

House Bill No. 1545. A Bill for an Act to amend and reenact section 47-19-02 of the North Dakota Century Code, relating to instruments entitled to record without acknowledgment.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 3; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • KRASON     |     |      | • ORANGE   |     |      | • STRINDEN       | •   |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          | •   |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1555. A Bill for an Act to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to administrative expenses of the civil air patrol.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • KRASON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          | •   |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1578. A Bill for an Act to amend and reenact section 28-20-30 of the North Dakota Century Code, relating to the procedure for cancellation of judgments against bankrupts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 4; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1591. A Bill for an Act to amend and reenact sections 10-30-10, 10-30-12 and 10-30-14 of the North Dakota Century Code, relating to loans by and investments in a state development corporation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1025. A Bill for an Act to amend and reenact sections 15-60-03, 15-60-04, and subsection 1 of section 57-15-16 of the North Dakota Century Code, relating to limitations on school construction fund expenditures, and allocation of tax levies of school districts which have not been allocated by contract with the state school construction fund; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 835) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |

|            |          |            |               |
|------------|----------|------------|---------------|
| • HOLMBERG | • MILLER | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN | • SHABLOW  |               |

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

**House Bill No. 1211.** A Bill for an Act to amend and reenact subsection 1 of section 12.1-21-02 of the North Dakota Century Code, relating to the crime of endangering by fire or explosion.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 876) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHIN   | •   |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          | •   |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Freed moved that House Bill No. 1223 be re-referred to the Committee on Judiciary, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1331.** A Bill for an Act to amend and reenact section 43-11-14 of the North Dakota Century Code, relating to examination and license fees for detection of deception examiners.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 877) the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHIN   | •   |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          | •   |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Lips moved that House Bill No. 1338 be laid over one legislative day, which motion prevailed.



JOURNAL OF THE SENATE

|                 |   |  |                |   |  |              |   |           |                   |
|-----------------|---|--|----------------|---|--|--------------|---|-----------|-------------------|
| • BARTH •       |   |  | • JONES •      |   |  | • NELSON •   |   |           | • SOLBERG •       |
| • BERUBE •      |   |  | • KRAUTER •    |   |  | • NETHING •  |   |           | • STRAND •        |
| • CHRISTENSEN • | • |  | • LARSON •     |   |  | • ORANGE •   | • |           | • STRINDEN •      |
| • ERDMAN •      |   |  | • LASHKOWITZ • |   |  | • PETERSON • | • |           | • TALLACKSON •    |
| • FARRINGTON •  | • |  | • LEE •        |   |  | • PIETRON •  |   |           | • TENNEFOS •      |
| • FREED •       |   |  | • LIPS •       |   |  | • RAIT •     | • |           | • THANE •         |
| • FRITZELL •    |   |  | • LODDEN •     |   |  | • REDLIN •   |   |           | • VOSPER •        |
| • GOODMAN •     | • |  | • MAHER •      |   |  | • REITEN •   |   | • WALSH • |                   |
| • HANSON •      |   |  | • MAU •        |   |  | • SANDNESS • | • |           | • WENSTROM •      |
| • HOFFNER •     |   |  | • MELLAND •    | • |  | • SANDS •    |   |           | • WRIGHT •        |
| • HOLMBERG •    |   |  | • MILLER •     |   |  | • SCHIRADO • |   |           | • MR. PRESIDENT • |
| • ISZLER •      |   |  | • MORGAN •     |   |  | • SHABLOW •  | • |           |                   |

House Bill No. 1363 was declared lost.

House Bill No. 1369. A Bill for an Act to authorize the State Board of Higher Education to sell and convey certain land owned by the State of North Dakota.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |                |     |      |              |     |      |                   |     |      |
|---------------------|-----|------|----------------|-----|------|--------------|-----|------|-------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL      |     |      |              |     |      | 1977 LEGISLATURE  |     |      |
| YEAS                | N-V | NAYS | YEAS           | N-V | NAYS | YEAS         | N-V | NAYS | YEAS              | N-V | NAYS |
| • ALBERS •          |     |      | • JACOBSON •   |     |      | • NAADEN •   |     |      | • SMYKOWSKI •     |     |      |
| • BARTH •           | •   |      | • JONES •      |     |      | • NELSON •   |     |      | • SOLBERG •       |     |      |
| • BERUBE •          |     |      | • KRAUTER •    |     |      | • NETHING •  |     |      | • STRAND •        |     |      |
| • CHRISTENSEN •     |     |      | • LARSON •     |     |      | • ORANGE •   |     |      | • STRINDEN •      |     |      |
| • ERDMAN •          |     |      | • LASHKOWITZ • |     |      | • PETERSON • |     |      | • TALLACKSON •    |     |      |
| • FARRINGTON •      | •   |      | • LEE •        |     |      | • PIETRON •  |     |      | • TENNEFOS •      |     |      |
| • FREED •           |     |      | • LIPS •       |     |      | • RAIT •     |     |      | • THANE •         |     |      |
| • FRITZELL •        |     |      | • LODDEN •     |     |      | • REDLIN •   |     |      | • VOSPER •        |     |      |
| • GOODMAN •         | •   |      | • MAHER •      |     |      | • REITEN •   |     |      | • WALSH •         |     |      |
| • HANSON •          |     |      | • MAU •        |     |      | • SANDNESS • |     |      | • WENSTROM •      |     |      |
| • HOFFNER •         |     |      | • MELLAND •    |     |      | • SANDS •    |     |      | • WRIGHT •        |     |      |
| • HOLMBERG •        |     |      | • MILLER •     |     |      | • SCHIRADO • |     |      | • MR. PRESIDENT • |     |      |
| • ISZLER •          |     |      | • MORGAN •     |     |      | • SHABLOW •  |     |      |                   |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1411. A Bill for an Act to create and enact a new section to chapter 54-18 of the North Dakota Century Code, exempting the North Dakota mill and elevator association from the securities act when it acts in the performance of its marketing functions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 878) the roll was called and there were ayes, 30; nays, 15; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |                |     |      |              |     |      |                   |     |      |
|---------------------|-----|------|----------------|-----|------|--------------|-----|------|-------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL      |     |      |              |     |      | 1977 LEGISLATURE  |     |      |
| YEAS                | N-V | NAYS | YEAS           | N-V | NAYS | YEAS         | N-V | NAYS | YEAS              | N-V | NAYS |
| • ALBERS •          |     |      | • JACOBSON •   |     | •    | • NAADEN •   |     | •    | • SMYKOWSKI •     |     | •    |
| • BARTH •           | •   |      | • JONES •      |     |      | • NELSON •   |     |      | • SOLBERG •       |     | •    |
| • BERUBE •          |     |      | • KRAUTER •    |     |      | • NETHING •  |     |      | • STRAND •        |     | •    |
| • CHRISTENSEN •     |     |      | • LARSON •     |     |      | • ORANGE •   |     |      | • STRINDEN •      |     | •    |
| • ERDMAN •          |     |      | • LASHKOWITZ • |     |      | • PETERSON • |     | •    | • TALLACKSON •    |     | •    |
| • FARRINGTON •      | •   |      | • LEE •        |     |      | • PIETRON •  |     |      | • TENNEFOS •      |     | •    |
| • FREED •           |     |      | • LIPS •       |     |      | • RAIT •     |     |      | • THANE •         |     | •    |
| • FRITZELL •        |     |      | • LODDEN •     |     |      | • REDLIN •   |     |      | • VOSPER •        |     | •    |
| • GOODMAN •         | •   |      | • MAHER •      |     |      | • REITEN •   |     |      | • WALSH •         |     | •    |
| • HANSON •          |     |      | • MAU •        |     |      | • SANDNESS • |     |      | • WENSTROM •      |     | •    |
| • HOFFNER •         |     |      | • MELLAND •    |     | •    | • SANDS •    |     |      | • WRIGHT •        |     | •    |
| • HOLMBERG •        |     |      | • MILLER •     |     |      | • SCHIRADO • |     |      | • MR. PRESIDENT • |     | •    |
| • ISZLER •          | •   |      | • MORGAN •     |     | •    | • SHABLOW •  |     |      |                   |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1419. A Bill for an Act to authorize the legislative council, through any of its programs, projects, or committees, to carry out or supervise methanol research.

Which has been read.

Senator Mau moved to amend House Bill 1419 as follows:

On page 1, line 8 of the bill, after the word "The" delete "legislative Council" and insert in lieu thereof "Rural Environmental Assessment Program"

Senator Mau moved that the amendment be adopted, which motion lost.

Senator Lips moved that House Bill 1419 be re-referred to the Committee on Appropriations, which motion prevailed.

**House Bill No. 1426.** A Bill for an Act to amend and reenact sections 30.1-19-01, 30.1-19-02, and 30.1-19-03, and subsection 1 of section 30.1-19-07 of the North Dakota Century Code, relating to notice to creditors, statutes of limitation, limitations on presentation of claims, and payment of claims.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 878) the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1469.** A Bill for an Act to amend and reenact sections 12.1-20-02, 12.1-20-03, 12.1-20-04, 12.1-20-05, and 12.1-20-07 of the North Dakota Century Code, relating to the definition of sexual act, and the offenses of gross sexual imposition, sexual imposition, corruption of minors, and sexual assault.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            | •   |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.



|            |           |            |               |
|------------|-----------|------------|---------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHARLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1537.** A Bill for an Act to provide a new subsection to section 15-38.1-14 of the North Dakota Century Code, pertaining to executive sessions under the Teachers' Representation and Negotiation Act; to provide an expiration date; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 22; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-----|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |     |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
|                     |     | •    | •    | JACOBSON   |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
|                     |     |      | •    | JONES      |      | •    | NELSON   |                  | •    | SOLBERG       |      |
|                     |     |      |      | KRAUTER    |      | •    | NETHIN   |                  |      | STRAND        | •    |
|                     |     |      | •    | LARSON     |      |      | ORANGE   |                  | •    | STRINDEN      |      |
|                     |     |      |      | LASHKOWITZ |      | •    | PETERSON |                  | •    | TALLACKSON    | •    |
|                     |     |      |      | LEE        |      | •    | PIETRON  |                  | •    | TENNEFOS      |      |
|                     |     |      |      | LIPS       |      | •    | RAIT     |                  |      | THANE         | •    |
|                     |     |      | •    | LODOFN     |      |      | REDLIN   |                  | •    | VOSPER        |      |
|                     |     |      |      | MAHER      |      | •    | REITEN   |                  | •    | WALSH         |      |
|                     |     |      | •    | MAU        |      |      | SANDNESS |                  | •    | WENSTROM      |      |
|                     |     |      |      | MELLAND    |      |      | SANDS    |                  | •    | WRIGHT        |      |
|                     |     |      |      | MILLER     |      | •    | SCHIRADO |                  |      | MR. PRESIDENT |      |
|                     |     |      |      | MORGAN     |      | •    | SHARLOW  |                  |      |               |      |

House Bill 1537 lost for a lack of a constitutional majority.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Freed moved that the Senate do concur in the House amendments to Senate Bill No. 2058, as printed on pages 917 and 918 of the Senate Journal, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2058 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. 2058.** A Bill for an Act to define offense and to create and enact new sections to chapters 5-03 and 10-04, section 12.1-33-02.1, and new sections to chapters 25-16, 27-11, 36-06, 43-01, 43-02.1, 43-04, 43-05, 43-06, 43-07, 43-09, 43-10, 43-15, 43-18, 43-18.1, 43-19.1, 43-20, 43-21, 43-22, 43-23, 43-27, 43-28, 43-33, 43-34, 43-35, 43-36, 50-11, 50-11.1, 50-12, 50-19, and 51-05.1 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, unless, following conviction, a person is not sufficiently rehabilitated; and to amend and reenact subsection 3 of section 5-02-02, subsection 7 of section 10-04-11, subsection 4 of section 25-16-08, subsection 7 of section 26-17.1-42, subsection 1 of section 27-14-02, subsection 2 of section 43-01-16, subdivision a of subsection 1 of section 43-02.1-05, subdivision a of subsection 2 of section 43-03-13, subsection 4 of section 43-03-20, subsection 1 of section 43-04-40, subsection 5 of section 43-05-16, subsection 2 of section 43-11-31, subsection 2 of section 43-12-22, subsection 1 of section 43-13-22, subsection 3 of section 43-17-31, subsection 1 of section 43-18-18, subsection 1 of section 43-18.1-07, section 43-19.1-25, subdivision f of subsection 1 of section 43-23-11.1, subdivision b of subsection 1 of section 43-23.1-15, section 43-25-07, subsection 2 of sec-



tion 43-25-10, subsection 3 of section 43-26-11, subsection 3 of section 43-28-18, subsections 3 and 10 of section 43-29-14, subsection 4 of section 43-30-05, subsection 3 of section 43-30-12, subsection 4 of section 43-31-07, subsection 3 of section 43-31-10, subsection 1 of section 43-32-27, subsection 2 of section 43-33-12, section 43-36-21, subdivision c of subsection 1 of section 43-37-13, section 50-11-07, section 50-11.1-09, section 50-12-10, section 50-19-12, subdivision e of subsection 1 of section 51-05.1-03, and section 53-06-06 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, or unless, following conviction of any offense, a person is not sufficiently rehabilitated.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1557.** A Bill for an Act to implement an Indian education curriculum in elementary and secondary schools within existing minimum curriculum requirements.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 27; nays, 17; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**House Bill No. 1592.** A Bill for an Act to amend and reenact section 43-07-13 of the North Dakota Century Code, relating to contractor registrar disposing of inactive licenses.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 879) the roll was called and there were ayes, 44; nays, 1; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**SECOND READING OF A HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 3041.** A concurrent resolution urging support for the adoption of a teachers' Indian education requirement for certification.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3041 was declared adopted on a voice vote.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1519.** A Bill for an Act to amend and reenact section 24-05-01 of the North Dakota Century Code, to provide that the allocation of the county road tax shall not apply to oil and gas tax distributions and other intergovernmental transfers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 10; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MESSAGES TO THE HOUSE**

**Senate Chamber**

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

House Bill No. 1017

House Bill No. 1020

House Bill No. 1030

House Bill No. 1033  
 House Bill No. 1036  
 House Bill No. 1039  
 House Bill No. 1040  
 House Bill No. 1051  
 House Bill No. 1054  
 House Bill No. 1076  
 House Bill No. 1078  
 House Bill No. 1090  
 House Bill No. 1101  
 House Bill No. 1107  
 House Bill No. 1115  
 House Bill No. 1117  
 House Bill No. 1119  
 House Bill No. 1122  
 House Bill No. 1123  
 House Bill No. 1146  
 House Bill No. 1151  
 House Bill No. 1153  
 Which the President has signed.

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1042  
 House Bill No. 1085  
 House Bill No. 1128  
 House Bill No. 1141  
 House Bill No. 1186  
 House Bill No. 1215  
 House Bill No. 1228  
 House Bill No. 1239  
 House Bill No. 1243  
 House Bill No. 1256  
 House Bill No. 1266  
 House Bill No. 1287  
 House Bill No. 1297  
 House Bill No. 1343  
 House Bill No. 1359  
 House Bill No. 1437  
 House Bill No. 1438  
 House Bill No. 1459  
 House Bill No. 1482

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1148  
 House Bill No. 1321  
 House Bill No. 1357  
 House Bill No. 1474

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. 1094  
House Bill No. 1200  
House Bill No. 1326  
House Bill No. 1435

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 Bill No. 2058.

LEO LEIDHOLM, Secretary

MESSAGE 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. 2053  
Senate Bill No. 2059  
Senate Bill No. 2101  
Senate Bill No. 2132  
Senate Bill No. 2150  
Senate Bill No. 2167  
Senate Bill No. 2170  
Senate Bill No. 2207  
Senate Bill No. 2225  
Senate Bill No. 2231  
Senate Bill No. 2316  
Senate Bill No. 2337  
Senate Bill No. 2376  
Senate Bill No. 2389  
Senate Bill No. 2416  
Senate Bill No. 2447

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2251  
Senate Bill No. 2411  
Senate Bill No. 2481

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. 3101

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. 2122  
Senate Bill No. 2151  
Senate Bill No. 2160  
Senate Bill No. 2179

Senate Bill No. 2210  
 Senate Bill No. 2214  
 Senate Bill No. 2262  
 Senate Bill No. 2370  
 Senate Bill No. 2406  
 Senate Bill No. 2421

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL 2122

On page 1, line 4 of the engrossed bill delete the words "a dangerous weapon, a destructive"

On page 1, line 5 delete the word "device," and also delete the comma after the word "explosive"

On page 1, line 16 delete the words "whenever the offender" and insert in lieu thereof the words "when, in the course of committing an offense, he inflicts or attempts to inflict bodily injury upon another, or threatens or menaces another with imminent bodily injury with an explosive or a firearm."

On page 1, delete all of lines 17 and 18

On page 1, line 19 delete the words "committing an offense."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL 2151

On page 1, line 15 place beginning triple parentheses before the word "to" and also on line 15 delete the beginning triple parentheses before the word "one" and insert in lieu thereof the words "more than"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL 2160

On page 1, line 15 of the engrossed bill, after the word "license." insert the following: "It shall not contain a description of the pistol for which the license is desired."

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2179

On page 1, line 18, of the engrossed bill after the word "such" insert the word "file" and also on line 18 delete the word "file"

On page 1, line 20, after the word "each" insert the word "such" and also on line 20 after the word "card" delete the word "copied" and insert in lieu thereof the words "copy furnished by the register of deeds"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2210

On page 1, line 3 delete "ficiate" and insert in lieu thereof "ficate"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL 2214

On page 1, line 2 of the engrossed bill before the word "ambulance" insert the word "nonprofit" and also delete the word "service" and insert in lieu thereof the word "services"

On page 1, line 10 before the word "AMBULANCE" insert the word "NONPROFIT" and also delete the word "SERVICE" and insert in lieu thereof the word "SERVICES"

On page 1, line 11 before the word "ambulance" insert the word "nonprofit"

On page 1, line 12 delete ", in good faith and in the"

On page 1, line 13 delete "exercise of reasonable and ordinary care,"

And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SENATE BILL 2262

On page 1, line 20, of the engrossed bill after the word "attained" insert the words "within the state"

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL 2370

On page 1, line 2 of the engrossed bill, delete the following: "and subsection 1 of section 20.1-03-05"

On page 2, delete lines 4 through 8

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL 2406

On page 1, line 3, after the word "game" insert the following: "; and to require the commissioner to authorize the use of a crossbow"

On page 1, following line 15, insert the following:

"SECTION 2.) The commissioner shall, under rules and regulations of the department, authorize the use of a crossbow for the taking of deer during the big game gun season."

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL 2421

On page 1, line 12, of the engrossed bill delete the words "Contracts or"

On page 1, delete lines 13 and 14

On page 1, line 16, delete the words "a class B misdemeanor" and insert in lieu thereof the words "an infraction"

And renumber the lines and pages accordingly.

## House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1253-1261.

ROY GILBREATH, Chief Clerk

Senator Lips moved that after the reading of SCR 4084, House Bills 1179, 1207, 1225, 1252, 1257, 1307, 1323, 1328, 1337, 1338, 1341, 1349, 1350, 1389, 1401, 1416, 1430, 1473, 1501, 1531, 1538, 1539 and HCR's 3038, 3057 and 3061, the Senate recess until Friday, March 4, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



FRIDAY, MARCH 4, 1977

FORTY-SECOND DAY AFTER RECESS AND  
FORTY-THIRD DAY

Bismarck, March 4, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

FIRST READING OF HOUSE BILLS

**House Concurrent Resolution No. 3101.** A concurrent resolution urging Congress to raise the national speed limit to 65 miles per hour.

Which was read the first time and referred to the Committee on Transportation.

CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Morgan moved that the amendments to House Bill No. 1087 as recommended by the Committee on Agriculture as printed on page 923 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to House Bill No. 1476 as recommended by the Committee on Political Subdivisions as printed on page 924 of the Senate Journal be adopted, which motion prevailed.

MOTIONS

Senator Hanson moved that House Bill No. 1430 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Jones moved that House Bill No. 1501 be laid over one legislative day, which motion prevailed.

Senator Nething moved that the Senate reconsider its action whereby House Bill No. 1527 lost, which motion prevailed.

Senator Nething moved that House Bill No. 1527 be placed at the foot of the calendar, which motion prevailed.

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Agriculture to whom was referred Senate Concurrent Resolution No. 4062 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR MORGAN, Chairman

Senate Concurrent Resolution No. 4062 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Concurrent Resolution No. 4073 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.



SENATOR JACOBSON, Chairman

Senate Concurrent Resolution 4073 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Natural Resources to whom was referred Senate Concurrent Resolution No. 4076 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR JACOBSON, Chairman

Senate Concurrent Resolution 4076 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1074 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR SANDNESS, Chairman

House Bill No. 1074 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1097 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

House Bill No. 1097 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1110 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1110 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1129 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 21 of the engrossed bill, after the word "state" insert an underscored comma

On page 3, line 21, after the comma which follows the word "cities" insert the following words: "and outside platted townsites, additions, or subdivisions recorded pursuant to chapter 40-50,"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1129 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1132 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

House Bill No. 1132 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1173 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1173 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1175 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1175 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1176 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1176 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1190 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1190 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1205 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1205 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1245 has had the same under consideration and recommends that the same be amended as follows:

Page 2, line 18 of the engrossed bill after "39-20-05" delete the following except for the issue of arrest,

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1245 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1254 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1254 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1264 has had the same under consideration and recommends that the same be amended as follows:

On page 2 of the engrossed bill, after line 12, insert the following new subsection:

"2. "Bona fide guest" means a person who is not a member of an eligible organization, but who is allowed to use the facilities of the organization when invited by a member or the organization in accordance with the eligible organization's bylaws, articles of in-

corporation, charter, rules, or other written statement.”

On page 5 of the engrossed bill, after line 11, insert the following new subsection:

“16. “Member” means a person who has qualified for and been admitted to membership in an eligible organization pursuant to its bylaws, articles of incorporation, charter, rules, or other written statement, and who pays regular monthly, annual, or other periodic dues or is a fully paid life member of the eligible organization. “Member” includes auxiliary members, but excludes social and honorary members.”

On page 6, line 9, after the word “organization,” insert the following: “the name of the licensing or authorizing authority, the license or authorizing resolution number,”

On page 7, line 9, after the word “of” delete the word “January” and insert in lieu thereof the word “April”

On page 8, line 22, after the period delete the remainder of the line

On page 8, delete lines 23 through 25

On page 13, line 10, after the word “section” delete the numeral “7” and insert in lieu thereof the numeral “9”

On page 13, line 25, after the word “of” delete the word “January” and insert in lieu thereof the word “April”

On page 13, line 26, after the word “a” delete the word “ten” and insert in lieu thereof the words “one hundred”

On page 14, after line 13, insert the following new paragraph:

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

On page 14, line 17, after the word “organization” delete the following: “, the names and addresses of the member or” and insert in lieu thereof the words “and such other information as the licensing or authorizing authority may designate.”

On page 14, delete lines 18 through 20

On page 14, line 24 after the period, insert the following: “The sale of a raffle ticket shall not require the display of the license or authorizing resolution.”

On page 14, line 35 after the word “Act” insert the words “, any rule or regulation promulgated hereunder,”

On page 15, after line 4 insert the following new section:

“SECTION 15. RULES AND REGULATIONS.) The licensing authority may promulgate rules and regulations in accordance with chapter 28-32 of the North Dakota Century Code, relating to methods of play, conduct and promotion of games of chance; methods, procedures and minimum standards for accounting and record keeping; requiring reports by licensees and authorized organizations; methods of competition and doing business by distributors; and marking or identification of raffle tickets, bingo equipment, jars, pull tabs, punchboards or any other implements of gambling used or distributed in this state; in order to implement or effectuate the provisions and purposes of this Act; to ensure that the entire net proceeds of games of chance are devoted to educational, charitable, patriotic, fraternal, religious, or other public spirited uses as defined by this Act; to protect and promote the public interest; to ensure fair and honest games of chance; to ensure that fees

and taxes are paid; and to seek to prevent or detect unlawful gambling activity."

On page 15, line 10, delete the beginning triple parentheses

On page 15, line 11, after the word "chapter" delete the ending triple parentheses and delete the words "Except as permitted by law"

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

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1264 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1273 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 23, delete the word "his" and insert in lieu thereof the word "their" and after the word "travel" insert the following: "from their residence"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to clarify the language of the bill.

SENATOR LIPS, Chairman

House Bill No. 1273 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1308 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR MORGAN, Chairman

House Bill No. 1308 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1380 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1380 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1388 has had the same under consideration and recommends that the same be amended as follows:

Page 1, line 4 after the word "undertaking" delete "extensive"

Page 1, line 17 delete the word "extensive"

And renumber the pages and lines accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1388 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1403 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1403 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was

referred House Bill No. 1404 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR SOLBERG, Chairman

House Bill No. 1404 was re-referred to Committee on Appropriations.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1414 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1414 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1457 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1457 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1458 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1458 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1468 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, of the engrossed bill, delete the word "home rule"

On page 2, line 28, of the engrossed bill, after the word "distributed" add the words "and consumption permitted"

On page 2, line 33, of the engrossed bill, after the word "distribution" add the words "and consumption"

On page 3, line 10, of the engrossed bill, after the word "distribution" add the words "or consumption"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1468 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1525 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1525 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 3030 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Concurrent Resolution No. 3030 was placed on the 14th order of business on the calendar for the succeeding legislative day.

## SECOND READING OF A SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 4084. A concurrent resolution urging



House Bill No. 1225. A Bill for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the disclosure of information contained in social service board records and providing a penalty; and to repeal sections 50-06.1-11 and 50-09-13, relating to the disclosure of information contained in vocational rehabilitation records and aid to dependent children records.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI     |     | ●    |
| ● BARTH             |     |      | ● JONES      |     | ●    | ● NELSON         |     |      | ● SOLBERG       |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND        |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN      |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON    |     |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS      |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE         |     |      |
| ● FRITZELL          |     | ●    | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER        |     | ●    |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH         |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM      |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ●    | ● WRIGHT        |     | ●    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | ● MR. PRESIDENT |     |      |
| ● ISZLER            |     | ●    | ● MORGAN     |     | ●    | ● SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1252. A Bill for an Act to provide an appropriation to the state penitentiary for the purpose of pheasant propagation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 900) the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI     |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG       |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND        |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN      |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON    |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS      |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE         |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER        |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH         |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM      |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT        |     | ●    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | ● MR. PRESIDENT |     |      |
| ● ISZLER            |     | ●    | ● MORGAN     |     |      | ● SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1257. A Bill for an Act to amend and reenact subsection 2 of section 27-20-05 of the North Dakota Century Code, relating to the salary of juvenile supervisors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 14; absent and not voting, 1.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |                  |  |  |
| • BERUBE        |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      |                  |  |  |
| • FARRINGTON    |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |
| • FRED          |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |                  |  |  |
| • FRITZELL      |     | •    | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM          |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     | •    | • SHABLOW  |     | •    |                     |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**House Bill No. 1307.** A Bill for an Act to amend and reenact sections 36-11-07 and 36-11-10 of the North Dakota Century Code, to prevent the owner or possessor of livestock in a grazing area from being liable for property damage or trespass caused by such livestock, to provide establishment of a grazing area by petition to the board of county commissioners, to provide for release of wrongfully distrained livestock in grazing areas and for damages; and to repeal section 36-11-08 of the North Dakota Century Code.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON        |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |
| • FRED          |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER            |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     | •    | • MR. PRESIDENT     |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**House Bill No. 1323.** A Bill for an Act to amend and reenact section 24-05-04.1 of the North Dakota Century Code, relating to the rental fee charged by counties for use of their equipment.

Which has been read.

Senator Holmberg moved that House Bill No. 1323 be re-referred to the Committee on Political Subdivisions, which motion lost.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 35; nays, 14; absent and not voting, 1.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |  |  |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     | •    | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     | •    |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN          |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON        |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |



|          |   |         |   |          |   |               |   |
|----------|---|---------|---|----------|---|---------------|---|
| FREED    | • | LIPS    | • | RAIT     | • | THANE         | • |
| FRITZELL | • | LODOEN  | • | REDLIN   | • | VOSPER        | • |
| GOODMAN  | • | MAHER   | • | REITEN   | • | WALSH         | • |
| HANSON   | • | MAU     | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER  | • | MELLAND | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG | • | MILLER  | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER   | • | MORGAN  | • | SHABLOW  | • |               |   |

So the bill passed and the title was agreed to.

**House Bill No. 1328.** A Bill for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the authority of municipalities to control noise pollution.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 11; nays, 38; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |          |         |            |           |        |        |                  |           |               |   |
|---------------------|-----|------|----------|---------|------------|-----------|--------|--------|------------------|-----------|---------------|---|
| REGULAR SESSION     |     |      |          |         |            | ROLL CALL |        |        | 1977 LEGISLATURE |           |               |   |
| YEAS                | N-V | NAYS | YEAS     | N-V     | NAYS       | YEAS      | N-V    | NAYS   | YEAS             | N-V       | NAYS          |   |
| •                   |     | •    |          | •       | •          | •         | •      | •      | •                | •         | •             |   |
| •                   |     |      | JACOBSON | •       |            | •         | NAADEN | •      | •                | SMYKOWSKI | •             |   |
| •                   |     |      | •        | JONES   | •          |           | •      | NELSON | •                | •         | SOLBERG       | • |
| •                   |     | •    |          | KRAUTER | •          |           | •      | •      | •                | •         | STRAND        | • |
| •                   |     |      | •        | •       | LARSON     | •         |        | •      | •                | •         | STRINDEN      | • |
| •                   |     |      | •        | •       | LASHKOWITZ | •         |        | •      | •                | •         | TALLACKSON    | • |
| •                   |     |      | •        | •       | LEE        | •         |        | •      | •                | •         | TENNEFOS      | • |
| •                   |     | •    | •        | LIPS    | •          |           | •      | •      | •                | •         | THANE         | • |
| •                   |     |      | •        | •       | LODOEN     | •         |        | •      | •                | •         | VOSPER        | • |
| •                   |     |      | •        | •       | MAHER      | •         |        | •      | •                | •         | WALSH         | • |
| •                   |     |      | •        | •       | MAU        | •         |        | •      | •                | •         | WENSTROM      | • |
| •                   |     |      | •        | •       | MELLAND    | •         |        | •      | •                | •         | WRIGHT        | • |
| •                   |     |      | •        | •       | MILLER     | •         |        | •      | •                | •         | MR. PRESIDENT | • |
| •                   |     |      | •        | •       | MORGAN     | •         |        | •      | •                | •         |               |   |
|                     |     |      |          |         |            |           |        | •      | •                | •         |               |   |

House Bill No. 1328 was declared lost.

**House Bill No. 1337.** A Bill for an Act to amend and reenact section 15-62.2-01 of the North Dakota Century Code, relating to the North Dakota student financial assistance program, and providing assistance to persons who are attending postsecondary institutions out of state due to a physical or mental handicap and an absence of appropriate public institutions within North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 900) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |      |          |            |           |        |      |                  |           |               |   |
|---------------------|-----|------|------|----------|------------|-----------|--------|------|------------------|-----------|---------------|---|
| REGULAR SESSION     |     |      |      |          |            | ROLL CALL |        |      | 1977 LEGISLATURE |           |               |   |
| YEAS                | N-V | NAYS | YEAS | N-V      | NAYS       | YEAS      | N-V    | NAYS | YEAS             | N-V       | NAYS          |   |
| •                   |     |      | •    |          |            | •         | •      | •    | •                | •         | •             |   |
| •                   |     |      | •    | JACOBSON | •          | •         | NAADEN | •    | •                | SMYKOWSKI | •             |   |
| •                   |     |      | •    | •        | JONES      | •         | •      | •    | •                | •         | SOLBERG       | • |
| •                   |     |      | •    | •        | KRAUTER    | •         | •      | •    | •                | •         | STRAND        | • |
| •                   |     |      | •    | •        | LARSON     | •         | •      | •    | •                | •         | STRINDEN      | • |
| •                   |     |      | •    | •        | LASHKOWITZ | •         | •      | •    | •                | •         | TALLACKSON    | • |
| •                   |     |      | •    | •        | LEE        | •         | •      | •    | •                | •         | TENNEFOS      | • |
| •                   |     |      | •    | •        | LIPS       | •         | •      | •    | •                | •         | THANE         | • |
| •                   |     |      | •    | •        | LODOEN     | •         | •      | •    | •                | •         | VOSPER        | • |
| •                   |     |      | •    | •        | MAHER      | •         | •      | •    | •                | •         | WALSH         | • |
| •                   |     |      | •    | •        | MAU        | •         | •      | •    | •                | •         | WENSTROM      | • |
| •                   |     |      | •    | •        | MELLAND    | •         | •      | •    | •                | •         | WRIGHT        | • |
| •                   |     |      | •    | •        | MILLER     | •         | •      | •    | •                | •         | MR. PRESIDENT | • |
| •                   |     |      | •    | •        | MORGAN     | •         | •      | •    | •                | •         |               |   |
|                     |     |      |      |          |            |           |        | •    | •                | •         |               |   |

So the bill passed and the title was agreed to.

**House Bill No. 1338.** A Bill for an Act to provide for payroll deduction for dues to teacher representative organization.

Which has been read.

Senators Miller and Nelson requested they be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that the Senators be permitted to vote, which motion prevailed.

**ROLL CALL**

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

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |               |   |
|-----------------|-----|------|---------------------|-----|------|------------------|-----|---------------|---|
| ROLL CALL       |     |      | ROLL CALL           |     |      | ROLL CALL        |     |               |   |
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS          |   |
| •               |     |      | JACOBSON            | •   |      | NAADEN           | •   | SMYKOWSKI     | • |
| •               |     |      | JONES               | •   |      | NELSON           | •   | SOLBERG       | • |
|                 | •   |      | KRAUTER             | •   |      | NETHING          | •   | STRAND        | • |
| •               |     | •    | LARSON              | •   | •    | ORANGE           | •   | STRINDEN      | • |
| •               |     | •    | LASHKOWITZ          | •   | •    | PETERSON         | •   | TALLACKSON    | • |
|                 | •   |      | LEE                 | •   | •    | PIETRON          | •   | TENNEFOS      | • |
|                 | •   |      | LIPS                | •   | •    | RAIT             | •   | THANE         | • |
| •               |     | •    | LODOEN              | •   | •    | REDLIN           | •   | VOSPER        | • |
| •               |     | •    | MAHER               | •   | •    | REITEN           | •   | WALSH         | • |
| •               |     | •    | MAU                 | •   | •    | SANDNESS         | •   | WENSTROM      | • |
| •               |     | •    | MELLAND             | •   | •    | SANDS            | •   | WRIGHT        | • |
| •               |     | •    | MILLER              | •   | •    | SCHIRADO         | •   | MR. PRESIDENT | • |
|                 | •   |      | MORGAN              | •   | •    | SHABLOW          | •   |               |   |

So the bill passed and the title was agreed to.

**MOTION**

Senator Nething moved that Senate Bill No. 2500 be re-printed not to exceed 300 copies, which motion prevailed.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

**FORTY-THIRD DAY**

Bismarck, March 4, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Fr. Matthew Fettig, Cathedral of the Holy Spirit, Bismarck.

“We are gathered here in Your presence today to thank You for Your many blessings. We thank You for the privilege of living in the land where the people rule. We thank You for Your grace that is new each day. We are humble in Your presence. We ask for grace and guidance. We see a world filled with needs and problems. Help us as a nation; guide us as a state. Give us grace and wisdom sufficient to meet the test of our time. Bring health and physical stamina to each of our lawmakers. Bring mental clarity and sensitive spirit. Help us to do the greatest good for the most in a lasting way. Give each of us a sense of mutual respect and recognize the gifts of God in each.

Bring wholeness, bring feeling, bring peace to our world. We ask this in the name of the Prince of Peace, Jesus Christ. Amen.”

The roll was called and all Senators were present except Sandness and Wright.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-first day after recess and Forty-second day and recommends that the same be corrected as follows:

On page 941, delete lines 25 through 28  
 And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

SECOND READING OF HOUSE BILLS

House Bill No. 1341. A Bill for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to the authority of school bus drivers to turn on flashing lights within city limits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 36; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     |                 |
| • BARTH             |     |      | JONES      | •   |      | • NELSON         |     | • SMYKOWSKI     |
| • BERUBE            |     | •    | KRAUTER    | •   |      | • NETHING        |     | • SOLBERG       |
| • CHRISTENSEN       |     | •    | LARSON     | •   |      | • ORANGE         |     | • STRAND        |
| • ERDMAN            |     | •    | LASHKOWITZ |     |      | • PETERSON       |     | • STRINDEN      |
| • FARRINGTON        |     | •    | LEE        | •   |      | • PIETRON        |     | • TALLACKSON    |
| • FREED             |     | •    | LIPS       | •   |      | • RAIT           |     | • TENNEFOS      |
| • FRITZELL          |     | •    | LODDOEN    | •   |      | • REDLIN         |     | • THANE         |
| • GOODMAN           |     | •    | MAHER      | •   |      | • REITEN         |     | • VOSPER        |
| • HANSON            |     | •    | MAU        | •   |      | • SANDNESS       |     | • WALSH         |
| • HOFFNER           |     | •    | MELLAND    | •   |      | • SANDS          |     | • WENSTROM      |
| • HOLMBERG          |     | •    | MILLER     | •   |      | • SCHIRADO       |     | • WRIGHT        |
| • ISZLER            |     | •    | MORGAN     | •   |      | • SHABLOW        |     | • MR. PRESIDENT |

House Bill No. 1341 was declared lost.

House Bill No. 1349. A Bill for an Act to create and enact section 57-15-27.2 of the North Dakota Century Code, relating to authorizing a mill levy by counties for the maintenance of abandoned cemeteries; and to amend and reenact section 23-06-30 of the North Dakota Century Code, relating to the duty of counties to maintain abandoned cemeteries.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 38; nays, 6; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     |                 |
| • BARTH             |     |      | JONES      | •   |      | • NELSON         |     | • SMYKOWSKI     |
| • BERUBE            |     | •    | KRAUTER    | •   |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | LARSON     | •   |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | LEE        | •   |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | LIPS       | •   |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | LODDOEN    | •   |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     | •    | MAHER      | •   |      | • REITEN         |     | • WALSH         |
| • HANSON            |     | •    | MAU        | •   |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | MELLAND    | •   |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     | •    | MILLER     | •   |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | MORGAN     | •   |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

House Bill No. 1350. A Bill for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the authorization of special alcoholic beverage permits; and to amend and reenact sections 53-02-05 and 53-02-09 of the North Dakota Century Code, relating to applications for permits and the refusal and revocation of permits for cause; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 38; nays, 9; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

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

**House Bill No. 1389.** A Bill for an Act to amend and reenact sections 40-44-01 and 40-44-07 of the North Dakota Century Code, relating to the population requirement of cities which may adopt a civil service system, and eliminating such population requirement.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 6; nays, 42; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     | •    | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

House Bill No. 1389 was declared lost.

**House Bill No. 1401.** A Bill for an Act to amend and reenact subsection 6 of section 57-02-11 of the North Dakota Century Code, relating to the frequency of assessment of real property by cities and counties.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 5; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1416.** A Bill for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to the powers of township electors, and authorizing expenditure of funds for membership in county, state, and national associations of township government.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 5; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      | 1977 LEGISLATURE |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1473.** A Bill for an Act to create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to the application of city traffic ordinances to streets located within certain mobile home parks; and to amend and reenact subsection 21 of section 39-01-01 of the North Dakota Century Code, relating to the definition of highway as applicable to motor vehicle operation and regulation.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      | 1977 LEGISLATURE |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1531.** A Bill for an Act to require reports to law enforcement officers by physicians and others of injuries caused by a knife, gun, or pistol or other criminal conduct, and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 902) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**House Bill No. 1538.** A Bill for an Act to amend and reenact Section 7-01-07 of the North Dakota Century Code, relating to obtaining a certificate of authority of building and loan associations.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Barth moved that the Senate reconsider its action whereby House Bill No. 1363 lost, which motion prevailed, on a division vote.

Senator Barth moved that House Bill No. 1363 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1539.** A Bill for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to the definition of foster care for children, foster family home, group home, and residential child care facility; to amend and reenact section 50-11-01 of the North Dakota Century Code, relating to the licensing of facilities providing foster care and enumerating those arrangements not requiring licensure.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**House Concurrent Resolution No. 3038.** A concurrent resolution asking Congress and federal agencies to require federal building projects to comply with local zoning ordinances, building codes, and similar health and safety regulations.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3038 was declared adopted on a voice vote.

**House Concurrent Resolution No. 3057.** A concurrent resolution urging Congress to reject legislation providing for the vertical and horizontal divestiture of American oil companies.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3057 was declared adopted on a voice vote.

**House Concurrent Resolution No. 3061.** A concurrent resolution urging the states of Minnesota, Wisconsin, Iowa, Illinois, and Missouri, through their elected officials, to institute the required action to adopt and enact the vehicle weight limitations as expressed by the United States Congress in Public Law 93-643, Section 106.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3061 was declared adopted on a voice vote.

**House Bill No. 1527.** A Bill for an Act to amend and reenact subsections 2 and 10 of section 27-20-02 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court over certain traffic offenses.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 39; nays, 8; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2122 as printed on page 940 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2122:

- Senator Christensen
- Senator Iszler
- Senator Schirado

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2214 as printed on page 940 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2214:

- Senator Iszler
- Senator Holmberg
- Senator Schirado

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2324 as printed on page 918 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2324:

- Senator Freed
- Senator Iszler
- Senator Schirado

Senator Jacobson moved that the Senate do not concur in the House amendments to Senate Bill 2406 as printed on page 941 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2406:

- Senator Fritzell
- Senator Nelson
- Senator Krauter

Senator Sandness moved that the Senate do not concur in the House amendments to Senate Bill No. 2442 as printed on page 918 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2442:

- Senator Peterson





Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION     |     |      |              |     |      |            |     |      | 1977 LEGISLATURE    |     |      |               |     |      |  |  |  |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|---------------|-----|------|--|--|--|
| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      |               |     |      |  |  |  |
| ROLL CALL           |     |      |              |     |      |            |     |      | ROLL CALL           |     |      |               |     |      |  |  |  |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS          | N-V | NAYS |  |  |  |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI         |     |      | ● ALBERS      |     |      |  |  |  |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG           |     |      | ● BARTH       |     |      |  |  |  |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND            |     |      | ● BERUBE      |     |      |  |  |  |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN          |     |      | ● CHRISTENSEN |     |      |  |  |  |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON        |     |      | ● ERDMAN      |     |      |  |  |  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS          |     |      | ● FARRINGTON  |     |      |  |  |  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE             |     |      | ● FREED       |     |      |  |  |  |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN   |     |      | ● VOSPER            |     |      | ● FRITZELL    |     |      |  |  |  |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH             |     |      | ● GOODMAN     |     |      |  |  |  |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM          |     |      | ● HANSON      |     |      |  |  |  |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT            |     |      | ● HOFFNER     |     |      |  |  |  |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT     |     |      | ● HOLMBERG    |     |      |  |  |  |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                     |     |      | ● ISZLER      |     |      |  |  |  |

So the bill passed and the title was agreed to.

Senator Goodman moved that the Senate do concur in the House amendments to Senate Bill No. 2223, as printed on page 918 of the Senate Journal, which motion prevailed.

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2223 be deemed properly re-engrossed and placed on second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2223.** A Bill for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption for buses purchased by senior citizens' and handicapped persons' nonprofit corporations; to amend and reenact subsection 2 of section 57-40.3-04 and section 57-40.3-11 of the North Dakota Century Code, relating to exempt vehicles and a penalty for delinquent motor vehicle excise taxes.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION     |     |      |              |     |      |            |     |      | 1977 LEGISLATURE    |     |      |               |     |      |  |  |  |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|---------------|-----|------|--|--|--|
| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      |               |     |      |  |  |  |
| ROLL CALL           |     |      |              |     |      |            |     |      | ROLL CALL           |     |      |               |     |      |  |  |  |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS          | N-V | NAYS |  |  |  |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI         |     |      | ● ALBERS      |     |      |  |  |  |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG           |     |      | ● BARTH       |     |      |  |  |  |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND            |     |      | ● BERUBE      |     |      |  |  |  |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN          |     |      | ● CHRISTENSEN |     |      |  |  |  |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON        |     |      | ● ERDMAN      |     |      |  |  |  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS          |     |      | ● FARRINGTON  |     |      |  |  |  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE             |     |      | ● FREED       |     |      |  |  |  |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN   |     |      | ● VOSPER            |     |      | ● FRITZELL    |     |      |  |  |  |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH             |     |      | ● GOODMAN     |     |      |  |  |  |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM          |     |      | ● HANSON      |     |      |  |  |  |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT            |     |      | ● HOFFNER     |     |      |  |  |  |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT     |     |      | ● HOLMBERG    |     |      |  |  |  |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                     |     |      | ● ISZLER      |     |      |  |  |  |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2228, as printed on page 897 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2228 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2228. A Bill for an Act to amend and reenact sections 11-23-02, 40-40-04, 40-40-10 and 40-40-12 of the North Dakota Century Code, relating to the county and municipal budgets.

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    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM   |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT     |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |              |

So the bill passed and the title was agreed to.

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2370, as printed on page 941 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2370 be deemed properly re-engrossed and placed on second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2370. A Bill for an Act to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to residency requirements for hunting licenses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM   |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT     |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |              |

So the bill passed and the title was agreed to.

MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1019

House Bill No. 1335

House Bill No. 1421  
House Bill No. 1584

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1021  
House Bill No. 1221  
House Bill No. 1224  
House Bill No. 1251  
House Bill No. 1314  
House Bill No. 1327  
House Bill No. 1409  
House Bill No. 1463  
House Bill No. 1464  
House Bill No. 1481  
House Bill No. 1510  
House Bill No. 1575  
House Bill No. 1594  
House Concurrent Resolution No. 3033  
House Concurrent Resolution No. 3054

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1174  
House Bill No. 1255  
House Bill No. 1479

LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2042

ROY GILBREATH, Chief Clerk

#### HOUSE AMENDMENTS TO SENATE BILL No. 2042

On page 2, line 2, delete the triple parentheses before the word "or" and insert beginning triple parentheses before the word "furnishing"

On page 2, line 8, delete the language "; or"

On page 2, delete lines 9 through 15

On page 2, line 16, delete the word "services"

On page 2, after line 16, insert the following subsection language:

"The term "employment agent" or "employment agency" shall not include any person, firm, corporation, or association employing individuals to render part-time or temporary services to or for a third person, if the person, firm, corporation, or association employing the individuals, in addition to wages or salaries, pays social security and unemployment insurance taxes, provides workmen's compensation coverage, and is responsible for the acts of the employees while rendering services to or for a third person."

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 Bill No. 2020  
Senate Bill No. 2120  
Senate Bill No. 2452  
Senate Bill No. 2453  
Senate Bill No. 2484

ROY GILBREATH, Chief Clerk

## House Chamber

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

Senate Bill No. 2418  
Senate Bill No. 2470

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that after the reading of House Bills 1087, 1097, 1110, 1132, 1176, 1190, 1205, 1254, 1363, 1380, 1403, 1414, 1457, 1458, 1476, 1501, 1525 and HCR 3030, the Senate adjourn until Monday, March 7, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## FORTY-FOURTH DAY

Bismarck, March 7, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Fr. Gerald Ruelle, Chaplain, St. Alexius Hospital, Bismarck.

"Give us the grace to set our minds upon you O Lord. Do not allow us to suffer any conflict between our responsibilities as a politician and our responsibilities as a believer in God.

Grant fidelity to conscience that there be no opposition between the private and the public sides of political life; and help us remember that though we are the State's good servant we are God's first. Amen."

The roll was called and all Senators were present except Wenstrom.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-second day after recess and Forty-third day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2243

Senate Bill No. 2310

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Morgan moved that the amendments to House Bill No. 1129 as recommended by the Committee on Agriculture as printed on page 944 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1245 as recommended by the Committee on Transportation as printed on page 945 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1264 as recommended by the Committee on Judiciary as printed on pages 945-947 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1273 as

recommended by the Committee on Appropriations as printed on page 947 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1388 as recommended by the Committee on Transportation as printed on page 947 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to House Bill No. 1468 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 948 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1096 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1096 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1231 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1231 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1259 has had the same under consideration and recommends that the same be amended as follows:

On page 2 of the engrossed bill, line 13, delete the word "governor" and insert in lieu thereof the words "state board of higher education"

On page 2 of the engrossed bill, line 15, delete the word "governor" and insert in lieu thereof the words "state board of higher education"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1259 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1284 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 22 of the engrossed bill, after the word "of" delete the figure "\$250,000.00" and insert in lieu thereof the figure "\$63,000.00"

And renumber the lines and pages accordingly.

And be re-referred to the Committee on Appropriations.

And when so amended recommends the same do pass and be re-referred to the Committee on Appropriations.

SENATOR GOODMAN, Chairman

House Bill No. 1284 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1291 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the word "sections" and insert in lieu thereof the word "section" and on the same line delete the word "and"

On page 1, line 2, delete the numerals "55-08-06"

On page 1, line 3, delete the following: ", and permits for motor

vehicles”

On page 1, line 4, delete the words “entering state parks”

On page 2, line 1, after the word “by” insert the words “health care-related”

On page 2, line 2, delete the words “utilizing such services for charitable purposes” and insert in lieu thereof the words “conducting group camp activities without charge to participants”

On page 3, delete lines 15 through 35

On page 4, delete lines 1 through 10

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1291 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1296 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1296 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1298 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1298 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1299 has had the same under consideration and recommends that the same be amended as follows:

On page 4, line 18, of the engrossed bill after the word “association” insert the following: “and any other duly organized professional nursing organization recognized by the state board of nursing”

On page 6, line 33, after the word “regulations” insert the following: “, pursuant to Chapter 28-32 of the North Dakota Century Code,”

On page 7, line 2, after the word “standards” insert the words “for quality”

On page 7, line 7, after the word “standards” insert the words “for quality”

On page 7, line 15, of the engrossed bill, after the word “regulations” insert the following: “, pursuant to Chapter 28-32 of the North Dakota Century Code.”

On page 7, line 17, after the period insert the following new language: “Involve active participation of all appropriate state education agencies and representatives of public and proprietary institutions, which are involved in, and responsible for funding and/or operation of such programs, in the establishment of such standards and approval of programs.”

On page 8, line 31, after the word “or” delete the word “employed” and insert in lieu thereof the following: “has accepted employment”

On page 9, line 8, after the word “regulations” insert the following: “, pursuant to Chapter 28-32 of the North Dakota Century Code, after consultation with duly organized professional nursing organizations recognized by the state board of nursing and with employers of nurses,”



And renumber the lines, sections and pages accordingly.  
And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1299 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1340 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

House Bill No. 1340 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1410 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1410 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1433 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1433 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1461 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1461 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1480 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1480 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1500 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

House Bill No. 1500 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1503 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 4, of the engrossed bill after the word "agreement" insert the following: "according to the provisions of section 44-08-01.1"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1503 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1508 has had the same under con-

sideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JONES, Chairman

House Bill No. 1508 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1509 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1509 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1514 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1514 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1515 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1515 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1520 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4 of the engrossed bill, delete the word "thirty" and insert in lieu thereof the word "twenty-five"

On page 1, line 5, delete the word "twelve" and insert in lieu thereof the word "ten"

On page 1, line 18, delete the word "thirty" and insert in lieu thereof the word "twenty-five"

On page 1, line 20, delete the word "twelve" and insert in lieu thereof the word "ten"

On page 1, line 22, delete the word "twelve" and insert in lieu thereof the word "ten"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1520 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1532 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 8, of the engrossed bill, delete the word "This"

On page 2, line 9, of the engrossed bill, delete the language "exception, however," and insert in lieu thereof the following: "The provisions of this Act" and on the same line following the word "to" delete the following language "the provisions of"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1532 was placed on the 6th order of business on the

calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1535 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1535 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1536 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, after the word "attorney" insert a comma

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1536 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1542 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, before the word "sections" insert the words "subsection 14 of section 19-03.1-01 and"

On page 1, line 9, before the word "SECTION", insert the following new language:

"SECTION 1. AMENDMENT.) Subsection 14 of section 19-03.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14. "Marijuana" means all parts of the plant *Cannabis* ((sativa L.)), whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

On page 2, line 9, after the semicolon, add the following new subdivision:

"p. Difenoxin;"

On page 3, line 12, insert beginning triple parentheses before the word "Dypremorphine", insert ending triple parentheses after the word "Dypremorphine", and following the ending triple parentheses insert the word "Cyprenorphine"

On page 3, line 16, following the word "Etorphine" insert the following words: "(except hydrochloride salt)"

On page 6, delete line 11

On page 9, line 8, following the colon, insert the following new subdivision:

"a. Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule 11 and any other drug of the quantitative composition shown in that schedule for those drugs or which is the same except that it contains a lesser quantity of controlled substances;"

On page 10, line 25, delete the word "quantity" and insert in lieu thereof

the word "quantity"

On page 11, line 5, delete the numeral "24" and insert in lieu thereof the numeral "25"

On page 12, following line 31, insert the following new language:

"5. Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances, including its salts:

a. Dextropropoxyphene (Alpha-(\*)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

On page 12, line 32, delete the numeral "5" and insert in lieu thereof the numeral "6"

And renumber the lines and sections accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1542 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution No. 4068 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

Senate Concurrent Resolution No. 4068 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution No. 4070 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR SANDNESS, Chairman

Senate Concurrent Resolutions No. 4070 was re-referred to Legislative Council Resolutions Committee.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Concurrent Resolution No. 4071 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR SANDS, Chairman

Senate Concurrent Resolutions No. 4071 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Education to whom was referred Senate Concurrent Resolution No. 4078 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolution Committee.

SENATOR SANDNESS, Chairman

Senate Concurrent Resolution No. 4078 was re-referred to Legislative Council Resolutions Committee.

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution 4079 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 7, after the word "Dakota" delete the semicolon and insert in lieu thereof a comma, and on the same line after the word "and" insert the following: "the adequacy of present statutes relating to human rights legislation and their enforcement; and"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass and be re-

referred to the Legislative Council Resolutions Committee.

SENATOR FREED, Chairman

Senate Concurrent Resolution 4079 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Concurrent Resolution No. 4081 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR SANDS, Chairman

Senate Concurrent Resolution No. 4081 was re-referred to the Legislative Council Resolution Committee.

MOTIONS

Senator Iszler moved that the Senate reconsider its action whereby House Bill No. 1537 lost, which motion prevailed.

Senator Iszler moved that House Bill No. 1537 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1537. A Bill for an Act to provide a new subsection to section 15-38.1-14 of the North Dakota Century Code, pertaining to executive sessions under the Teachers' Representation and Negotiation Act; to provide an expiration date; and declaring an emergency. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 26; nays, 24; absent and not voting, 0.

| NORTH DAKOTA SENATE |             |      |      |            |      |      |          |                  |      |               |      |
|---------------------|-------------|------|------|------------|------|------|----------|------------------|------|---------------|------|
| REGULAR SESSION     |             |      |      | ROLL-CALL  |      |      |          | 1977 LEGISLATURE |      |               |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS | N-V      | NAYS             | YEAS | N-V           | NAYS |
|                     |             | •    | •    | JACOBSON   |      | •    | NAADEN   |                  | •    | SMYKOWSKI     |      |
|                     |             | •    | •    | JONES      |      | •    | NELSON   |                  | •    | SOLBERG       |      |
| •                   | BERUBE      |      |      | KRAUTER    | •    |      | NETHING  | •                |      | STRAND        |      |
| •                   | CHRISTENSEN |      | •    | LARSON     |      |      | ORANGE   | •                |      | STRINDEN      |      |
|                     | ERDMAN      | •    |      | LASHKOWITZ | •    |      | PETERSON |                  |      | TALLACKSON    | •    |
|                     | FARRINGTON  |      |      | LEE        | •    | •    | PIETRON  |                  | •    | TENNEFOS      |      |
| •                   | FREED       |      |      | LIPS       | •    | •    | RAIT     |                  |      | THANE         | •    |
| •                   | FRITZELL    |      | •    | LODOEN     |      |      | REDLIN   | •                |      | VOSPER        | •    |
| •                   | GOODMAN     |      |      | MAHER      | •    |      | REITEN   | •                |      | WALSH         | •    |
| •                   | HANSON      |      |      | MAU        |      |      | SANDNESS | •                |      | WENSTROM      | •    |
|                     | HOFFNER     | •    |      | MELAND     |      |      | SANDS    | •                | •    | WRIGHT        |      |
| •                   | HOLMBERG    |      |      | MILLER     | •    |      | SCHIRADO | •                |      | MR. PRESIDENT |      |
| •                   | ISZLER      |      | •    | MORGAN     |      | •    | SHABLOW  |                  |      |               |      |

So the bill passed, the title was agreed to, but the emergency clause lost.

House Bill No. 1087. A Bill for an Act to regulate real property easements, servitudes, or any nonappurtenant restriction on the use of real property.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 923) the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |      |           |      |      |         |                  |      |           |      |
|---------------------|-------------|------|------|-----------|------|------|---------|------------------|------|-----------|------|
| REGULAR SESSION     |             |      |      | ROLL-CALL |      |      |         | 1977 LEGISLATURE |      |           |      |
| YEAS                | N-V         | NAYS | YEAS | N-V       | NAYS | YEAS | N-V     | NAYS             | YEAS | N-V       | NAYS |
| •                   | ALBERS      |      | •    | JACOBSON  |      | •    | NAADEN  |                  | •    | SMYKOWSKI |      |
|                     | BARTH       |      | •    | JONES     |      | •    | NELSON  |                  | •    | SOLBERG   |      |
| •                   | BERUBE      |      | •    | KRAUTER   |      |      | NETHING | •                |      | STRAND    |      |
| •                   | CHRISTENSEN |      | •    | LARSON    |      | •    | ORANGE  | •                |      | STRINDEN  | •    |

|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL   | • LODDOEN    | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH         |
| • HANSON     | • MAJ        | • SANDNESS | • WENSTROM      |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1097.** A Bill for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to restrictions on the issuance of construction permits by the public service commission for the location and construction of electric transmission lines.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 10; nays, 40; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | JONES      |     |      | • NELSON   |     |      | • SOLBERG        | •   |      |
| • BERUBE            |     | •    | KRAUTER    | •   |      | • NETHING  |     |      | • STRAND         | •   |      |
| • CHRISTENSEN       |     |      | LARSON     | •   |      | • ORANGE   |     |      | • STRINDEN       | •   |      |
| • ERDMAN            | •   |      | LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     | •   |      |
| • FARRINGTON        |     |      | LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       | •   |      |
| • FREED             | •   |      | LIPS       | •   |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | MAHER      |     |      | • REITEN   |     |      | • WALSH          | •   |      |
| • HANSON            | •   |      | MAJ        |     |      | • SANDNESS |     |      | • WENSTROM       | •   |      |
| • HOFFNER           |     |      | MELLAND    | •   |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            | •   |      | MORGAN     |     |      | • SHABLOW  | •   |      |                  |     |      |

House Bill No. 1097 was declared lost.

**House Bill No. 1110.** A Bill for an Act to amend and reenact sections 15-04-09, 15-06-25, and 15-07-05 of the North Dakota Century Code, relating to notices of school land sales and leases.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | JONES      |     |      | • NELSON   |     |      | • SOLBERG        | •   |      |
| • BERUBE            |     | •    | KRAUTER    | •   |      | • NETHING  |     |      | • STRAND         | •   |      |
| • CHRISTENSEN       |     |      | LARSON     | •   |      | • ORANGE   |     |      | • STRINDEN       | •   |      |
| • ERDMAN            | •   |      | LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     | •   |      |
| • FARRINGTON        |     |      | LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       | •   |      |
| • FREED             | •   |      | LIPS       | •   |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | MAHER      | •   |      | • REITEN   |     |      | • WALSH          | •   |      |
| • HANSON            | •   |      | MAJ        |     |      | • SANDNESS |     |      | • WENSTROM       | •   |      |
| • HOFFNER           |     |      | MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            | •   |      | MORGAN     |     |      | • SHABLOW  | •   |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1132.** A Bill for an Act prohibiting the unauthorized starting of fires under certain circumstances, and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 43; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |              |      |      |            |      |                  |     |                 |
|---------------------|-----|------|-----------|--------------|------|------|------------|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL |              |      |      |            |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS      | N-V          | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    |           | • JACOBSON   |      | •    | • NAADEN   |      | •                |     | • SMYKOWSKI     |
| • BARTH             |     | •    |           | • JONES      |      | •    | • NELSON   |      | •                |     | • SOLBERG       |
| • BERUBE            |     | •    |           | • KRAUTER    |      | •    | • NETHING  |      | •                |     | • STRAND        |
| • CHRISTENSEN       |     | •    |           | • LARSON     |      | •    | • ORANGE   |      | •                |     | • STRINDEN      |
| • ERDMAN            |     | •    |           | • LASHKOWITZ |      | •    | • PETERSON |      | •                |     | • TALLACKSON    |
| • FARRINGTON        |     | •    |           | • LEE        |      | •    | • PIETRON  |      | •                |     | • TENNEFOS      |
| • FREED             |     | •    |           | • LIPS       |      | •    | • RAIT     |      | •                |     | • THANE         |
| • FRITZELL          |     | •    |           | • LODDEN     |      | •    | • REDLIN   |      | •                |     | • VOSPER        |
| • GOODMAN           |     | •    |           | • MAHER      |      | •    | • REITEN   |      | •                |     | • WALSH         |
| • HANSON            |     | •    |           | • MAU        |      | •    | • SANDNESS |      | •                |     | • WENSTROM      |
| • HOFFNER           |     | •    |           | • MELLAND    |      | •    | • SANDS    |      | •                |     | • WRIGHT        |
| • HOLMBERG          |     | •    |           | • MILLER     |      | •    | • SCHIRADO |      | •                |     | • MR. PRESIDENT |
| • ISZLER            |     | •    |           | • MORGAN     |      | •    | • SHABLOW  |      | •                |     |                 |

House Bill No. 1132 was declared lost.

**House Bill No. 1176.** A Bill for an Act to create and enact five new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions; to amend and reenact subsection 9 of section 20.1-01-02 and subsection 16 of section 20.1-02-05 of the North Dakota Century Code, relating to a definition, the power of the state game and fish commissioner to protect endangered species, and the creation of a penalty; and to repeal subsection 29 of section 20.1-01-02 of the North Dakota Century Code, relating to a definition.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 8; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |              |      |      |            |      |                  |     |                 |
|---------------------|-----|------|-----------|--------------|------|------|------------|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL |              |      |      |            |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS      | N-V          | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    |           | • JACOBSON   |      | •    | • NAADEN   |      | •                |     | • SMYKOWSKI     |
| • BARTH             |     | •    |           | • JONES      |      | •    | • NELSON   |      | •                |     | • SOLBERG       |
| • BERUBE            |     | •    |           | • KRAUTER    |      | •    | • NETHING  |      | •                |     | • STRAND        |
| • CHRISTENSEN       |     | •    |           | • LARSON     |      | •    | • ORANGE   |      | •                |     | • STRINDEN      |
| • ERDMAN            |     | •    |           | • LASHKOWITZ |      | •    | • PETERSON |      | •                |     | • TALLACKSON    |
| • FARRINGTON        |     | •    |           | • LEE        |      | •    | • PIETRON  |      | •                |     | • TENNEFOS      |
| • FREED             |     | •    |           | • LIPS       |      | •    | • RAIT     |      | •                |     | • THANE         |
| • FRITZELL          |     | •    |           | • LODDEN     |      | •    | • REDLIN   |      | •                |     | • VOSPER        |
| • GOODMAN           |     | •    |           | • MAHER      |      | •    | • REITEN   |      | •                |     | • WALSH         |
| • HANSON            |     | •    |           | • MAU        |      | •    | • SANDNESS |      | •                |     | • WENSTROM      |
| • HOFFNER           |     | •    |           | • MELLAND    |      | •    | • SANDS    |      | •                |     | • WRIGHT        |
| • HOLMBERG          |     | •    |           | • MILLER     |      | •    | • SCHIRADO |      | •                |     | • MR. PRESIDENT |
| • ISZLER            |     | •    |           | • MORGAN     |      | •    | • SHABLOW  |      | •                |     |                 |

So the bill passed and the title was agreed to.

#### RECOGNITION

President Sanstead:

"We have with us today the presiding officer of the State Senate of the State of Ohio. Senator Oliver Ocasek is the Majority Leader of the Ohio Senate. He is also the President pro tem of the Ohio State Senate. He has served 19 years in the State Senate of Ohio, including 16 years on the Appropriations Committee. Senator Ocasek comes to us today as Chairman of the Midwest Legislators Conference, a 12-state group, and North Dakota, of course, is one of the members of that Midwest Legislators Conference. Senator Ocasek is a Professor of Educational Finance at Ohio State University in Ohio and has been a long time participant in counsel state government activities. He's also been a visitor to North Dakota. He was here the last time the Midwest Council of Governors and of the legislators met in North Dakota. On behalf of the State Senate, we have had the opportunity today to be a host to Senator Ocasek who will be traveling on later this evening to South Dakota. We

want to ask at this time if Senator Ocasek will say a few words to the North Dakota State Senate.

Senator Nething moved that the remarks of Senator Ocasek be printed in the Journal, which motion prevailed.

REMARKS OF SENATOR OLIVER OCASEK,  
STATE OF OHIO

Senator Oliver Ocasek:

"Fellow Senators, I certainly am getting an education today. When I became the leader of the Senate a few years ago I ordered everybody to come to work at 8:30 instead of 9:00, I was almost immediately deposed. I arrived late last night, but I got to the capitol about 25 minutes after eight this morning, and I literally had the shock of my life. I was taken into this committee room which was going full blast; I was taken to that committee room, and I certainly want to commend you for being at work so early in the morning. That is perhaps one of my most difficult chores to get committees to start before 10:00 o'clock in the morning. I was astounded at your attendance as well. I also note that your calendar almost embarrasses me.

"I will sit down here after this and observe how you handle it. I think the thing that astounds me is that we meet starting in January, and adjourn as we did last year on December 14. Our Senate in Ohio meets tonight, and we do not have a roll call on Monday nights. We have one bill on the calendar for tomorrow, and two items on the calendar Wednesday, and two on Thursday, and we don't meet on Friday. You can see we are a little more deliberative than you people.

"Another thing that impresses me is that you take all of your bills out of committee and vote on them, one way or another. We introduce some 2200 plus bills, and we killed 80 percent in committee. We pass 20 percent of the proposals. I would think when you stand for election in your state, your constituents have a clear record of your views.

"I don't want to filibuster. We leave here tonight for South Dakota, where we spend tomorrow. But, this morning we had an early breakfast, and we arrived at the capitol before 8:30, and we could barely find a parking place, and you have more land at the capitol than we have. Your people were busy at 8:30 in the morning. As leader, I constantly urge my people to start their committee meetings by 10 in the morning. Our session is in the afternoon, and we do have committee meetings in the evening. I want to commend you for your diligence in starting your days' work, and for handling all the proposals in the manner you do.

"I would invite you to participate in our Council activities and our Annual Conference Convention is to be Columbus, Ohio, in July. You are good dues-paying members of our Council, and we have been pleased with your participation, and invite you to continue to participate in our Council's activities.

"I have looked at your budget, and as I told your committee this morning, I am a teacher. I found you are funding your schools about 70 percent. We are doing about half that well. We have a \$14.5 billion budget, and we are not able to fund our schools to that tune.

"All I can suggest is that you serve the people of this state well, and I hope your constituents appreciate you, and I would urge you to continue to do more of the same. God bless you."

SECOND READING OF HOUSE BILLS

House Bill No. 1190. A Bill for an Act to amend and reenact section 14-



10-17 of the North Dakota Century Code, relating to the provision of family planning services and the treatment of minors for alcoholism without their parents' permission.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

House Bill No. 1190 was declared lost.

**MOTION**

Senator Christensen moved that House Bill No. 1205 be re-referred to the Committee on Social Welfare and Veterans Affairs, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1254. A Bill for an Act to create and enact a new subsection to section 39-04-19 of the North Dakota Century Code, relating to the use of farm vehicles for custom combine operations.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Pietron moved that House Bill No. 1363 be placed at the foot of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1380. A Bill for an Act to amend and reenact section 24-09-08.1 of the North Dakota Century Code, relating to the apportionment of grade crossing safety devices.

Which has been read.

**ROLL CALL**



|            |           |            |               |
|------------|-----------|------------|---------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1457.** A Bill for an Act to amend and reenact subsection 2 of section 39-06-07 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to identification as a donor pursuant to the Uniform Anatomical Gift Act on motor vehicle operator's applications and licenses.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRED              |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1458.** A Bill for an Act to provide for instruction by the state game and fish commissioner on the safe use of firearms and hunter responsibilities; and to provide an effective date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 37; nays, 12; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRED              |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1476.** A Bill for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 924) the roll was called and there were ayes, 37; nays, 13; absent and not voting, 0.

| NORTH DAKOTA SENATE |             |      |           |            |      |                  |          |      |               |
|---------------------|-------------|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |             | •    | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   | BARTH       | •    | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   | BERUBE      | •    | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   | CHRISTENSEN | •    | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   | ERDMAN      | •    | •         | LASHKOWITZ | •    | •                | PETERSON | •    | TALLACKSON    |
| •                   | FARRINGTON  | •    | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
| •                   | FREED       | •    | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   | FRITZELL    | •    | •         | LODGEN     | •    | •                | REIN     | •    | VOSPER        |
| •                   | GOODMAN     | •    | •         | MAHER      | •    | •                | REITEN   | •    | WALSH         |
| •                   | HANSON      | •    | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   | HOFFNER     | •    | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT        |
| •                   | HOLMBERG    | •    | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   | ISZLER      | •    | •         | MORGAN     | •    | •                | SHABLOW  | •    |               |

So the bill passed and the title was agreed to.

House Bill No. 1501. A Bill for an Act to require a sixty-day notice prior to evicting a mobile home owner from a mobile home park, to prohibit any more than one rent increase in any twelve-month period, and to require a thirty-day notice of lot rent increase in mobile home parks.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 901.) the roll was called and there were ayes, 14; nays, 36; absent and not voting, 0.

| NORTH DAKOTA SENATE |             |      |           |            |      |                  |          |      |               |
|---------------------|-------------|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   | ALBERS      | •    | •         | JACOBSON   |      | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   | BARTH       | •    | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   | BERUBE      | •    | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   | CHRISTENSEN | •    | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
| •                   | ERDMAN      | •    | •         | LASHKOWITZ | •    | •                | PETERSON | •    | TALLACKSON    |
| •                   | FARRINGTON  | •    | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
| •                   | FREED       | •    | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   | FRITZELL    | •    | •         | LODGEN     | •    | •                | REIN     | •    | VOSPER        |
| •                   | GOODMAN     | •    | •         | MAHER      | •    | •                | REITEN   | •    | WALSH         |
| •                   | HANSON      | •    | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   | HOFFNER     | •    | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT        |
| •                   | HOLMBERG    | •    | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   | ISZLER      | •    | •         | MORGAN     | •    | •                | SHABLOW  | •    |               |

House Bill No. 1501 was declared lost.

MOTION

Senator Freed moved that House Bill No. 1525 be re-referred to the Committee on Natural Resources, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Concurrent Resolution No. 3030. A concurrent resolution supporting the expeditious reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Illinois.

Was read the second time.

The question being on the final adoption of the resolution, House Concurrent Resolution No. 3030 was declared adopted on a voice vote.

House Bill No. 1363. A Bill for an Act to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating to the registration of lobbyists.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 877, 878) the roll was called and there were ayes, 23; nays, 27; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |            |     | •    |                  |     | •    |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN     |     | •    | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON     |     | •    | SOLBERG          |     | •    |
| • BERUBE            |     | •    | KRAUTER    |     | •    | • NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE     |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     | •    | LASHKOWITZ |     | •    | • PETERSON |     | •    | TALLACKSON       |     | •    |
| • FARRINGTON        |     | •    | LEE        |     | •    | • PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | • RAIT     |     | •    | THANE            |     | •    |
| • FRITZELL          |     | •    | LODDOEN    |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN     |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS   |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     | •    | MELLAND    |     | •    | • SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     | •    | MILLER     |     | •    | • SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

House Bill No. 1363 was declared lost.

MOTION

Senator Nething moved that the rules be suspended, that we amend Rule 44 so that all of the House Bills and resolutions are to be reported back to the Senate on the 49th Legislative day, which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 2151-2210-2223-2228-2370.

Refused to concur in the House amendment to Senate Bill No. 2122-2214-2324-2406-2431-2442.

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

Senate Bill No. 2122

Senators:

Christensen

Iszler

Schirado

Senate Bill No. 2214

Senators:

Iszler

Holmberg

Schirado

Senate Bill No. 2324

Senators:

Freed

Iszler

Schirado

Senate Bill No. 2406

Senators:

Fritzell

Nelson

Krauter

Senate Bill No. 2431

Senators:

Nelson

Solberg

Orange

Senate Bill No. 2442

Senators:

Peterson

Strand  
Berube

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1369  
House Bill No. 1469  
House Bill No. 1519  
House Bill No. 1529  
House Bill No. 1530  
House Bill No. 1545  
House Bill No. 1555  
House Bill No. 1557  
House Bill No. 1578  
House Bill No. 1591  
House Concurrent Resolution No. 3041

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1025  
House Bill No. 1211  
House Bill No. 1331  
House Bill No. 1355  
House Bill No. 1411  
House Bill No. 1426  
House Bill No. 1592

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. 1351  
House Bill No. 1518

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. 2029  
Senate Bill No. 2035  
Senate Bill No. 2091  
Senate Bill No. 2152  
Senate Bill No. 2196  
Senate Bill No. 2197  
Senate Bill No. 2198  
Senate Bill No. 2206  
Senate Bill No. 2211  
Senate Bill No. 2212  
Senate Bill No. 2230  
Senate Bill No. 2237  
Senate Bill No. 2281

Senate Bill No. 2375  
 Senate Bill No. 2393  
 Senate Bill No. 2403  
 Senate Bill No. 2412  
 Senate Bill No. 2445  
 Senate Bill No. 2450  
 Senate Bill No. 2457  
 Senate Bill No. 2530  
 Senate Bill No. 2531

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. 2153  
 Senate Bill No. 2178  
 Senate Bill No. 2276  
 Senate Bill No. 2296  
 Senate Bill No. 2479  
 Senate Bill No. 2482  
 Senate Bill No. 2519

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2153

On page 2, line 11, after the word "shall" insert the following: " , after July 1, 1978,"

On page 3, line 26 after the word "shall" insert the following: " , after July 1, 1978,"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2178

On page 2, line 1 of the engrossed bill delete the word "six" and insert in lieu thereof the word "nine"

On page 2, line 2 after the word "justice" insert the words " , three by the governor"

On page 2, line 14 delete the word "two" and insert in lieu thereof the word "three"

On page 2, line 15 delete the word "two" and insert in lieu thereof the word "three"

On page 2, line 16 delete the second word "two" and insert in lieu thereof the word "three"

And renumber the lines and pages accordingly.

And when so amended, recommends the same do pass.

HOUSE AMENDMENTS TO SENATE BILL No. 2276

Page 1, line 6, delete the word "satsifaction" and insert in lieu thereof the word "satisfaction"

HOUSE AMENDMENTS TO SENATE BILL No. 2296

On page 2, line 3 of the engrossed bill insert triple parentheses around the word "thirteen" and insert in lieu thereof the word "fifteen"

On page 2, line 10 after the word "thirty" insert the word "-six"

On page 2, line 11 place triple parentheses around the word "thirteen" and insert in lieu thereof the word "fifteen"

On page 2, line 17 place triple parentheses around the word "thirteen" and insert in lieu thereof the word "fifteen"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2479

On page 1, line 12 delete the words "estate, interest or"

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2482

On page 2, line 9 delete the words "in joint tenancy" and insert in lieu thereof the word "jointly"

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2519

On page 1, line 20 delete the word "a" at the end of the line and insert in lieu thereof the words "an infraction."

On page 1 delete all of line 21

And renumber the lines accordingly.

House Chamber

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

Senate Bill No. 2413

Senate Bill No. 2492

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. 3099

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1148 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

Timm

Gunderson

Metzger

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. 2406

Representatives:

Tinjum

Ryland

Winkler

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2243



Senate Bill No. 2310

And the President signed the same in the presence of the Senate.

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2243

Senate Bill No. 2310

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

LEO LEIDHOLM, Secretary

Senator Nething moved that after the reading of SCR 4068 and House Bills 1096, 1129, 1231, 1245, 1264, 1273, 1296, 1298, 1340, 1388, 1410, 1433, 1461, 1468, 1480, 1500, 1509, 1514, 1515 and 1535, the Senate recess until Tuesday, March 8, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

FORTY-FOURTH DAY AFTER RECESS AND  
FORTY-FIFTH DAY

Bismarck, March 8, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Freed moved that the amendments to Senate Concurrent Resolution 4079 as recommended by the Committee on Judiciary as printed on pages 971 and 972 of the Senate Journal be adopted, and be referred to the Legislative Council Resolutions Committee, which motion prevailed.

Senator Sandness moved that the amendments to House Bill No. 1259 as recommended by the Committee on Education as printed on page 966 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1284 as recommended by the Committee on Finance and Taxation as printed on page 966 of the Senate Journal be adopted, and be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Christensen moved that the amendments to House Bill No. 1291 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on pages 966 and 967 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1299 as recommended by the Committee on State and Federal Government as printed on pages 967 and 968 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to House Bill No. 1503 as recommended by the Committee on Political Subdivisions as printed on page 968 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1520 as recommended by the Committee on Judiciary as printed on page 969 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to House Bill No. 1532 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 969 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1536 as recommended by the Committee on Judiciary as printed on page 970 of

the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the amendments to House Bill No. 1542 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on pages 970 and 971 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

Senator Naaden requested the Committee on Delayed Bills be excused for a short meeting in the conference room, which request was granted.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Concurrent Resolution No. 4061 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 22, after the word "study" delete the following: "and monitor the execution of"

And renumber the lines accordingly.

And when so amended recommends the same be re-referred to the Legislative Council Resolutions Committee.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to clarify that the legislative council would be studying various areas of the executive budget during the 1977-79 biennium and not exercising control over the execution of the budget.

SENATOR LIPS, Chairman

Senate Concurrent Resolution No. 4061 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4063 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4063 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4064 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 15, after the word "available" delete the words "in abundance"

On page 1, line 22, after the word "construction" insert the words "and renovation"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4064 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4065 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4065 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Social Welfare & Veterans Affairs

to whom was referred Senate Concurrent Resolution 4066 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.  
SENATOR CHRISTENSEN, Chairman

Senate Concurrent Resolution No. 4066 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on State and Federal Government to whom was referred Senate Concurrent Resolution No. 4067 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.  
SENATOR JONES, Chairman

Senate Concurrent Resolution No. 4067 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Appropriations to whom was referred Senate Concurrent Resolution No. 4072 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.  
SENATOR LIPS, Chairman

Senate Concurrent Resolution No. 4072 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Concurrent Resolution No. 4077 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.  
SENATOR CHRISTENSEN, Chairman

Senate Concurrent Resolution No. 4077 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred Senate Concurrent Resolution No. 4083 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolution Committee.  
SENATOR FRITZELL, Vice Chairman

Senate Concurrent Resolution No. 4083 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1004 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1004 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1008 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 18, delete the numerals "21,902" and insert in lieu thereof the numerals "22,300"

On page 1 of the engrossed bill, delete line 19

On page 2 of the engrossed bill, line 1, delete the numerals "37,722" and insert in lieu thereof the numerals "37,950"

On page 2 of the engrossed bill, line 4, delete the numerals "90,544" and insert in lieu thereof the numerals "90,257"

On page 2 of the engrossed bill, delete line 5

On page 2 of the engrossed bill, line 12, delete the numerals "144,115" and insert in lieu thereof the numerals "143,054"

On page 2 of the engrossed bill, line 15, delete the numerals "20,125" and insert in lieu thereof the numerals "20,261"

On page 2 of the engrossed bill, delete line 16

On page 2 of the engrossed bill, line 21, delete the numerals "70,000" and insert in lieu thereof the numerals "69,961"

On page 2 of the engrossed bill, line 27, delete the numerals "251,837" and insert in lieu thereof the numerals "250,965"

On page 2 of the engrossed bill, line 28, delete the numerals "1,551,837" and insert in lieu thereof the numerals "1,550,965"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to adjust salaries and wages for the Bonding Fund, the Fire and Tornado Fund, and the Unsatisfied Judgment Fund to reflect salary and fringe benefit levels authorized by the Legislative Assembly and to delete the classification line items for these funds.

SENATOR LIPS, Chairman

House Bill No. 1008 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1013 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 20, delete the numerals "433,929" and insert in lieu thereof the numerals "430,163"

On page 2 of the engrossed bill, line 4, delete the numerals "2,140,372" and insert in lieu thereof the numerals "2,136,606"

On page 2 of the engrossed bill, line 6, delete the numerals "1,428,372" and insert in lieu thereof the numerals "1,424,606"

On page 2 of the engrossed bill, line 9, delete the numerals "629,787" and insert in lieu thereof the numerals "624,536"

On page 2 of the engrossed bill, line 13, delete the numerals "849,830" and insert in lieu thereof the numerals "844,579"

On page 2 of the engrossed bill, line 14, delete the numerals "646,571" and insert in lieu thereof the numerals "642,638"

On page 2 of the engrossed bill, line 15, delete the numerals "203,259" and insert in lieu thereof the numerals "201,941"

On page 2 of the engrossed bill, line 23, delete the numerals "1,631,631" and insert in lieu thereof the numerals "1,626,547"

On page 2 of the engrossed bill, line 24, delete the numerals "1,373,496" and insert in lieu thereof the numerals "1,369,613"

On page 2 of the engrossed bill, line 25, delete the words "H.B. 1013", and delete the numerals "3,005,127" and insert in lieu thereof the numerals "2,996,110"

On page 2 of the engrossed bill, line 34, delete the numerals "14,925" and insert in lieu thereof the numerals "14,679"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to reduce the salaries and wages line item of the Adjutant General and National Guard by \$3,766 and Disaster Emergency Services by \$5,251 to reflect a five percent per year increase and the amount necessary for fringe benefits.

SENATOR LIPS, Chairman

House Bill No. 1013 was placed on the 6th order of business, on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1028 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1 of the engrossed bill, after the word "reenact" delete the word "section" and insert in lieu thereof the word "sections" and on the same line, after "11-10.1-01" insert the following: ", 11-10.1-05 and 11-10.1-07"

On page 2, line 19, after "basis." insert the following: "**Vacancies in the office of county director of tax equalization shall be filled in the same manner as the original appointment.**"

**"Vacancies in the office of county director of tax equalization shall be filled in the same manner as the original appointment.**

SECTION 2. AMENDMENT.) Section 11-10.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10.1-05. POWERS AND DUTIES OF COUNTY DIRECTOR OF TAX EQUALIZATION.)

1. The county director of tax equalization shall have the power, duty, and responsibility to call upon and confer with township and city assessors in the county and to instruct them in the preparation and proper use of land maps and property record cards, the preparation of assessment books, the changes in assessment laws and regulations, the determination of proper standards of value, the use of proper classifications of property, and the authority to require attendance at meetings, to the end that a uniform assessment of all personal and real property in the county prevail.

2. On January 1, 1981, the county director of tax equalization shall succeed to all the powers and duties of assessors of townships, cities, and unorganized districts within such county, except that any city or township may, at its option by resolution of its governing board, employ an assessor who shall retain such powers, duties and responsibilities of his office. Notwithstanding any other provision of law to the contrary, such city and township assessors shall be required to meet the same minimum standards as those set forth for the county director of tax equalization in section 11-10.1-01 and the expenses and salaries of such offices shall be paid by the city or township exercising such option.

SECTION 3. AMENDMENT.) Section 11-10.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10.1-07. JOINT COUNTY DIRECTOR OF TAX EQUALIZATION — COUNTY DIRECTORS MAY ALSO BE CITY ASSESSORS OR TOWNSHIP ASSESSORS.) The respective boards of county commissioners of two or more counties may by agreement and resolutions of the respective boards of county commissioners employ a joint county director of tax equalization who shall act as county director of tax equalization for each of the counties participating in such agreement. The salary and expense of such joint county director of tax equalization and that of his office and staff shall be prorated among the counties participating in accordance with the assessed valuation of the counties concerned or upon such other basis as may be agreed upon by the respective boards of county commissioners. The respective boards of county commissioners, acting jointly, shall appoint such joint county director of tax equalization on the

same basis and in the same manner as a county director of tax equalization may be appointed for a single county. Such joint county director of tax equalization may be discharged upon the resolution of the board of county commissioners of any county participating in the agreement. Any participating county may withdraw from such joint agreement upon resolution of the board of county commissioners and by giving written notice to the boards of county commissioners of the other participating counties at least ninety days in advance of July first of the year of withdrawal. The joint county director of tax equalization shall have all the powers and duties of the county director of tax equalization of a single county and shall keep all records of assessment for each county entirely separate from the records of other counties which he or she serves. The governing boards of a county and ((a)) of any city, or any township may by agreement and resolutions of the respective boards, employ a joint county director of tax equalization and city or township assessor."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1028 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1029 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, of the engrossed bill, after the comma insert the word "and"

On page 1, line 4, of the engrossed bill, after "a" insert the following: "sale or lease or" and on the same line, after the word "use" delete the remainder of the line and insert in lieu thereof "."

On page 1, of the engrossed bill, delete lines 5 through 9

On page 3, line 16, of the engrossed bill, after the word "is" insert the following: "either, (a)."

On page 3, line 16, of the engrossed bill, delete the first comma and insert in lieu thereof the word "or"

On page 3, line 16, of the engrossed bill, after the word "leased" insert the following: "to anyone other than the owner's spouse or a natural or adoptive lineal descendant or the spouse thereof or a natural or adoptive brother or sister"

On page 3, line 16, of the engrossed bill, after the word "or" insert the following: ", (b)."

On page 3 of the engrossed bill, delete lines 32, 33 and 34

Delete all of pages 4, 5 and 6

And renumber the lines and pages accordingly.

And when so amended recommends the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

House Bill No. 1029 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1041 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 18, after the word "compliance" insert the following: "as outlined in this chapter"

On page 4, line 6, delete the word "may" and insert in lieu thereof the word "shall"

On page 4, line 10, after the word "chapter" insert the following: "if the department shall determine that the city or county requirements meet or exceed the requirements of this chapter and any rules and regulations promulgated under this chapter"

On page 6, line 32, delete the word "may" and insert in lieu thereof the word "shall"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FRITZELL, Vice Chairman

House Bill No. 1041 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1124 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1124 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1135 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1135 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1205 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1205 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1214 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1214 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1324 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1324 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1345 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

House Bill No. 1345 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1368 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman



House Bill No. 1368 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1381 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, of the engrossed bill, after the word "reenact" delete the word "sections" and insert in lieu thereof the word "section" and on the same line after the numerals "54-03-20" delete the word "and"

On page 1, line 2, delete the numerals "54-03-20.1"

On page 1, line 4, after the word "assembly" delete the following: "and round trips allowed during the"

On page 1, line 5, delete the word "session"

On page 1, line 16, after the word "of" delete the triple parentheses around the word "sixty" and delete the word "sixty."

On page 1, line 17, delete the word "seven"

On page 2, line 9, of the engrossed bill, after the word "of" insert triple parentheses around the word "seventy-five" and insert in lieu thereof the following: "one hundred and fifty"

On page 2, line 10, after the word "payable" insert beginning triple parentheses and after the word "months" insert ending triple parentheses and insert in lieu thereof the word: "quarterly"

On page 2, delete all of lines 21 through 34

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JONES, Chairman

House Bill No. 1381 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1462 has had the same under consideration and recommends that the same do pass.

SENATOR JONES, Chairman

House Bill No. 1462 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1470 has had the same under consideration and recommends that the same do pass.

SENATOR FRITZELL, Vice Chairman

House Bill No. 1470 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1484 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2, of the engrossed bill, after the numeral "39-06.1" delete the following: "and two new sections to chapter 39-07"

On page 1, line 4, after the word "offenders" insert a period and delete the remainder of the line

On page 1, delete all of lines 5 through 7

On page 1, line 16, after the word "OFFENDERS" delete the following: "CONSENT TO FINE PAYMENTS"

On page 1, line 17, after the word "juvenile" insert the word "appearing"

On page 1, line 20, after the period delete the remainder of the line

On page 1, delete lines 21 through 24

On page 2, delete lines 1 through 7

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1484 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1490 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1490 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1507 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FRITZELL, Vice Chairman

House Bill No. 1507 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1516 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1516 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1523 has had the same under consideration and recommends that the same be amended as follows:

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

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1523 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on State and Federal Government to whom was referred House Bill No. 1571 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JONES, Chairman

House Bill No. 1571 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3099.** A concurrent resolution recognizing the value of the legislative internship program and commending its participants.

Was read the first time.

Senator Nothing moved that the rules be suspended, that House Concurrent Resolution No. 3099 be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

#### HOUSE CONCURRENT RESOLUTION No. 3099

Introduced by Reps. Backes, Strinden, Kretschmar, Mushik.

A concurrent resolution recognizing the value of the legislative internship program and commending its participants.

WHEREAS, the legislative intern program has been functioning as an integral part of the legislative process in the State of North Dakota since its inception in 1969; and

WHEREAS, the Forty-fifth Legislative Assembly continues to participate in this academic program whereby 18 outstanding young undergraduate, graduate, and law students enrolled at the University of North Dakota and North Dakota State University are selected by their parent institution to serve the political party caucuses, the standing committees of the House and Senate, and the Legislative Assembly in the capacity of legislative interns; and

WHEREAS, during the course of the session, the Legislative Assembly has recognized the academic value of the legislative internship program and the opportunity it affords to these young undergraduate, graduate, and law students to observe the legislative process, as well as the opportunity for the political party caucuses, the standing committees of the Senate and the House of Representatives, and the Legislative Assembly to avail themselves of the energy, talents, enthusiasm, and ability of the legislative interns; and

WHEREAS, the Forty-fifth Legislative Assembly is cognizant of the meritorious contribution and abilities of the legislative interns and the way in which they have conducted themselves, especially their courteous and respectful manner and ability to refrain from entering into the policymaking role in their association with the political party caucuses and the standing committees of the Legislative Assembly;

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

That the service performed by Verda Amundson, Lawrence Bender, Dorie Benesh, Steve Bolme, Charles Chapman, Michael Dwyer, Carl Flagstad, Dana Frey, Duane Gronhovd, Mary Heitkamp, Greg Hennessey, Mary Price, Jon Stevenson, Thomas Trenbeath, Gretchen Vaaler, Daniel Wentz, Doris Wilke, and Karen Wills as legislative interns for the Forty-fifth Legislative Assembly is hereby recognized, and that they be commended for the outstanding diligence, ability, talent, enthusiasm, and courteousness that they have exhibited throughout all their association with the Legislative Assembly; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Chief Clerk of the House to the president of the University of North Dakota, the dean of the School of Law of the University of North Dakota, the chairman of the Department of Political Science at the University of North Dakota, the president of North Dakota State University, and to each of the 18 legislative interns.

#### SECOND READING OF A HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3099.** A concurrent resolution recognizing the value of the legislative internship program and commending its participants.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3099 was declared adopted on a voice vote.

#### FIRST READING OF SENATE BILLS AND RESOLUTIONS

Committee on Delayed Bills introduced:

**Senate Bill No. 2550.** A Bill for an Act to authorize a school district mill levy for federal unemployment compensation taxes.

Was read the first time and referred to the committee on Education. Committee on Delayed Bills introduced:

**Senate Bill No. 2551.** A Bill for an Act to amend and reenact subdivision b of subsection 2 of section 3 of Senate Bill No. 2344, as approved by the forty-fifth legislative assembly, relating to revenue sharing and providing for the allocation of a portion of the revenue to the county government and cities within the countywide area.

Was read the first time and referred to the committee on Finance and Taxation.

Committee on Delayed Bills introduced:

**Senate Concurrent Resolution No. 4085.** A concurrent resolution directing the Legislative Council to conduct a study of the need for and feasibility of establishing a state housing finance agency in North Dakota.

Was read the first time and referred to the committee on State and Federal Government.

Committee on Delayed Bills introduced:

**Senate Concurrent Resolution No. 4086.** A concurrent resolution urging Congress and the United States Secretary of Health, Education and Welfare to take certain action to allow graduates of foreign medical schools to practice medicine in the United States, and particularly in rural areas, such as North Dakota.

Was read the first time and referred to the committee on Social Welfare and Veterans Affairs.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

**Senate Concurrent Resolution No. 4068.** A concurrent resolution directing a Legislative Council study of public telecommunications.

Was read the second time.

The question being on the final adoption of the resolution, Senate Concurrent Resolution No. 4068 was declared lost on a voice vote.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1096.** A Bill for an Act to create and enact sections 23-13-02.1 through 23-13-02.7 of the North Dakota Century Code, relating to regulation of the operation of self-service motor fuel dispensing devices; and to amend and reenact sections 23-13-02 and 23-13-03 of the North Dakota Century Code, relating to the operation of self-service motor fuel dispensing devices and providing a penalty.

Which has been read.

Senator Fritzell moved that House Bill No. 1096 be amended as follows:

On page 4, delete all of lines 22 through 24

And renumber the lines, sections and pages accordingly.

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

Senator Fritzell moved that the rules be suspended, that House Bill No. 1096 be placed on the calendar for second reading and final passage, as amended, for the next legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1129.** A Bill for an Act to amend and reenact sections 24-06-28, 24-06-30, 24-07-03, 24-07-19, 24-10-01, 24-10-02, and 24-10-04 of the North Dakota Century Code, relating to obstruction of section lines, removal of

fences, section lines as public roads, removal of fences when public roads have been laid out, erection of cattle guards, construction of cattle guards, and removal of cattle guards.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 944) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            | •   |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1231.** A Bill for an Act to amend and reenact subsection 3 of section 57-38-45 of the North Dakota Century Code, relating to a penalty for failing to file or fraudulently filing a North Dakota income tax return.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1245.** A Bill for an Act to amend and reenact section 39-20-14 of the North Dakota Century Code, relating to chemical screening tests.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 945) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |           |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES    | •   |      | • NELSON  |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER  |     |      | • NETHING |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON   |     |      | • ORANGE  |     |      | • STRINDEN       |     |      |

|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| ● ERDMAN     | ● LASHKOWITZ | ● PETERSON | ● TALLACKSON    |
| ● FARRINGTON | ● LEE        | ● PIETRON  | ● TENNEFOS      |
| ● FREED      | ● LIPS       | ● RAIT     | ● THANE         |
| ● FRITZELL   | ● LODDEN     | ● REDLIN   | ● VOSPER        |
| ● GOODMAN    | ● MAHER      | ● REITEN   | ● WALSH         |
| ● HANSON     | ● MAUJ       | ● SANDNESS | ● WESTROM       |
| ● HOFFNER    | ● MELLAND    | ● SANDS    | ● WRIGHT        |
| ● HOLMBERG   | ● MILLER     | ● SCHIRADO | ● MR. PRESIDENT |
| ● ISZLER     | ● MORGAN     | ● SHABLOW  |                 |

So the bill passed and the title was agreed to.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

FORTY-FIFTH DAY

Bismarck, March 8, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Bob Fisher, Pastor, Wesleyan Church, Bismarck.

"Dear Lord, Thank You for giving us enough time for the most important things in life. Thank You for this small moment of time during which we have no responsibility but to rest our minds from the powers of concentration, and to visualize Your loving control over our lives. As we visualize Your Majesty we find we want to worship You. Not because we understand You or Your way of controlling our lives. Often we don't. But we thank You for being there when we need You. Help us to recognize our need.

One of the greatest challenges we have is to hold faith in Your power and love when situations are hard to accept. Although we often feel threatened, we can understand why You do not. Provide us with that constant thought that You, O God, are more than equal to our every frustration. Give us that microscopic faith that can overwhelm any mountain. And we will praise You in Jesus Name. Amen."

The roll was called and all Senators were present.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

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

On page 966, line 43, delete the word "was" and insert in lieu thereof the word "be"

On page 982, delete lines 29 through 33, 47 through 49 and also line 53 And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

**SECOND READING OF HOUSE BILLS**

House Bill No. 1264. A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct games of chance; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors, a tax based

on expenses, an expiration date, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

Which has been read.

• Senator Redlin moved to amend House Bill No. 1264 as follows:

On page 1 of the bill, strike everything after the words "A bill and substitute the following:

A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo and raffles; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors and printers, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

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

SECTION 1. DEFINITIONS.)

1. "Bingo" means that game of chance in which each participant receives one or more cards each of which is marked off into twenty-five squares arranged in five horizontal rows of five squares each and five vertical rows of five squares each. Each square is designated by number, letter, or combination of numbers and letters, no two cards being identical. The players cover squares as the operator of such game announces the number, letter, or combination of numbers and letters appearing on an object selected by chance, either manually or mechanically, from a receptacle in which have been placed objects bearing numbers, letters, or combinations of numbers and letters corresponding to the system used for designating the squares. The winner of each game is the player or players first properly covering a predetermined and announced pattern of squares on a card being used by the player or players.

2. "Charitable organization" means any nonprofit organization operated for the relief of poverty, distress, or other condition of public concern within this state, which has been so engaged within this state for two years.

3. "Civic and service club" means any branch, lodge, or chapter of a nonprofit national or state organization which is authorized by its written constitution, charter, articles of incorporation, or bylaws to engage in a civic or service purpose within this state, which shall have existed in this state for two years. "Civic and service club" shall also mean a similar local nonprofit organization, not affiliated with a state or national organization, which is recognized by resolution adopted by the governing body of the city in which the organization conducts its principal activities, or by the governing body of a county if such organization conducts its principal activities outside the limits of a city but within a county. Such club shall have existed in this state for two years.

4. "Distributor" means a person, firm, corporation, association, or organization which sells, markets, or otherwise distributes raffle tickets, bingo equipment, or any other implements of gambling that may be used

in the lawful conduct of games of chance under this Act to an organization licensed or authorized to conduct such games of chance under this Act.

5. "Educational, charitable, patriotic, fraternal, religious, or other public-spirited uses" are: uses benefiting an indefinite number of persons either by bringing them under the influence of education or religion or relieving them from disease, suffering, or constraint; fraternal uses specified by an organization's constitution, charter, or bylaws; uses increasing comprehension of and devotion to the principles upon which the nation was founded; the erection or maintenance of public buildings or works; or uses otherwise lessening the burden of government. Such uses do not include the erection, acquisition, improvement, maintenance, or repair of real, personal, or mixed property unless it is used exclusively for one or more of the stated uses. Other public-spirited uses shall specifically include meeting the expenses incurred by a nonprofit organization recognized by the governing body of a city or county as a legally existing political organization under the laws of this state. "Charitable uses" include uses benefiting a definite number of persons who are the victims of loss of home or household possessions through explosion, fire, flood, or storm and the loss is uncompensated by insurance, and uses benefiting a definite number of persons suffering from a seriously disabling disease or injury, causing severe loss of income or incurring extraordinary medical expense which is uncompensated by insurance.

6. "Educational organization" means any nonprofit organization of a public or private elementary or secondary school; any nonprofit public or private college; and any nonprofit alumni association of such school or college which has been in existence in this state for two years.

7. "Eligible organization" means bona fide nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and other public-spirited organizations as defined by this Act, which may be licensed by the attorney general or authorized by the governing body of a city or county to conduct games of chance under this Act.

8. "Entire net proceeds" means the receipts less such expenses, charges, fees, and deductions as are specifically authorized under this Act.

9. "Equipment" means the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designation to be covered and the objects used to cover them, the board or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo.

10. "Fraternal organization" means a nonprofit organization within this state, except for college fraternities, which is a branch or lodge or chapter of a national or state organization and exists for the common business, labor, brotherhood, or other interests of its members. Such organization shall have existed within this state for two years.

11. "Game of chance" means a game, contest, scheme, or device in which a person stakes or risks something of value for an opportunity to win something of value and in which the outcome depends in a material degree upon an element of chance, notwithstanding that skill of the contestant or participant may also be a factor therein. For purposes of



this Act, "games of chance" shall specifically mean and be limited to bingo and raffles.

12. "Licensee" means an eligible organization licensed under the provisions of this Act.

13. "Licensing authority" means the attorney general.

14. "Occasion" means a single gathering or session at which not more than thirty-five games of chance are played or conducted.

15. "Other public-spirited organization" means a nonprofit organization recognized by the governing body of a city or county by resolution as public-spirited and eligible to conduct games of chance under this Act.

16. "Raffle" means a game of chance in which the prize or prizes, other than cash, are won by one or more of numerous persons buying chances. The winner is determined by drawing a number or numbers from a container holding numbers representative of all chances sold. The date of the drawing, the prize or prizes to be awarded, the name of the organization, and the price of the chance shall be clearly printed on the raffle tickets which shall be numbered consecutively.

17. "Religious organization" means any nonprofit organization, church, body of communicants, or group gathered in common membership for mutual support and edification in piety, worship, and religious observances which has been so gathered or united in this state for two years.

18. "Veterans organization" means any nonprofit congressionally chartered organization within this state, or any branch or lodge or chapter of a nonprofit national or state organization within this state, the membership of which consists of individuals who were members of the armed services or forces of the United States. Such organization shall have been in existence in this state for two years.

**SECTION 2. ORGANIZATIONS ELIGIBLE UNDER ACT — USE OF PROCEEDS.)** Nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations, as those terms are defined by this Act, are eligible to conduct games of chance under the conditions of this Act. The entire net proceeds of such games of chance are to be devoted to educational, charitable, patriotic, fraternal, religious, or other public-spirited uses as defined by this Act.

**SECTION 3. LICENSURE — FEES — APPLICATION — SUSPENSION — REVOCATION.)** An eligible organization maintaining a building for the use of its members and guests, which organization offers meals or liquor or both as part of its normal operation, shall annually apply for a license to conduct games of chance from the attorney general before the first day of January in each year. Application shall be made upon forms prescribed by the attorney general along with submission of a fifty dollar license fee.

The application shall be signed and sworn to by the chief officer of the organization and shall contain the following:

1. The name and post-office address of the applicant.
2. The location at which the organization will conduct the games of chance, whether the organization owns or leases the premises, and a copy of the rental agreement if it leases the premises.
3. A statement of the applicant's previous history and association sufficient to establish that the applicant is an eligible organization.
4. A statement of the charitable and religious uses to which the proceeds of a game of chance will be devoted.

5. Such other necessary and reasonable information as the attorney general may require.

The attorney general shall license such organizations which conform to the requirements of this Act to conduct games of chance. Nonapproval of an application may be appealed in accordance with chapter 28-32. In addition, the attorney general shall have the power, on his own motion based on reasonable grounds or on written complaint, to suspend or revoke a license in accordance with chapter 28-32 for violation of this Act or any rule or regulation promulgated hereunder by the licensee or any officer, director, agent, member, or employee of such licensee.

**SECTION 4. CITY AND COUNTY APPROVAL FOR OTHER THAN LICENSED GAMES OF CHANCE.)** An eligible organization, not subject to section 3, shall apply in writing and annually submit a twenty-five dollar fee before the first day of January to the governing body of the city in which it conducts its principal activities for permission to conduct games of chance in such city. A city may request such reasonable information as necessary to determine an organization's eligibility. An eligible organization shall specify the educational, charitable, patriotic, fraternal, religious, or other public-spirited uses to which the proceeds of a game of chance will be devoted. Where games of chance are proposed to be conducted within a county but outside the limits of a city, such eligible organization shall apply in writing to the board of county commissioners in the same manner as above. Games of chance may then be conducted by an eligible organization if the governing body authorizes such games by resolution.

**SECTION 5. PERSONS PERMITTED TO CONDUCT GAMES OF CHANCE — PREMISES — EQUIPMENT — EXPENSES — COMPENSATION.)**

1. No person, except a member of an eligible organization may hold, operate, or conduct any game of chance under this Act.

2. The officers of an eligible organization shall designate a member of such organization to be in charge of and primarily responsible for the conduct of games of chance on each occasion. The member in charge shall supervise all activities on the occasion for which he is in charge. Such member shall be present on the premises continuously during the games of chance and for a period of at least thirty minutes after the last game.

3. The officers of an eligible organization shall designate an officer to be in full charge and primarily responsible for the proper utilization of the entire net proceeds of any game of chance held in accordance with this Act.

4. The premises where any game of chance is being held, operated, or conducted, or where it is intended that such game will be held, shall be open to inspection by the licensing authority, its agents and employees, by representatives of the governing body authorizing games of chance, and by peace officers of any political subdivision of this state.

5. When any merchandise prize is awarded in a game of chance, its value shall be its current retail price.

6. Equipment, prizes, and supplies for games of chance shall not be purchased or sold at prices in excess of the usual price thereof.

7. No alcoholic beverage shall be offered or given as a prize in any game of chance.

8. The entire net proceeds derived from the holding of games of chance

must be devoted within one year from the date such proceeds were earned to the uses permitted by this Act. Any organization desiring to hold the net proceeds of games of chance for a period longer than one year from the date such proceeds were earned must apply to the licensing authority or governing body, as the case may be, for special permission, and upon good cause shown, the licensing authority or governing body may grant the request.

9. No prize offered or given in any single game of chance authorized by this chapter shall exceed one hundred dollars in amount or value, except that once in every thirty-day period an authorized or licensed organization may offer or give a prize not exceeding ten thousand dollars in amount or value. Eligible organizations licensed under this Act or authorized by a local or county governing body to conduct games of chance may not conduct such games more often than on six occasions per week.

10. Any organization eligible to conduct games of chance under the conditions of this Act may, upon meeting the other requirements of this Act including the receipt of permission of the governing body authorizing games of chance, conduct such games of chance in a business, club, or organization open to the public. When games of chance are conducted in such places, all conditions imposed by this Act must be met with strict conformity by all persons involved.

#### SECTION 6. BINGO GAMES — METHOD OF PLAY.)

1. The equipment used in the playing of bingo and the method of play shall be such that each card shall have an equal opportunity to be a winner. The objects or balls to be drawn shall be essentially the same as to size, shape, weight, balance, and all other characteristics which may influence their selection. All objects or balls shall be present in the receptacle before each game is begun. All numbers announced shall be plainly and clearly audible or visible to all the players present. Where more than one room is used for any one game, the receptacle and the caller must be present in the room where the greatest number of players are present and all numbers announced shall be plainly audible or visible to the players in the other room or rooms. The card or sheet of the players shall be part of a deck, group or series of cards or sheets, no two of which shall be alike. Such deck, group or series shall not be so prepared or arranged to prefer any card or sheet.

2. The particular arrangement of numbers required to be covered in order to win the bingo game and the amount of the prize shall be clearly and audibly or visibly described and announced to the players immediately before each game is begun.

3. Any player shall be entitled to call for a verification of all numbers drawn at the time a bingo winner is determined, and for a verification of the objects or balls remaining in the receptacle and not yet drawn. The verification shall be made in the immediate presence of the member designated to be in charge of the occasion, but if such member is also the caller, then in the immediate presence of any officer of the eligible organization.

4. No person who is not physically present on the premises where the bingo game is actually conducted shall be allowed to participate as a player in the game.

#### SECTION 7. STATEMENT OF RECEIPTS — EXPENSES.)

1. All moneys collected or received from admissions to and games of

chance shall be deposited in a special account of the eligible organization which shall contain only such money. All expenses for such games of chance shall be withdrawn from such account by consecutively numbered checks duly signed by a specified officer or officers of the eligible organization and payable to a specific person or organization. There shall also be written on the check the nature of the expense for which the check is drawn. No check shall be drawn to "cash" or a fictitious payee.

2. No item of expense shall be incurred or paid in connection with holding, operating, or conducting any game of chance pursuant to this Act, except actual and provable expenses of a reasonable amount. Total expenses for games of chance shall not exceed one-third of the total receipts from each such occasion.

3. Expenses for games of chance shall be incurred only for the following purposes:

- a. The purchase of necessary goods, wares, and merchandise.
- b. Payment for services rendered which are reasonably necessary for repair of equipment, and for operating or conducting games of chance.
- c. For rent if the premises or equipment are rented, or for janitorial services if premises are not rented.
- d. Accountant's fees.
- e. License fees.
- f. Utility expenses.

For purposes of this subsection, the following terms shall have the following meanings: "goods, wares, and merchandise" means prizes, equipment as defined by section 1, articles of a minor nature such as pencils, crayons, tickets, envelopes, paper clips and coupons necessary to the conduct of games of chance; "services rendered" means repair to equipment; reasonable compensation to members for conducting games of chance and to bookkeepers or accountants, not more than two in the aggregate, for services in preparing financial reports; and a reasonable amount for rental of premises, utilities, and for janitorial service.

SECTION 8. EXAMINATION OF BOOKS AND RECORDS.) The licensing authority and its agents, and representatives of the governing body of a city or county shall have the power to examine or cause to be examined the books and records of any eligible organization licensed or authorized to conduct games of chance under this Act so far as such books and records relate to any transaction connected with the holding, operating, and conducting of any game of chance. Such books and records shall also be open and accessible for public inspection during reasonable office hours.

SECTION 9. DISTRIBUTORS — LICENSURE.) Every distributor shall annually apply for a license upon a form prescribed by the attorney general before the first day of January and shall submit a ten dollar license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require.

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

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

Every eligible organization shall purchase all raffle tickets or equipment for games of chance from a distributor licensed under this Act, unless the raffle tickets or equipment for games of chance are printed,

manufactured, or constructed by the eligible organization. At no time shall any eligible organization print, manufacture, or construct any raffle tickets or equipment for games of chance for sale to any other eligible organization.

**SECTION 10. PRINTERS — LICENSURE.)** No North Dakota printer shall print raffle tickets or other materials to be used by an eligible organization in the conduct of a licensed or authorized game of chance unless such printer is licensed by the attorney general. Every printer shall annually apply before the first day of January for a license upon a form prescribed by the attorney general and shall submit a ten dollar license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require.

A printer licensed under this section may act as its own distributor without being licensed as a distributor, provided neither the printer nor anyone in the printer's behalf acts as a salesman for the printer's services connected with a game of chance outside the confines of such printer's premises described in the license issued under this section. If a printer or a representative acts as a salesman in connection with games of chance outside the premises described in the printer's license, either such printer or the representative acting in the printer's behalf shall be licensed as a distributor.

**SECTION 11. FORM AND DISPLAY OF LICENSE.)** Each license or authorization required under this Act shall contain a statement of the name and address of the licensee or authorized eligible organization, the names and addresses of the member or members of the licensee or authorized eligible organization who will hold, operate, and conduct such games of chance, and the place or places where such games of chance will be held.

Each license or resolution issued for the conduct of any game or games of chance shall be conspicuously displayed at the place where the same is to be conducted at all times during any game of chance and for at least thirty minutes thereafter.

**SECTION 12. VIOLATION OF ACT — MISDEMEANOR — FORFEITURE OF LICENSURE — INELIGIBILITY FOR YEAR.)** Any person who knowingly makes a false statement in any application for a license or authorizing resolution or in any statement annexed thereto, or who fails to keep sufficient books and records to substantiate the receipts, expenses, or uses resulting from games of chance conducted under this Act, or who falsifies any books or records so far as they relate to any transaction connected with the holding, operating, and conducting of any game of chance, or who violates any of the provisions of this Act or of any term of a license issued under this Act shall be guilty of a class A misdemeanor. If convicted, such organization or person shall forfeit any license or authorizing resolution issued to it pursuant to this Act and shall be ineligible to reapply for a license or authorization for one year thereafter.

**SECTION 13. AMENDMENT.)** Section 12.1-28-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**12.1-28-01. GAMBLING — DEFINITIONS.)** (((As used in this chapter))) Except as otherwise permitted by law:

1. "Gambling" means risking any money, credit, deposit, or other thing of value for gain, contingent, wholly or partially, upon lot, chance, the operation of gambling apparatus, or the happening or outcomé of an

event, including an election or sporting event, over which the person taking the risk has no control.

Gambling does not include:

a. (((lawful))) Lawful contests of skill, speed, strength, or endurance in which awards are made only to entrants or to the owners of entries; or

b. (((lawful))) Lawful business transactions, or other acts or transactions now or hereafter expressly authorized by law.

2. "Lottery" means any plan for the distribution of a thing of value, whether tangible or intangible, or a person or persons selected by chance from among participants, some or all of whom have given a consideration for the chance of being selected.

3. "Gambling apparatus" means any device, machine, paraphernalia, or equipment that is used or usable in the playing phases of any gambling activity, whether that activity consists of gambling between persons, or gambling by a person involving the playing of a machine. Gambling apparatus does not include an amusement game or device as defined in section 53-03-01.

4. "Gambling house" means any location or structure, stationary or movable, wherein gambling is permitted or promoted, or where a lottery is conducted or managed. In the application of this definition, any place where gambling apparatus is found is presumed to be a gambling house, provided that this presumption shall not apply where cards, dice, or other games are found in a private residence.

SECTION 14. AMENDMENT.) Section 12.1-28-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12.1-28-02. GAMBLING — RELATED OFFENSES — CLASSIFICATION OF OFFENSES.) Except as otherwise permitted by law:

1. It shall be a class B misdemeanor to engage in gambling.

2. It shall be a class A misdemeanor to:

a. Sell, purchase, receive, or transfer a chance to participate in a lottery; or

b. Disseminate information about a lottery with intent to encourage participation in it.

3. Subsection 2 shall apply to a lottery drawn or to be drawn outside of this state, whether or not such lottery is lawful in such other state or country.

4. A person is guilty of a class C felony if he engages or participates in the business of gambling. Without limitation, a person shall be deemed to be engaged in the business of gambling if he:

a. Conducts a wagering pool or lottery;

b. Receives wagers for or on behalf of another person;

c. Alone or with others, owns, controls, manages, or finances a gambling business;

d. Knowingly leases or otherwise permits a place to be regularly used to carry on a gambling business or maintain a gambling house;

e. Maintains for use on any place or premises occupied by him a coin-operated gaming device; or

f. Is a public servant who shares in the proceeds of a gambling business whether by way of a bribe or otherwise.

5. a. As used in subsection 4, the term "coin-operated gaming device" means any machine which is:

(1) A so-called "slot" machine which operates by means of the in-

sertion of a coin, token, or similar object and which, by application of the element of chance, may deliver, or entitle the person playing or operating the machine to receive cash, premiums, merchandise, or tokens; or

(2) A machine which is similar to machines described in paragraph (1) and is operated without the insertion of a coin, token, or similar object.

b. The term "coin-operated gaming device" does not include a bona fide vending or amusement machine in which gambling features are not incorporated as defined in section 53-04-01.

**SECTION 15. EMERGENCY.)** This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval.

Senator Redlin moved that the amendments be adopted, and requested a roll call vote on his motion, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments offered by Senator Redlin, the roll was called and there were 25 ayes; 25 nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
|                     |     | •    |           | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      |      | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      |      | ORANGE   |      | •                | STRINDEN      | •    |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    | •    |
|                     |     | •    | •         | LEE        |      |      | PIETRON  |      | •                | TENNEFOS      | •    |
|                     |     | •    |           | LIPS       |      |      | RAIT     |      |                  | THANE         | •    |
|                     |     | •    |           | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        | •    |
|                     |     | •    |           | MAHER      |      |      | REITEN   |      | •                | WALSH         | •    |
|                     |     | •    |           | MAU        |      |      | SANDNESS |      |                  | WENSTROM      | •    |
|                     |     | •    |           | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        | •    |
|                     |     | •    | •         | MILLER     |      |      | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

The motion to adopt Senator Redlin's amendments lost for lack of a constitutional majority.

Senator Orange moved that House Bill No. 1264 be amended as follows:

On page 1 of the engrossed bill, line 8, delete the words "licensure of distributors" and insert in lieu thereof the words "state distribution of authorized implements of gambling"

On page 1 of the engrossed bill, line 9, delete the word "expenses" and insert in lieu thereof the words "gross receipts"

On page 2 of the engrossed bill, line 33, delete "a person, firm, corporation," and insert in lieu thereof "the state of North Dakota as provided by section 12."

On page 2 of the engrossed bill, delete lines 34 and 35

On page 3 of the engrossed bill, delete lines 1 through 5

On page 13 of the engrossed bill, line 8, delete the word "EXPENSES" and insert in lieu thereof the words "GROSS RECEIPTS"

On page 13 of the engrossed bill, line 9, delete the word "ten" and insert in lieu thereof the word "one", and on the same line delete the word "expenses" and insert in lieu thereof the words "gross receipts"

On page 13 of the engrossed bill, delete lines 23 through 35 and insert in lieu thereof the following new section:

**"SECTION 12. STATE TO DISTRIBUTE IMPLEMENTS OF GAMBLING.)** The state of North Dakota shall be the only distributor of authorized implements of gambling and equipment for games of chance authorized by this Act. Eligible organizations shall make all such purchases from the department of accounts and purchases, and the proceeds

from such purchases shall be deposited in the general fund. All pull tabs and punchboards shall be manufactured at the state penitentiary under the supervision of the director of institutions. All pull tabs and punchboards shall be consecutively numbered and recorded with the attorney general."

And renumber the lines and pages accordingly.

Senator Orange moved that the amendments be adopted and requested a roll call vote on his motion, which request was granted.

Senator Barth moved that the question be divided, to have the amendments be voted on without Section 12, and then have Section 12 voted upon separately, which motion prevailed.

**ROLL CALL**

The question being on the motion to adopt the amendments offered by Senator Orange, except Section 12, the roll was called and there were 19 ayes; 31, nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |              |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V          | NAYS |
|                     |             | •    |      | JACOBSON   | •    |           | NAADEN   | •    |                  | SMYKOWSKI    | •    |
| •                   | BARTH       |      |      | JONES      | •    |           | NELSON   | •    |                  | SOLBERG      | •    |
| •                   | BERUBE      |      | •    | KRAUTER    |      |           | NETHING  | •    |                  | STRAND       | •    |
|                     | CHRISTENSEN | •    |      | LARSON     |      |           | ORANGE   | •    |                  | STRINDEN     | •    |
| •                   | ERDMAN      |      | •    | LASHKOWITZ |      |           | PETERSON | •    |                  | TALLACKSON   | •    |
|                     | FARRINGTON  | •    |      | LEE        | •    |           | PIETRON  | •    |                  | TENNEFOS     | •    |
|                     | FREED       | •    |      | LIPS       | •    |           | RAIT     |      |                  | THANE        | •    |
|                     | FRITZELL    | •    |      | LODOEN     | •    |           | REDLIN   |      |                  | VOSPER       | •    |
|                     | GOODMAN     | •    |      | MAHER      |      |           | REITEN   | •    | •                | WALSH        |      |
|                     | HANSON      | •    | •    | MAU        |      |           | SANDNESS | •    |                  | WENSTROM     | •    |
| •                   | HOFFNER     |      |      | MELLAND    | •    |           | SANDS    | •    |                  | WRIGHT       | •    |
|                     | HOLMBERG    | •    | •    | MILLER     |      |           | SCHIRADO | •    |                  | MR PRESIDENT |      |
|                     | ISZLER      | •    |      | MORGAN     | •    | •         | SHABLOW  |      |                  |              |      |

The amendments offered by Senator Orange, except Section 12 were declared lost.

**ROLL CALL**

The question being on Section 12 of Senator Orange's amendment, the roll was called and there were 11 ayes; 39 nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |              |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V          | NAYS |
|                     |             | •    |      | JACOBSON   | •    |           | NAADEN   | •    |                  | SMYKOWSKI    | •    |
|                     | BARTH       | •    |      | JONES      | •    |           | NELSON   | •    |                  | SOLBERG      | •    |
|                     | BERUBE      | •    | •    | KRAUTER    |      |           | NETHING  | •    |                  | STRAND       | •    |
|                     | CHRISTENSEN | •    |      | LARSON     |      |           | ORANGE   | •    |                  | STRINDEN     | •    |
|                     | ERDMAN      | •    | •    | LASHKOWITZ |      |           | PETERSON | •    |                  | TALLACKSON   | •    |
|                     | FARRINGTON  | •    |      | LEE        | •    |           | PIETRON  | •    | •                | TENNEFOS     | •    |
|                     | FREED       | •    |      | LIPS       | •    |           | RAIT     |      |                  | THANE        | •    |
|                     | FRITZELL    | •    |      | LODOEN     | •    |           | REDLIN   | •    |                  | VOSPER       | •    |
|                     | GOODMAN     | •    | •    | MAHER      |      |           | REITEN   | •    | •                | WALSH        |      |
|                     | HANSON      | •    |      | MAU        |      |           | SANDNESS | •    |                  | WENSTROM     | •    |
|                     | HOFFNER     | •    |      | MELLAND    | •    |           | SANDS    | •    |                  | WRIGHT       | •    |
|                     | HOLMBERG    | •    | •    | MILLER     |      |           | SCHIRADO | •    |                  | MR PRESIDENT |      |
|                     | ISZLER      | •    |      | MORGAN     | •    | •         | SHABLOW  |      |                  |              |      |

The motion to adopt Section 12 of Senator Orange's amendments was declared lost.

Senator Naaden moved to amend House Bill No. 1264 as follows:

On page 8 of the engrossed bill, after line 2, insert the following new section:

**"SECTION 4A. ATTORNEY GENERAL LICENSED ORGANIZATIONS TO ADVERTISE ONLY IN OFFICIAL PUBLICATIONS.)** No eligible organization licensed by the attorney general under section 3 shall advertise the dates, times, and locations where games of chance will be conducted by the organization other than



in its official publication distributed to the organization's members. No signs, newspaper advertisements, leaflets, radio or television announcements, or other forms of advertising other than allowed by this section shall be used by such an organization to promote games of chance. The attorney general may suspend or revoke a license issued under section 3 for violation of this section."

Senator Naaden moved that the amendments be adopted, and requested a roll call vote on the motion to adopt his amendments, which request was granted.

**ROLL CALL**

The question being on the motion to adopt Senator Naaden's amendments, the roll was called and there were 17 ayes; 33 nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES    | •   |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | KRAUTER    | •   | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON   | •   |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       | •   | • TALLACKSON    |
| • FARRINGTON        | •   |      | • LEE      |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             | •   |      | • LIPS     | •   |      | • RAIT           |     | • THANE         |
| • FRITZELL          | •   |      | • LODOEN   | •   |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           | •   |      | • MAHER    | •   |      | • REITEN         | •   | • WALSH         |
| • HANSON            |     |      | • MAU      | •   |      | • SANDNESS       | •   | • WENSTROM      |
| • HOFFNER           | •   |      | • MELLAND  | •   |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          | •   |      | • MILLER   |     |      | • SCHIRADO       | •   | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN   | •   |      | • SHABLOW        |     |                 |

The motion to adopt Senator Naaden's amendments was declared lost.

Senator Tennefos moved to amend House Bill 1264 as follows:

On page 5, line 3 of the bill, delete "and twenty-

On page 5, line 4 of the bill, delete "one"

On page 6, delete lines 19, 20 and 21

And renumber the lines and pages accordingly.

Senator Tennefos moved that the amendments be adopted and requested a roll call vote on his motion, which request was granted.

**ROLL CALL**

The question being on the amendment offered by Senator Tennefos, the roll was called and there were 28 ayes; 22 nays; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |                 |
|---------------------|-----|------|------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             | •   |      | • JONES    | •   |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | KRAUTER    | •   | •    | • NETHING        | •   | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON   | •   |      | • ORANGE         | •   | • STRINDEN      |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       | •   | • TALLACKSON    |
| • FARRINGTON        | •   |      | • LEE      |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             | •   |      | • LIPS     | •   |      | • RAIT           |     | • THANE         |
| • FRITZELL          | •   |      | • LODOEN   | •   |      | • REDLIN         | •   | • VOSPER        |
| • GOODMAN           | •   |      | • MAHER    | •   |      | • REITEN         | •   | • WALSH         |
| • HANSON            |     |      | • MAU      | •   |      | • SANDNESS       | •   | • WENSTROM      |
| • HOFFNER           | •   |      | • MELLAND  | •   |      | • SANDS          | •   | • WRIGHT        |
| • HOLMBERG          | •   |      | • MILLER   |     |      | • SCHIRADO       | •   | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN   | •   |      | • SHABLOW        |     |                 |

The amendment offered by Senator Tennefos on House Bill 1264 was adopted.

Senator Nothing moved that the rules be suspended, that House Bill 1264 be placed on the calendar as amended for second reading and final passage, which motion prevailed.

**House Bill No. 1264.** A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct games of chance; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors, a tax based on expenses, an expiration date, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of House Bill 1264, as amended, (SJ pages 945-947) the roll was called and there were ayes, 36; nays, 14; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT           |     | • THANE       |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH       |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |               |

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

**House Bill No. 1273.** A Bill for an Act to amend and reenact section 54-03-20.1 of the North Dakota Century Code, relating to compensation for attending legislators; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 947) the roll was called and there were ayes, 40; nays, 7; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT           |     | • THANE       |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH       |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |               |

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

**House Bill No. 1296.** A Bill for an Act to enact the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act relating to the

disclaimer of interests under a nontestamentary instrument, contract, or power of appointment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1298.** A Bill for an Act to amend and reenact subsection 7 of section 27-23-03 of the North Dakota Century Code, and to amend and reenact section 27-23-12 of the North Dakota Century Code, relating to the power, authority, and responsibility of the commission on judicial qualifications and providing for administrative services by the administrator of the supreme court to such commission.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 7; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1340.** A Bill for an Act to amend and reenact sections 40-46-04, 40-46-06, 40-46-09, 40-46-13, 40-46-20, and 40-46-27 of the North Dakota Century Code, relating to employees' pension plans in cities.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 25; nays, 24; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |           |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES    |     |      | • NELSON  |     |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER  |     |      | • NETHING |     |      | • STRAND         |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

House Bill No. 1340 was declared lost for lack of a constitutional majority.

**House Bill No. 1388.** A Bill for an Act to create and enact a new section to chapter 40-31 of the North Dakota Century Code, requiring cities to provide ramped curbing at intersections for wheelchair traffic upon undertaking extensive curb and gutter repair or installation.

Which has been read.

Senator Lashkowitz moved to amend House Bill 1388 as follows:

On page 1, line 14, after the word "hereafter" insert "in intersection curb and gutter repair or installation projects"; and in the same line after the word "crosswalk" insert "in said projects"

And renumber the lines accordingly.

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

Senator Lashkowitz moved that the rules be suspended, that House Bill 1388 be placed on second reading and final passage, as amended, which motion prevailed.

**House Bill No. 1388.** A Bill for an Act to create and enact a new section to chapter 40-31 of the North Dakota Century Code, requiring cities to provide ramped curbing at intersections for wheelchair traffic upon undertaking extensive curb and gutter repair or installation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 947) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1410.** A Bill for an Act to amend and reenact subsection 1 of section 43-05-01 of the North Dakota Century Code, relating to the definition of podiatrist.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 44; nays, 3; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL          | •   |      | • LODOEN     |           |      | • REDLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      | •         |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    | •   |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                 |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1433.** A Bill for an Act to amend and reenact section 52-04-06 of the North Dakota Century Code, relating to unemployment compensation contribution rates, to provide an effective date, and to declare an emergency.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |           |      | • REDLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                 |     |      |

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

#### MESSAGES FROM THE HOUSE

##### House Chamber

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

Senate Bill No. 2243

Senate Bill No. 2310

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. 1031

House Bill No. 1032

House Bill No. 1057

House Bill No. 1060

House Bill No. 1064

House Bill No. 1105

House Bill No. 1106

House Bill No. 1113

House Bill No. 1133

House Bill No. 1134

House Bill No. 1152  
House Bill No. 1155  
House Bill No. 1157  
House Bill No. 1158  
House Bill No. 1166  
House Bill No. 1167  
House Bill No. 1187  
House Bill No. 1189  
House Bill No. 1265  
House Bill No. 1348

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

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE

Senate Chamber

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

Senate Concurrent Resolution No. 4084

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1179  
House Bill No. 1225  
House Bill No. 1257  
House Bill No. 1307  
House Bill No. 1323  
House Bill No. 1338  
House Bill No. 1349  
House Bill No. 1350  
House Bill No. 1401  
House Bill No. 1416  
House Bill No. 1473  
House Bill No. 1527  
House Bill No. 1538  
House Bill No. 1539  
House Concurrent Resolution No. 3038  
House Concurrent Resolution No. 3057  
House Concurrent Resolution No. 3061

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. 1207  
House Bill No. 1328  
House Bill No. 1341  
House Bill No. 1389

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1252

House Bill No. 1337

House Bill No. 1531

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2031

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL 2031

On page 1, line 16, following the word "regularly" insert the words "but at least once every three months,"

On page 2, line 14, after the word "Dakota" and before the period, insert the following: "but at least once every three months and such additional times as the majority of the board shall determine"

And renumber the lines and pages accordingly.

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. 3103

House Concurrent Resolution No. 3104

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2404

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2263

Senate Bill No. 2291

Senate Bill No. 2405

Senate Bill No. 2449

Senate Bill No. 2534

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2243

Senate Bill No. 2310

were delivered to the Governor for his approval on March 8, 1977.

SENATOR STRAND, Chairman

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on Senate Bill No. 2122, Senate Bill No. 2214, Senate Bill No. 2324, Senate Bill No. 2431, Senate Bill No. 2442, Representatives:

Senate Bill No. 2122:

Rep. Conmy

Rep. Rued

Rep. Benedict  
Senate Bill No. 2214:  
Rep. Wentz  
Rep. Russell  
Rep. Lundene  
Senate Bill No. 2324:  
Rep. Kretschmar  
Rep. Russell  
Rep. Hill  
Senate Bill No. 2431:  
Rep. Lipsiea  
Rep. Black  
Rep. McCaffrey  
Senate Bill No. 2442:  
Rep. Lipsiea  
Rep. Black  
Rep. McCaffrey

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1025 and refused to concur in the Senate amendment to House Bill No. 1174 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

House Bill No. 1174:  
Rep. Langley  
Rep. Herslip  
Rep. A. Hausauer

ROY GILBREATH, Chief Clerk

Senator Nething moved that after the reading of House Bills 1004, 1096, 1124, 1135, 1205, 1214, 1259, 1291, 1299, 1324, 1345, 1368, 1462, 1470, 1490, 1503, 1507, 1516, 1520, 1532, 1536, 1542 and 1571, the Senate recess until Wednesday, March 9, 1977 at 1:30 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary





FORTY-FIFTH DAY AFTER RECESS AND  
FORTY-SIXTH DAY

Bismarck, March 9, 1977

The Senate convened at 1:30 P.M., pursuant to recess taken, President Sanstead presiding.

REPORT OF PROCEDURAL COMMITTEE

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

Senate Concurrent Resolution No. 4079

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 7, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on February 25, 1977, I signed Senate Bill 2023.

On March 4, 1977, I signed the following Senate Bills:

- Senate Bill No. 2021
- Senate Bill No. 2100
- Senate Bill No. 2103
- Senate Bill No. 2115
- Senate Bill No. 2119
- Senate Bill No. 2121
- Senate Bill No. 2134

Sincerely yours,

ARTHUR A. LINK, Governor

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Concurrent Resolution No. 4082 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR GOODMAN, Chairman

Senate Concurrent Resolution No. 4082 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred House Bill No. 1118 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1118 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred House Bill No. 1161 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1161 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred House Bill No. 1162 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1162 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1184 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1184 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1233 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

House Bill No. 1233 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1258 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

House Bill No. 1258 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1310 has had the same under consideration and recommends that the same be amended as follows:

In addition to the Senate amendments to House Bill No. 1310 as shown on page 794 of the Senate Journal, the bill is amended as follows:

On page 1, line 12, delete the word "an" and insert in lieu thereof the words "a permanent"

On page 1, line 13, after the word "employee" insert the following: "who has been employed in that department, institution, or agency not less than one year"; and delete the word "duty" and insert in lieu thereof the words "city in the state"

On page 1, line 14, delete the word "station" where it first appears and after the word "another" delete the words "duty station"

On page 1, line 15, after the word "assignment" insert the following: "of a permanent nature within that department, institution, or agency."; and on the same line delete the words "and fulfilling a need of that department."

On page 1, line 16, delete the following: "institution, or agency."  
And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to clarify that employees remain in the same department when reimbursed for moving.

SENATOR LIPS, Chairman

House Bill No. 1310 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1330 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1330 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred House Bill No. 1346 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1346 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1365 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1365 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1372 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14, after the word "time" insert beginning triple parentheses.

On page 1, line 15, after the word "of", insert ending triple parentheses.

On page 1, line 16, after the comma, insert beginning triple parentheses.

On page 1, line 17, after the second comma at the end of the line, insert ending triple parentheses.

On page 1, line 22, after the word "loans" and before the comma, insert beginning triple parentheses.

On page 1, line 23, after the word "herein" insert ending triple parentheses.

On page 2, line 3, after the period delete the remainder of the line.

On page 2, delete all of lines 4 through 6.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, CHAIRMAN

House Bill No. 1372 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1375 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1375 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1419 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 3, delete the words "carry out or supervise" and insert in lieu thereof the words "oversee and monitor" and after the word "research" insert the following: "; and providing an appropriation"

On page 1 of the engrossed bill, line 10, delete the words "carry out or supervise" and insert in lieu thereof the words "monitor, review, and provide legislative oversight of" and after the word "research" delete the comma

On page 1 of the engrossed bill, line 11, delete the words and comma "including economic feasibility, in" and insert in lieu thereof the word "on"

On page 1 of the engrossed bill, line 12, after the word "ignite" insert the following: ", including the economic feasibility of such production"

On page 1 of the engrossed bill, after line 12 insert the following new section:

"SECTION 2. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000.00, or so much thereof as may be necessary, to the legislative council for use in carrying out the study required by this Act during the biennium beginning July 1, 1977, and ending June 30, 1979. Such moneys may be used by the council to match other public or private funds which may be available to the council for such study."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment is intended to allow the Legislative Council to monitor the research into the technical and economic feasibility of the production of methanol from lignite. The appropriation is to fund committee expenses.

SENATOR LIPS, Chairman

House Bill No. 1419 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1430 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR LIPS, Chairman

House Bill No. 1430 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1541 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1541 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was

referred House Bill No. 1546 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

House Bill No. 1546 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1553 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1553 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1559 has had the same under consideration and recommends that the same be amended as follows:

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

On page 1, line 2, following the word "to" insert the words "altering identification marks; and to"

On page 1, after line 15, insert the following new language:

**"REMOVAL OF IDENTIFICATION MARKS.) A person commits the offense of removal of identification marks if he, with intent to cause interruption of the ownership of another, defaces, erases, or otherwise alters any serial number or identification mark placed or inscribed on any personal property by the manufacturer or owner for the purpose of identifying the personal property or its component parts, provided the personal property exceeds one hundred dollars in value. A person removes identification marks if he attempts to or succeeds in erasing, defacing, altering, or removing a serial number or identification mark or part thereof, on the personal property of another, that exceeds one hundred dollars in value. 2. A person who commits the offense of removal of identification marks on property or its component parts which exceeds one hundred dollars in value, is guilty of a class A misdemeanor.**

SECTION 2.) A new section to chapter 12.1-23 of the North Dakota Century Code is hereby created and enacted to read as follows:"

On page 1, line 16, delete the words "BY DEALERS"

On page 1, line 18, delete the words "is a dealer in property and he"

On page 2, line 3, after the word "property" insert the words "or its component parts which exceed one hundred dollars in value," and delete the words "A misdemeanor" and insert in lieu thereof the words "C felony"

On page 2, line 3, following the period, insert the following new language: "In the event that more than one item of personal property is defaced, erased, or otherwise altered or unlawfully possessed, as specified in sections 2 and 3 of this Act, by an individual then an offense is determined to be committed under this section if the aggregate of the value of the property so defaced, erased, or otherwise altered or unlawfully possessed is in excess of one hundred dollars."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1559 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to

whom was referred House Bill No. 1567 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3 of the engrossed bill, after the word "units" insert the following: ", recovery by a lessee for wrongful withholding of security deposits, providing for transfer of security deposits upon a change of ownership, and binding the lessor holding the lease at the time of termination to return the security deposit"

On page 1, line 9, after the word "RENT.)" insert the numeral "1."

On page 1, line 19, delete the word "six" and insert in lieu thereof the word "twelve"

On page 1, after line 20, insert the following subsections:

"2. A lessor shall be liable for treble damages for any security deposit money withheld without reasonable justification.

3. Upon a change in ownership of the leased real property or dwelling, the security deposits shall be transferred to the purchaser of the lessor's interest. The grantee of the lessor's interest in the real property or dwelling at the termination of a lease shall be bound by this section even though such holder was not the original lessor who received the security deposit. The original lessor's liability shall terminate upon transfer of property."

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

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1567 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1568 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1568 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Concurrent Resolution No. 3051 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Concurrent Resolution No. 3051 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to Senate Concurrent Resolution 4061 as recommended by the Committee on Appropriations as printed on page 986 of the Senate Journal be adopted, and be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

Senator Jones moved that the amendments to Senate Concurrent Resolution 4064 as recommended by the Committee on State and Federal Government as printed on page 986 of the Senate Journal be adopted, and be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1008 as recommended by the Committee on Appropriations as printed on pages 987 and 988 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1013 as recommended by the Committee on Appropriations as printed on page 988 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1028 as recommended by the Committee on Finance and Taxation as printed on pages 989 and 990 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1029 as recommended by the Committee on Finance and Taxation as printed on page 990 of the Senate Journal be adopted, and recommends that House Bill 1029 be Indefinitely Postponed, which motion prevailed.

Senator Fritzell moved that the amendments to House Bill No. 1041 as recommended by the Committee on Industry, Business and Labor as printed on pages 990 and 991 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the amendments to House Bill No. 1381 as recommended by the Committee on State and Federal Government as printed on page 992 of the Senate Journal be adopted, and be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1484 as recommended by the Committee on Judiciary as printed on pages 992 and 993 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1523 as recommended by the Committee on Judiciary as printed on page 993 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

Senator Mau moved that the Senate reconsider its action whereby it passed House Bill No. 1537, which motion lost on a division vote.

Senator Jones moved that Senate Concurrent Resolution 4085 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

Senator Jones moved that Senate Concurrent Resolution 4085 be re-referred to the Committee on Political Subdivisions, which motion prevailed.

#### MOTIONS

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1148, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1148:

Senator Tennefos  
 Senator Strand  
 Senator Lashkowitz

Senator Jones moved that the Senate do not concur in the House amendments to Senate Bill No. 2160 as printed on page 940 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

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

Senator Vosper  
 Senator Albers  
 Senator Mau



Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary  
FORTY-SIXTH DAY

Bismarck, March 9, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Fr. Theodore F. Gustin, Church of St. Mary, Bismarck.

"Let us Pray: Lord and Father of us all, we ask You to make Your presence felt by each of us. We acknowledge Your authority over all things. Keep reminding us that we will be called to give You an accounting of all we say and do. We ask your guidance in fulfilling the work which people have sent us here to do. Let Your voice be heard in our hearts as we strive to listen to the people who put us here and as we listen to each other. Help us to say nothing which we have not first heard in our hearts. Aid us as we work together for the greatest possible good of all Your people.

"We ask these things through Christ our Lord."

The roll was called and all Senators were present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

-Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-fourth day after recess and Forty-fifth day and finds the same to be correct.

SENATOR VOSPER, Chairman

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3103.** A concurrent resolution citing the legislative interest of North Dakota, and her sister state South Dakota, in, and their support of, Missouri River development in the form of the Oahe and Garrison projects, and memorializing the President and the Congress of the United States not to withdraw federal support from these projects.

Was read the first time.

Senator Nething moved that the rules be suspended, that House Concurrent Resolution No. 3103 as printed on page 1116 of the House Journal, 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. 3103.** A concurrent resolution citing the legislative interest of North Dakota, and her sister state South Dakota, in, and their support of, Missouri River development in the form of the Oahe and Garrison projects, and memorializing the President and the Congress of the United States not to withdraw federal support from these projects.

Was read the second time.

The question being on the final adoption of the resolution.

#### ROLL CALL

The roll was called and there were 48 ayes; 0 nays; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

House Concurrent Resolution No. 3103 was adopted.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

House Concurrent Resolution No. 3104. A concurrent resolution congratulating the Mandan High School wrestling team and its coach, Dave Mellen, for winning the State Class A wrestling championship.

Was read the first time.

Senator Schirado moved that the rules be suspended, that House Concurrent Resolution No. 3104 as printed on page 1118 of the House Journal, 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. 3104. A concurrent resolution congratulating the Mandan High School wrestling team and its coach, Dave Mellen, for winning the State Class A wrestling championship.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3104 was declared adopted on a voice vote.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1461. A Bill for an Act to provide for continuous insurance coverage of an insured juvenile whose legal custody has been given by the court to any state institution or agency.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1468. A Bill for an Act to create and enact section 5-02-05.1 of the North Dakota Century Code, providing for a special Sunday convention alcoholic beverage permit which may be issued by the

governing body of a home rule city to a private club, lodge, motel, or hotel serving as a state convention headquarters; and to amend and reenact section 5-02-05, subsection 11 of section 12.1-30-02, and subsection 29 of section 12.1-30-03 of the North Dakota Century Code, relating to prohibited liquor disposal on certain days, to personal property sales allowable on Sunday, and to businesses allowed to operate on Sunday.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 948) the roll was called and there were ayes, 36; nays, 14; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1480.** A Bill for an Act to amend and reenact section 57-15-50 of the North Dakota Century Code, relating to the county levy for ambulance service; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

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

**House Bill No. 1500.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these agencies by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recom-

mendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all such entities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 42; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |          |     | •    |                  |     | •    |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
|                     |     | •    | LODDEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1500 was declared lost.

House Bill No. 1509. A Bill for an Act to require banking institutions, building and loan associations, and other similar financial institutions to pay interest on certain escrow and unaccrued contingent accounts.

Which has been read.

Senator Redlin requested he be excused from voting on this bill due to a conflict of interest.

Senator Strinden moved that Senator Redlin be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 19; nays, 30; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |            |     | •    |          |     | •    |                  |     | •    |
|                     |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
|                     |     | •    | LODDEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
|                     |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1509 was declared lost.

House Bill No. 1514. A Bill for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to additional juvenile supervisors and providing for a mill levy for county juvenile supervisors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 8; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS              |     | •    | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| BARTH               | •   |      | JONES      |     |      | NELSON           |     | SOLBERG       |
| BERUBE              |     | •    | KRAUTER    |     |      | NETHING          |     | STRAND        |
| CHRISTENSEN         |     | •    | LARSON     | •   |      | ORANGE           |     | STRINDEN      |
| ERDMAN              |     | •    | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| FARRINGTON          |     | •    | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FREED               |     | •    | LIPS       |     |      | RAIT             |     | THANE         |
| FRITZELL            |     | •    | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| GOODMAN             |     | •    | MAHER      |     |      | REITEN           |     | WALSH         |
| HANSON              |     | •    | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HOFFNER             |     | •    | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOLMBERG            |     | •    | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| ISZLER              |     | •    | MORGAN     |     |      | SHABLOW          |     |               |

So the bill passed and the title was agreed to.

House Bill No. 1515. A Bill for an Act to create and enact a new subsection to section 54-52.1-01 of the North Dakota Century Code, defining "dental benefits coverage"; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to the uniform group insurance program.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 37; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| ALBERS              |     | •    | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI     |
| BARTH               |     | •    | JONES      |     |      | NELSON           |     | SOLBERG       |
| BERUBE              |     | •    | KRAUTER    |     |      | NETHING          |     | STRAND        |
| CHRISTENSEN         |     | •    | LARSON     |     |      | ORANGE           |     | STRINDEN      |
| ERDMAN              |     | •    | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON    |
| FARRINGTON          |     | •    | LEE        |     |      | PIETRON          |     | TENNEFOS      |
| FREED               |     | •    | LIPS       |     |      | RAIT             |     | THANE         |
| FRITZELL            |     | •    | LODOEN     |     |      | REDLIN           |     | VOSPER        |
| GOODMAN             |     | •    | MAHER      |     |      | REITEN           |     | WALSH         |
| HANSON              |     | •    | MAU        |     |      | SANDNESS         |     | WENSTROM      |
| HOFFNER             |     | •    | MELLAND    |     |      | SANDS            |     | WRIGHT        |
| HOLMBERG            |     | •    | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
| ISZLER              |     | •    | MORGAN     |     |      | SHABLOW          |     |               |

House Bill No. 1515 was declared lost.

House Bill No. 1535. A Bill for an Act to amend and reenact section 29-10.1-25 of the North Dakota Century Code, relating to the oath or affirmation administered to grand jury witnesses.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |            |
|---------------------|-----|------|------------|-----|------|------------------|-----|------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |            |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS       |
| ALBERS              |     | •    | JACOBSON   |     |      | NAADEN           |     | SMYKOWSKI  |
| BARTH               |     | •    | JONES      |     |      | NELSON           |     | SOLBERG    |
| BERUBE              |     | •    | KRAUTER    |     |      | NETHING          |     | STRAND     |
| CHRISTENSEN         |     | •    | LARSON     | •   |      | ORANGE           |     | STRINDEN   |
| ERDMAN              |     | •    | LASHKOWITZ |     |      | PETERSON         |     | TALLACKSON |
| FARRINGTON          |     | •    | LEE        |     |      | PIETRON          |     | TENNEFOS   |
| FREED               |     | •    | LIPS       |     |      | RAIT             |     | THANE      |
| FRITZELL            |     | •    | LODOEN     |     |      | REDLIN           |     | VOSPER     |

|            |           |            |              |
|------------|-----------|------------|--------------|
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH      |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM   |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT     |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |              |

So the bill passed and the title was agreed to.

MOTION

Senator Lips moved that House Bill No. 1004 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1096. A Bill for an Act to create and enact sections 23-13-02.1 through 23-13-02.7 of the North Dakota Century Code, relating to regulation of the operation of self-service motor fuel dispensing devices; and to amend and reenact sections 23-13-02 and 23-13-03 of the North Dakota Century Code, relating to the operation of self-service motor fuel dispensing devices and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 995) the roll was called and there were ayes, 40; nays, 10; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • FROMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     | •    | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1124. Transfer from Bank of North Dakota — A Bill for an Act to transfer moneys from the accumulated and undivided profits of the bank of North Dakota to the general fund of the state.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • FROMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1135. Transfer From Mill and Elevator — A Bill for an

Act to transfer moneys from the accumulated and undivided profits of the North Dakota Mill and Elevator Association to the general fund of the state.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1205.** A Bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to requiring maintenance of a patient profile record system by pharmacies.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 2; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1214.** A Bill for an Act to declare the purpose of marking personal property, and making it an offense, to remove from or have possession of personal property, on which the serial numbers or owners identification mark has been changed or obliterated, and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 1; nays, 45; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES    |     |      | • NELSON |     |      | • SOLBERG        |     |      |









|              |              |            |               |
|--------------|--------------|------------|---------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED      | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL   | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH       |
| • HANSON     | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG   | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**House Bill No. 1470.** A Bill for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to the furnishing of abstracts of driving records and the contents of such records.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 28; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH         | •   |      | • JONES      | •   |      | • NELSON         |     | • SOLBERG     |
| • BERUBE        |     |      | • KRAUTER    | •   |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN   |     |      | • LARSON     | •   |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN        | •   |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN       |     |      | • MAHER      | •   |      | • REITEN         |     | • WALSH       |
| • HANSON        |     |      | • MAU        | •   |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER       | •   |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG      | •   |      | • MILLER     | •   |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER        | •   |      | • MORGAN     | •   |      | • SHABLOW        |     |               |

House Bill No. 1470 was declared lost.

**House Bill No. 1490.** A Bill for an Act to amend and reenact section 23-25-10 of the North Dakota Century Code, relating to abating air pollution violations as public nuisances.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 28; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH         |     |      | • JONES      | •   |      | • NELSON         |     | • SOLBERG     |
| • BERUBE        |     |      | • KRAUTER    | •   |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN   | •   |      | • LARSON     | •   |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN        |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED         |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN       |     |      | • MAHER      | •   |      | • REITEN         |     | • WALSH       |
| • HANSON        | •   |      | • MAU        | •   |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG      |     |      | • MILLER     | •   |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER        |     |      | • MORGAN     | •   |      | • SHABLOW        |     |               |

House Bill No. 1490 was declared lost.

**SIGNING OF BILLS**

The Secretary announced that the President was about to sign:

- House Bill No. 1031
- House Bill No. 1032
- House Bill No. 1057
- House Bill No. 1060
- House Bill No. 1064

House Bill No. 1105  
House Bill No. 1106  
House Bill No. 1113  
House Bill No. 1133  
House Bill No. 1134  
House Bill No. 1152  
House Bill No. 1155  
House Bill No. 1157  
House Bill No. 1158  
House Bill No. 1166  
House Bill No. 1167  
House Bill No. 1187  
House Bill No. 1189  
House Bill No. 1265  
House Bill No. 1348

And the President signed the same in the presence of the Senate.

MESSAGES TO THE HOUSE  
Senate Chamber

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

House Bill No. 1031  
House Bill No. 1032  
House Bill No. 1057  
House Bill No. 1060  
House Bill No. 1064  
House Bill No. 1105  
House Bill No. 1106  
House Bill No. 1113  
House Bill No. 1133  
House Bill No. 1134  
House Bill No. 1152  
House Bill No. 1155  
House Bill No. 1157  
House Bill No. 1158  
House Bill No. 1166  
House Bill No. 1167  
House Bill No. 1187  
House Bill No. 1189  
House Bill No. 1265  
House Bill No. 1348

Which the President has signed.

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1087  
House Bill No. 1476

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1110  
House Bill No. 1176  
House Bill No. 1254

House Bill No. 1380  
 House Bill No. 1403  
 House Bill No. 1414  
 House Bill No. 1457  
 House Bill No. 1458  
 House Bill No. 1537  
 House Concurrent Resolution No. 3030

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. 1097  
 House Bill No. 1132  
 House Bill No. 1190  
 House Bill No. 1363  
 House Bill No. 1501

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2485

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2068

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. 2157

Senate Bill No. 2190

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2157

On page 1, line 11 of the engrossed bill before the period, insert the following “; and declaring an emergency”

On page 8, after line 3, add the following new section:

“SECTION 10. EMERGENCY.) This act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.”

And renumber the lines, pages and sections accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2190

On page 1, line 1, after the word “ACT” insert the following: “to provide for income tax deductions for contributions to certain individual retirement accounts;”

On page 1, line 4, delete the word “and” and at the end of the line insert before the period the following: “and declaring an emergency”

On page 1, following line 8, insert the following new section:

“SECTION 1. DEDUCTION OF CONTRIBUTIONS TO INDIVIDUAL RETIREMENT ACCOUNT.) Any member of an armed forces reserve component and any volunteer firefighter who establishes an individual retirement account in a taxable year beginning in calendar year 1976,

pursuant to section 219 of the United States Internal Revenue Code of 1954 as amended by the 1976 Federal Tax Reform Act may deduct for state income tax purposes the same amount of his contributions to the individual retirement account as he deducted for federal income tax purposes."

On page 1, line 18, delete the words "This section" and insert in lieu thereof the words "Section 2 of this Act"

On page 1, following line 20, insert the following new section:

"SECTION 4. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines, pages, and sections accordingly.

#### MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1052

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1321

House Bill No. 1357

House Bill No. 1474

And refused to concur in the Senate amendment to:

House Bill No. 1252

House Bill No. 1325

House Bill No. 1531

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

House Bill No. 1252:

Rep. Peterson

Rep. L. Hausauer

Rep. Mertens

House Bill No. 1325:

Rep. Lee

Rep. B. Larson

Rep. G. Larson

House Bill No. 1531:

Rep. Richie

Rep. Stenehjem

Rep. Hill

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. 2181

Senate Bill No. 2182

Senate Bill No. 2183

Senate Bill No. 2186

Senate Bill No. 2229

Senate Bill No. 2253

Senate Bill No. 2257

Senate Bill No. 2259  
 Senate Bill No. 2261  
 Senate Bill No. 2299  
 Senate Bill No. 2354  
 Senate Bill No. 2366

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2015  
 Senate Bill No. 2019  
 Senate Bill No. 2028  
 Senate Bill No. 2041  
 Senate Bill No. 2043  
 Senate Bill No. 2046  
 Senate Bill No. 2052  
 Senate Bill No. 2061  
 Senate Bill No. 2097  
 Senate Bill No. 2117  
 Senate Bill No. 2161  
 Senate Bill No. 2172  
 Senate Bill No. 2174  
 Senate Bill No. 2180  
 Senate Bill No. 2191  
 Senate Bill No. 2200  
 Senate Bill No. 2215  
 Senate Bill No. 2216  
 Senate Bill No. 2235  
 Senate Bill No. 2244  
 Senate Bill No. 2247  
 Senate Bill No. 2265  
 Senate Bill No. 2314  
 Senate Bill No. 2315  
 Senate Bill No. 2390

Senate Concurrent Resolution No. 4069

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

Senator Nething moved that after the reading of House Bills Nos. 1008, 1013, 1028, 1029, 1041, 1118, 1161, 1162, 1184, 1233, 1258, 1330, 1346, 1365, 1375, 1430, 1484, 1523, 1541, 1546, 1553, 1568 and HCR 3051, the Senate recess until Thursday, March 10, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## FORTY-SIXTH DAY AFTER RECESS AND FORTY-SEVENTH DAY

Bismarck, March 10, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

## CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1310 as recommended by the Committee on Appropriations as printed on pages 1018 and 1019 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1372 as recommended by the Committee on Industry, Business and Labor as printed on page 1019 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1419 as recommended by the Committee on Appropriations as printed on page 1020 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1559 as recommended by the Committee on Judiciary as printed on page 1021 of the Senate Journal be adopted, which motion prevailed.

Senator Reiten moved that the amendments to House Bill No. 1567 as recommended by the Committee on Industry, Business and Labor as printed on page 1022 of the Senate Journal be adopted, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Concurrent Resolution No. 4074 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

SENATOR LIPS, Chairman

Senate Concurrent Resolution No. 4074 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Concurrent Resolution No. 4086 has had the same under consideration and recommends that the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Concurrent Resolution No. 4086 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1009 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, delete line 21



On page 1 of the engrossed bill, line 24, delete the numerals "373,068" and insert in lieu thereof the numerals "370,628"

On page 2 of the engrossed bill, line 8, delete the numerals "347,556" and insert in lieu thereof the numerals "556,088"

On page 2 of the engrossed bill, line 9, delete the numerals "347,556" and insert in lieu thereof the numerals "556,088"

On page 2 of the engrossed bill, delete line 13

On page 2 of the engrossed bill, line 17, delete the word "Free" and insert in lieu thereof the word "Seed"

On page 2 of the engrossed bill after line 17, insert the following line and numerals:

"Fee tags or stamps 115,000"

On page 2 of the engrossed bill, line 20, delete the words "all funds" and in the same line delete the numerals "1,792,851" and insert in lieu thereof the following:

"from seed department fund 1,897,884"

On page 2 of the engrossed bill, delete line 21

On page 2 of the engrossed bill, delete line 22

On page 2 of the engrossed bill, line 23, delete the numerals "428,268" and insert in lieu thereof the numerals "370,628"

On page 2 of the engrossed bill, line 24, delete the numerals "2,109,807" and insert in lieu thereof the numerals "2,478,572"

On page 2 of the engrossed bill, line 25, delete the numerals "2,538,075" and insert in lieu thereof the numerals "2,849,200"

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to delete the classification change line item for the Animal Damage Control Department — \$2,440 and the Seed Department — \$9,967.

This amendment adds \$208,532 to the appropriation from the spud fund for the Potato Council. This increase is the result of increasing the assessment levied on potatoes from 1¼ cents to 2 cents per hundredweight as provided by House Bill No. 1217.

This amendment deletes the Seed Department general fund appropriation of \$55,200 for free seed testing and adds this amount to income. Also, this amendment adds \$115,000 in Seed Department income for fee tags and stamps as provided in Senate Bill No. 2208.

SENATOR LIPS, Chairman

House Bill No. 1009 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1011 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the following: ", and declaring an emergency"

On page 1 of the engrossed bill, line 20, delete the numerals "153,010" and insert in lieu thereof the numerals "152,615"

On page 2 of the engrossed bill, line 1, delete the numerals "15,000" and insert in lieu thereof the numerals "51,386"

On page 2 of the engrossed bill, line 3, delete the numerals "325,799" and insert in lieu thereof the numerals "361,790"

On page 2 of the engrossed bill, line 6, delete the numerals "190,222" and insert in lieu thereof the numerals "237,352"

On page 2 of the engrossed bill, line 7, delete the numerals "585,732" and insert in lieu thereof the numerals "524,832"

On page 2 of the engrossed bill, line 8, delete the numerals "18,000" and insert in lieu thereof the numerals "32,000"

On page 2 of the engrossed bill, line 9, delete the numerals "2,960" and insert in lieu thereof the numerals "6,160"

On page 2 of the engrossed bill, line 10, delete the numerals "48,161" and insert in lieu thereof the numerals "83,161"

On page 2 of the engrossed bill, line 11, delete the numerals "3,000" and insert in lieu thereof the numerals "4,000"

On page 2 of the engrossed bill, line 12, delete the numerals "50,000" and insert in lieu thereof the numerals "75,000"

On page 2 of the engrossed bill, line 14, delete the numerals "898,075" and insert in lieu thereof the numerals "962,505"

On page 2 of the engrossed bill, line 17, delete the numerals "18,937" and insert in lieu thereof the numerals "18,997"

On page 2 of the engrossed bill, line 21, delete the underscore under the numerals "400"

On page 2 of the engrossed bill, after line 21, insert the following new line:

"Contingent fund 10,000"

On page 2 of the engrossed bill, line 22, delete the numerals "41,977" and insert in lieu thereof the numerals "52,037"

On page 3 of the engrossed bill, line 6, delete the numerals "1,663,596" and insert in lieu thereof the numerals "1,666,522"

On page 3 of the engrossed bill, line 8, delete the numerals "40,000" and insert in lieu thereof the numerals "44,000"

On page 3 of the engrossed bill, line 10, delete the numerals "41,000" and insert in lieu thereof the numerals "46,000"

On page 3 of the engrossed bill, line 18, delete the numerals "2,405,264" and insert in lieu thereof the numerals "2,408,190"

On page 3 of the engrossed bill, line 28, delete the numerals "20,240,936" and insert in lieu thereof the numerals "20,354,343"

On page 3 of the engrossed bill, line 29, delete the numerals "20,441,773" and insert in lieu thereof the numerals "20,555,180"

On page 4 of the engrossed bill, after line 9, insert the following new section:

"SECTION 4. EMERGENCY.) Subdivisions 1 and 2 of section 1 of this Act are hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of these amendments is: (1) To decrease the salaries and wages line item for the Teachers' Fund for Retirement by \$395; the Public Employees Retirement System by \$2,378; Workmen's Compensation Bureau by \$10,740; and to increase the Public Employees Group Insurance salaries and wages line item by \$60 so that sufficient moneys are included in these budgets for five percent per year salary increases and additional fringe benefits authorized by the 45th Legislative Assembly; (2) To add \$10,000 to the Public Employees Group Insurance budget for a contingent fund for unexpected expenses; (3) To increase the Public Employees Retirement System budget by \$166,808 as

follows to provide for additional funds required to implement the PERS benefit formula type plan passed in Senate Bill No. 2068:

|                        |                  |
|------------------------|------------------|
| Salaries and wages     | \$ 49,508        |
| Fees and services      | 39,100           |
| Data processing        | 35,000           |
| Microfilming           | 1,000            |
| Supplies and materials | 14,000           |
| Equipment              | 3,200            |
| Contingent fund        | 25,000           |
| Total                  | <u>\$166,808</u> |

(4) To increase the contingency fund of the Teachers' Fund for Retirement by \$36,386 to provide for the following:

|  |                 |
|--|-----------------|
| Microfilming                                     | \$ 2,500        |
| Rent and moving expense for relocation of office | 19,300          |
| Fireproof files                                  | 14,586          |
| Total  | <u>\$36,386</u> |

(5) To provide salaries of commissioners of the Workmen's Compensation Bureau not to exceed \$44,000 and the bureau chairman's salary not to exceed \$46,000, and to add \$13,666 to salaries and wages to provide adequate funds for these increases; and (6) To provide an emergency clause to the bill for the Teachers' Fund for Retirement budget.

SENATOR LIPS, Chairman

House Bill No. 1011 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1046 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1046 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1181 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JACOBSON, Chairman

House Bill No. 1181 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1294 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

House Bill No. 1294 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1315 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

House Bill No. 1315 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred House Bill No. 1317 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR REITEN, Chairman

House Bill No. 1317 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1342 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 16, after the word "horses" and before the comma insert the following: "by not more than three owners unless the owners are members of a breed association"

On page 1 of the engrossed bill, line 17, after the period insert the following new sentence: "This subsection shall not authorize open consignment sales of horses by licensed public markets on Sundays."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1342 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1344 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18, following the word "of" delete the figure "\$1,400,000.00" and insert in lieu thereof the figure "\$800,000.00"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass. and be referred to the Committee on Appropriations.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1344 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1387 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

House Bill No. 1387 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1393 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1393 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1404 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

House Bill No. 1404 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1405 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR JACOBSON, Chairman

House Bill No. 1405 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Bill No. 1420 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything after "A BILL" through the end of the bill and insert in lieu thereof the following:

"for an Act to provide for cancellation of easements acquired by a public utility through unfair tactics; to create and enact a new subsection to section 49-22-20 of the North Dakota Century Code relating to revocation of a transmission facility route permit, to provide for a penalty and to declare an emergency.

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

SECTION 1. UNFAIR TACTICS IN ACQUIRING LAND OR EASEMENTS FOR A FACILITY — COURT ACTION — CANCELLATION OF EASEMENT — PENALTY.)

1. Any person employed by a public utility to acquire easements for a facility subject to chapter 49-22 shall not use any harassment, threat, intimidation, misrepresentation, deception, fraud, or other unfair tactics to induce the owner of the land to be affected by the facility to grant or agree to any easements.

2. If at least five landowners aggrieved by the conduct of a person or persons, acting on behalf of the same utility, acquiring easements for a site or route of a facility allege use of harassment, threat, intimidation, misrepresentation, deception, fraud, or other unfair tactics by the person or persons acquiring or attempting to acquire the easement, an action may be brought in the appropriate district court.

3. Upon a determination by the court that the person or persons employed by the utility used harassment, threat, intimidation, misrepresentation, deception, fraud, or other unfair tactics in acquiring or attempting to acquire an easement from at least five separate landowners, the court shall, by order, declare the easements void and may order any compensation paid therefor returned to the offending utility, or allow the landowner to retain such compensation, or award to the landowner up to three times the amount of the compensation involved as damages, punitive or compensatory. The court shall award costs and reasonable attorney fees to the plaintiffs when the court rules in favor of the plaintiffs.

4. Upon a determination by the court that the utility involved did knowingly allow, encourage, or operate in active consort or participation with such person or persons utilizing such unfair tactic, the court shall cause a copy of its memorandum opinion or order to be filed with the public service commission.

5. Upon receiving a copy of a memorandum opinion or order issued by a district court pursuant to this section, the public service commission may revoke or suspend the permit issued with respect to the route affecting the aggrieved landowners. If a permit has not been issued with respect to a site or route affecting the aggrieved landowners, the commission may refuse to issue a permit for such portion of the route.

SECTION 2.) A new subsection to section 49-22-20 of the 1975 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

A determination by a district court pursuant to section 1 of this Act. SECTION 3. EMERGENCY.) This Act is hereby declared to be an

emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR REITEN, Chairman

House Bill No. 1420 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1424 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

House Bill No. 1424 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred House Bill No. 1436 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR CHRISTENSEN, Chairman

House Bill No. 1436 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1446 has had the same under consideration and recommends that the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1446 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1517 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR JACOBSON, Chairman

House Bill No. 1517 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1528 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR MORGAN, Chairman

House Bill No. 1528 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1583 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 13, of the engrossed bill after the word "county" insert " , the state highway patrol."

On page 2, line 1, after the word "sheriff" insert " , the state highway patrol."

On page 2, line 2, after the word "sheriff" insert " , the state highway patrol."

On page 2, line 7, after the word "sheriff" insert " , the state highway patrol."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1583 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Concurrent Resolution No. 3021 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Concurrent Resolution No. 3021 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Concurrent Resolution No. 3028 has had the same under consideration and recommends that the same do pass.

SENATOR JACOBSON, Chairman

House Concurrent Resolution No. 3028 was placed on the 14th order of business on the calendar for the succeeding legislative day.

MOTIONS

Senator Thane moved that the Senate reconsider its action whereby House Bill No. 1470 lost, which motion prevailed.

Senator Lodoen moved that House Bill No. 1470 be placed on the calendar for the next legislative day, which motion prevailed.

Senator Freed moved that the Senate reconsider its action whereby House Bill 1340 lost, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1340. A Bill for an Act to amend and reenact sections 40-46-04, 40-46-06, 40-46-09, 40-46-13, 40-46-20, and 40-46-27 of the North Dakota Century Code, relating to employees' pension plans in cities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 30; nays, 19; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |        |          |                  |     |               |
|---------------------|-------------|------|-----------|------------|------|------|--------|----------|------------------|-----|---------------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |        |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V    | NAYS     | YEAS             | N-V | NAYS          |
|                     |             | •    |           |            |      | •    |        |          | •                |     | •             |
| •                   | BARTH       |      | JACOBSON  |            | •    | •    | NAADEN |          | •                |     | •             |
|                     | BERUBE      | •    | •         | KRAUTER    |      | •    | NELSON |          | •                |     | •             |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | •      | NETHING  |                  |     | •             |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | •      | ORANGE   |                  |     | •             |
| •                   | FARRINGTON  | •    |           | LEE        |      | •    | •      | PETERSON |                  | •   | TALLACKSON    |
| •                   | FREED       |      | •         | LIPS       |      | •    | •      | PIETRON  |                  |     | TENNEFOS      |
|                     | FRITZELL    | •    |           | LODOEN     |      | •    | •      | RAIT     |                  |     | THANE         |
|                     | GOODMAN     | •    |           | MAHER      |      | •    | •      | REDLIN   |                  |     | VOSPER        |
|                     | HANSON      | •    |           | MAU        |      | •    | •      | REITEN   |                  |     | •             |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | •      | SANDNESS |                  |     | •             |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | •      | SANDS    |                  | •   | WENSTROM      |
| •                   | ISZLER      |      |           | MORGAN     |      | •    | •      | SCHIRADO |                  |     | •             |
|                     |             |      |           |            |      |      | •      | SHABLOW  |                  |     | •             |
|                     |             |      |           |            |      |      |        |          |                  |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

House Bill No. 1503. A Bill for an Act to amend and reenact sections 11-11-18 and 24-05-04 of the North Dakota Century Code, relating to lease-purchase agreements for the purchase of county road machinery and voting by the electorate on extraordinary outlays of money by a county; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 968) the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       | ●   |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REILIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     | ●    | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

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

Senator Thane moved that the Senate adjourn, which motion prevailed.  
LEO LEIDHOLM, Secretary

FORTY-SEVENTH DAY

Bismarck, March 10, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Richard Hagestuen, First Lutheran Church, Mandan.

“Dear God, We come before You, humbly admitting our human failures and weaknesses. We come before You this day, asking Your guidance upon these Sentors as they struggle with legislation that affects the lives of us all.

Would you grant them the wisdom to forget differences of opinion and to work for the good of mankind. We thank You for their dedication. Amen”

The roll was called and all Senators were present except Senator Nething who is attending a Water Commission meeting with the Garrison Diversion coordinating committee.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-fifth day after recess and Forty-sixth day and finds the same to be correct.

Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-fourth day after recess and Forty-fifth day and recommends the same be corrected as follows:

On page 1014, line 39, delete the name “Rued” and insert in lieu thereof the name “Reed”

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

SPECIAL ORDER OF BUSINESS

This is Girl Scout Week. During this week we are celebrating the 65th year of Girl Scouting.

Girls participating in this flag ceremony are members of Sakakawea Girl Scout Council, Troop 256 from Cathedral School in Bismarck, North Dakota.

Names of the girls and their parents listed as follows:



Karen G. Leshovsky — flag bearer  
 and  
 Kathleen M. Leshovsky — flag bearer  
 Mr. and Mrs. Richard Leshovsky  
 1162 North 4th Street  
 Elizabeth A. Simon  
 Mr. and Mrs. Adrian J. Simon  
 2027 South Grandview Lane  
 Susan K. Senger  
 and  
 Patricia J. Senger  
 Mr. and Mrs. Michael J. Senger  
 522 Avenue B West  
 Diane M. Zink — caller  
 Mr. and Mrs. Laverne L. Zink  
 1018 Parkview Drive  
 Lisa M. Thakor  
 Dr. and Mrs. S. J. Thakor  
 1222 Prairie Drive  
 Debra K. Wikenheiser  
 Mr. and Mrs. William W. Wikenheiser  
 921 Avenue B West.  
 Cathy E. Rothenberger  
 Mr. and Mrs. Stan H. Rothenberger  
 Route 2  
 Lisa L. Kozel  
 Dr. and Mrs. William J. Kozel  
 229 Avenue A West  
 Paula J. Glaser  
 Mr. and Mrs. Alvin J. Glaser  
 1304 East Ingals  
 Leaders for Troop 256 are:  
 Mrs. Michael (Geri) Senger  
 Mrs. Adrian (Ellen) Simon

SECOND READING OF HOUSE BILLS

House Bill No. 1507. A Bill for an Act to establish a revolving fund for the purpose of making low interest loans for the installation of alternative energy devices; and providing for the administration of the loan program by the Bank of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 30; absent and not voting, 2.

| NORTH DAKOTA SENATE |             |      |      |            |      |      |          |                  |      |      |            |   |
|---------------------|-------------|------|------|------------|------|------|----------|------------------|------|------|------------|---|
| REGULAR SESSION     |             |      |      | ROLL CALL  |      |      |          | 1977 LEGISLATURE |      |      |            |   |
| YEAS                | N.V.        | NAYS | YEAS | N.V.       | NAYS | YEAS | N.V.     | NAYS             | YEAS | N.V. | NAYS       |   |
|                     |             | •    |      |            | •    |      |          | •                |      |      | •          |   |
| •                   | BARTH       |      |      | JACOBSON   | •    |      | NAADEN   | •                |      |      | SMYKOWSKI  | • |
|                     |             |      |      | JONES      | •    |      | NELSON   | •                |      |      | SOLBERG    | • |
| •                   | BERUBE      |      | •    | KRAUTER    |      |      | NETHIN   | •                |      |      | STRAND     | • |
|                     | CHRISTENSEN | •    |      | LARSON     |      | •    | ORANGE   |                  |      |      | STRINDEN   | • |
| •                   | ERDMAN      |      | •    | LASHKOWITZ |      |      | PETERSON | •                |      |      | TALLACKSON | • |
|                     | FARRINGTON  | •    |      | LEE        | •    |      | PIETRON  |                  |      |      | TENNEFOS   | • |
|                     | FREED       | •    |      | LIPS       | •    | •    | RAIT     |                  |      |      | THANE      | • |
| •                   | FRITZELL    |      |      | LODDEN     | •    |      | REDLIN   |                  |      |      | VOSPER     | • |
|                     | GOODMAN     | •    | •    | MAHER      |      |      | REITEN   | •                |      | •    | WALSH      | • |

|            |   |          |   |            |   |               |   |
|------------|---|----------|---|------------|---|---------------|---|
| HANSON     | • | MAU      | • | SANDNESS   | • | WENSTROM      | • |
| • HOFFNER  |   | MELLAND  | • | SANDS      | • | WRIGHT        | • |
| • HOLMBERG |   | • MILLER |   | • SCHIRADO |   | MR. PRESIDENT |   |
| ISZLER     | • | MORGAN   | • | • SHABLOW  |   |               |   |

House Bill No. 1507 was declared lost.

House Bill No. 1516. A Bill for an Act to create and enact section 10-06-07 of the North Dakota Century Code, relating to a civil penalty for violating the corporate farming law.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 11; nays, 37; absent and not voting, 2.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     | •    | • JACOBSON          |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH         |     | •    | • JONES             |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE        |     | •    | • KRAUTER           |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN   |     | •    | • LARSON            |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN        |     | •    | • LASHKOWITZ        |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON    |     | •    | • LEE               |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED         |     | •    | • LIPS              |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL      |     | •    | • LODDEN            |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN       |     | •    | • MAHER             |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON        |     | •    | • MAU               |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER       |     | •    | • MELLAND           |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG      |     | •    | • MILLER            |     | •    | • SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER        |     | •    | • MORGAN            |     | •    | • SHABLOW  |     |      |                  |     |      |

House Bill No. 1516 was declared lost.

House Bill No. 1520. A Bill for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to juror compensation and mileage; and providing for an increase from twenty to thirty dollars per day compensation for district and county court jurors and an increase from eight to twelve dollars per day for justice court and coroner's inquest jurors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 969) the roll was called and there were ayes, 45; nays, 3; absent and not voting, 2.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     | •    | • JACOBSON          |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH         |     | •    | • JONES             |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE        |     | •    | • KRAUTER           |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN   |     | •    | • LARSON            |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN        |     | •    | • LASHKOWITZ        |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON    |     | •    | • LEE               |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED         |     | •    | • LIPS              |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL      |     | •    | • LODDEN            |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN       |     | •    | • MAHER             |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON        |     | •    | • MAU               |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER       |     | •    | • MELLAND           |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG      |     | •    | • MILLER            |     | •    | • SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER        |     | •    | • MORGAN            |     | •    | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1532. A Bill for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to the confidentiality of toxicological or chemical analysis by the office of state toxicologist under certain circumstances.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 969) the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

House Bill No. 1532 was declared lost.

House Bill No. 1536. A Bill for an Act to amend and reenact section 29-10.1-30 of the North Dakota Century Code, relating to grand jury secrecy under certain conditions:

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 970) the roll was called and there were ayes, 45; nays, 3; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1542. A Bill for an Act to amend and reenact sections 19-03.1-05, 19-03.1-07, 19-03.1-09 and 19-03.1-11 of the North Dakota Century Code, relating to the schedules of controlled substances under the uniform controlled substances act.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 970, 971) the roll was called and there were ayes, 45; nays, 2; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • FREED    | • LIPS    | • RAIT     | • THANE         |
| • FRITZELL | • LODDEN  | • REDLIN   | • VOSPER        |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH         |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**House Bill No. 1571.** A Bill for an Act to create a consumer product safety code; to place enforcement responsibility in the state laboratories department; and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 15; nays, 33; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| • BERUBE            |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| • FREED             |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| • FRITZELL          |     | •    | LODDEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1571 was declared lost.

**House Bill No. 1008.** Budgets — Commissioner of Insurance — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the commissioner of insurance.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 987, 988) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| • BERUBE            |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| • FREED             |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| • FRITZELL          |     | •    | LODDEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1013.** Budgets — Adjutant General — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the office of the adjutant general.

Which has been read.



| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |               |   |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     | • |
|                     |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       | • |
|                     |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        | • |
|                     |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      | • |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    | • |
|                     |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      | • |
|                     |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         | • |
|                     |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPFR        | • |
|                     |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         | • |
|                     |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      | • |
|                     |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        | • |
|                     |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |   |
|                     |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |   |

House Bill No. 1029 was declared lost.

House Bill No. 1041. A Bill for an Act to create and enact sections 23-10-02.1 and 23-10-07.1 of the North Dakota Century Code, relating to local enforcement and inspection and to service fees of mobile home parks, trailer parks, and campgrounds, and to amend and reenact sections 23-10-01, 23-10-02, 23-10-03, 23-10-04, 23-10-05, 23-10-06, 23-10-07, 23-10-09, 23-10-10, 23-10-11, and 23-10-12 of the North Dakota Century Code, relating to definitions, state laboratories department authority to promulgate regulations, issue licenses, and conduct inspections concerning mobile home parks, trailer parks, and campgrounds, license fees, sanitation and safety requirements, guest records, distribution and posting of regulations, ejection from premises, revocation of licenses, and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 990, 991) the roll was called and there were ayes, 26; nays, 24; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |               |   |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     | • |
| •                   |     |      | JONES      |     | •    | NELSON           |     | •    | SOLBERG       | • |
|                     |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        | • |
| •                   |     |      | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      | • |
| •                   |     |      | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    | • |
|                     |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      | • |
|                     |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         | • |
| •                   |     |      | LODOEN     |     | •    | REDLIN           |     | •    | VOSPFR        | • |
| •                   |     |      | MAHER      |     | •    | REITEN           |     | •    | WALSH         | • |
| •                   |     |      | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      | • |
| •                   |     |      | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        | • |
| •                   |     |      | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |   |
| •                   |     |      | MORGAN     |     | •    | SHABLOW          |     | •    |               |   |

So the bill passed and the title was agreed to.

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2042, as printed on page 963 of the Senate Journal, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2042 be deemed properly engrossed and placed on second reading and final passage as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2042. A Bill for an Act to amend and reenact section 34-13-01 of the North Dakota Century Code, relating to the definition of "employment agent" or "employment agency".

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2153, as printed on page 982 of the Senate Journal, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2153 be deemed properly engrossed and placed on second reading and final passage as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2153. A Bill for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to requiring state banks to have federal deposit insurance corporation insurance of deposits; to amend and reenact sections 6-02-03, 6-02-07, and 6-03-01 of the North Dakota Century Code, relating to capital stock, surplus, and federal deposit insurance requirements for state banking associations, organization certificates of state banking associations, and certificates of authority of state banking associations; and to provide a penalty.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2179, as printed on page 940 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No.

2179 be deemed properly re-engrossed and placed on second reading and final passage as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2179.** A Bill for an Act to amend and reenact section 11-18-17 of the North Dakota Century Code, relating to the establishment of a county card file system.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Goodman moved that the Senate do concur in the House amendments to Senate Bill No. 2190, as printed on pages 1036 and 1037 of the Senate Journal, which motion prevailed.

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2190 be deemed properly engrossed and placed on second reading and final passage as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2190.** A Bill for an Act to provide for income tax deductions for contributions to certain individual retirement accounts; to amend and reenact subsection 21 of section 57-38-01 of the North Dakota Century Code, relating to the federalization of the North Dakota income tax law through December 31, 1976; providing for an effective date and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

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





|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Freed moved that the Senate do concur in the House amendments to Senate Bill No. 2482, as printed on page 983 of the Senate Journal, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2482 be deemed properly engrossed and placed on second reading and final passage as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2482.** A Bill for an Act to amend and reenact section 57-37.1-12 of the North Dakota Century Code, relating to denial of access to safe deposit box without order of county court.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| REGULAR SESSION     |     |      |             |     |      |            |     |      | 1977 LEGISLATURE    |     |      |               |     |      |  |  |  |
|---------------------|-----|------|-------------|-----|------|------------|-----|------|---------------------|-----|------|---------------|-----|------|--|--|--|
| NORTH DAKOTA SENATE |     |      |             |     |      |            |     |      | NORTH DAKOTA SENATE |     |      |               |     |      |  |  |  |
| ROLL CALL           |     |      |             |     |      |            |     |      | ROLL CALL           |     |      |               |     |      |  |  |  |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS          | N-V | NAYS |  |  |  |
| • ALBERS            |     |      | • JACOBSON  |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | • SMYKOWSKI   |     |      |  |  |  |
| • BARTH             |     |      | • JONES     |     |      | • NELSON   |     |      | • SOLBERG           |     |      | • SOLBERG     |     |      |  |  |  |
| • BERUBE            |     |      | • KRAUTER   |     |      | • NETHING  |     |      | • STRAND            |     |      | • STRAND      |     |      |  |  |  |
| • CHRISTENSEN       |     |      | • LARSON    |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | • STRINDEN    |     |      |  |  |  |
| • FRODMAN           |     |      | • LASKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      | • TALLACKSON  |     |      |  |  |  |
| • FARRINGTON        |     |      | • LEE       |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | • TENNEFOS    |     |      |  |  |  |
| • FREED             |     |      | • LIPS      |     |      | • RAIT     |     |      | • THANE             |     |      | • THANE       |     |      |  |  |  |
| • FRITZELL          |     |      | • LODOEN    |     |      | • REDLIN   |     |      | • VOSPER            |     |      | • VOSPER      |     |      |  |  |  |
| • GOODMAN           |     |      | • MAHER     |     |      | • REITEN   |     |      | • WALSH             |     |      | • WALSH       |     |      |  |  |  |
| • HANSON            |     |      | • MAU       |     |      | • SANDNES  |     |      | • WENSTROM          |     |      | • WENSTROM    |     |      |  |  |  |
| • HOFFNER           |     |      | • MELLAND   |     |      | • SANDS    |     |      | • WRIGHT            |     |      | • WRIGHT      |     |      |  |  |  |
| • HOLMBERG          |     |      | • MILLER    |     |      | • SCHIRADO |     |      | MR. PRESIDENT       |     |      | MR. PRESIDENT |     |      |  |  |  |
| • ISZLER            |     |      | • MORGAN    |     |      | • SHABLOW  |     |      |                     |     |      |               |     |      |  |  |  |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Reiten moved that the Senate do not concur in the House amendments to Senate Bill No. 2031 as printed on page 1013 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2031:

- Senator Lodoen
- Senator Tennefos
- Senator Krauter

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2178 as printed on page 982 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2178:

- Senator Sands
- Senator Christensen
- Senator Schirado

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2262 as printed on page 941 of the Senate

Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2262:

Senator Lodoen  
 Senator Farrington  
 Senator Shablow

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2296 as printed on page 983 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2296:

Senator Iszler  
 Senator Holmberg  
 Senator Schirado

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2479 as printed on pages 982 and 983 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2479:

Senator Freed  
 Senator Holmberg  
 Senator Schirado

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2519 as printed on page 983 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2519:

Senator Iszler  
 Senator Holmberg  
 Senator Lashkowitz

MOTIONS

Senator Christensen moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1174, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1174:

Senator Peterson  
 Senator Wright  
 Senator Miller

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1252, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1252:

Senator Wenstrom

Senator Naaden  
Senator Erdman

Senator Jones moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1325, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1325:

Senator Vosper  
Senator Albers  
Senator Miller

MOTION

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1531, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1531:

Senator Holmberg  
Senator Sands  
Senator Lashkowitz

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2015  
Senate Bill No. 2019  
Senate Bill No. 2028  
Senate Bill No. 2041  
Senate Bill No. 2043  
Senate Bill No. 2046  
Senate Bill No. 2052  
Senate Bill No. 2061  
Senate Bill No. 2097  
Senate Bill No. 2117  
Senate Bill No. 2161  
Senate Bill No. 2172  
Senate Bill No. 2174  
Senate Bill No. 2180  
Senate Bill No. 2181  
Senate Bill No. 2182  
Senate Bill No. 2183  
Senate Bill No. 2186  
Senate Bill No. 2191  
Senate Bill No. 2200  
Senate Bill No. 2215  
Senate Bill No. 2216  
Senate Bill No. 2229  
Senate Bill No. 2235  
Senate Bill No. 2244  
Senate Bill No. 2247  
Senate Bill No. 2253  
Senate Bill No. 2257  
Senate Bill No. 2259  
Senate Bill No. 2261  
Senate Bill No. 2265  
Senate Bill No. 2299

Senate Bill No. 2314

Senate Bill No. 2315

Senate Bill No. 2354

Senate Bill No. 2366

Senate Bill No. 2390

Senate Concurrent Resolution No. 4069

And the President signed the same in the presence of the Senate.

### MESSAGES TO THE HOUSE

#### Senate Chamber

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

Senate Bill No. 2015

Senate Bill No. 2019

Senate Bill No. 2028

Senate Bill No. 2041

Senate Bill No. 2043

Senate Bill No. 2046

Senate Bill No. 2052

Senate Bill No. 2061

Senate Bill No. 2097

Senate Bill No. 2117

Senate Bill No. 2161

Senate Bill No. 2172

Senate Bill No. 2174

Senate Bill No. 2180

Senate Bill No. 2181

Senate Bill No. 2182

Senate Bill No. 2183

Senate Bill No. 2186

Senate Bill No. 2191

Senate Bill No. 2200

Senate Bill No. 2215

Senate Bill No. 2216

Senate Bill No. 2229

Senate Bill No. 2235

Senate Bill No. 2244

Senate Bill No. 2247

Senate Bill No. 2253

Senate Bill No. 2257

Senate Bill No. 2259

Senate Bill No. 2261

Senate Bill No. 2265

Senate Bill No. 2299

Senate Bill No. 2314

Senate Bill No. 2315

Senate Bill No. 2354

Senate Bill No. 2366

Senate Bill No. 2390

Senate Concurrent Resolution No. 4069

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

LEOLEIDHOLM, Secretary

Senate Chamber

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

THURSDAY, MARCH 10, 1977

1061

House Bill No. 1231  
House Bill No. 1296  
House Bill No. 1298  
House Bill No. 1410  
House Bill No. 1433  
House Concurrent Resolution No. 3099

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1129  
House Bill No. 1245  
House Bill No. 1264  
House Bill No. 1273  
House Bill No. 1388

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

House Bill No. 1022  
House Bill No. 1025  
House Bill No. 1034  
House Bill No. 1038  
House Bill No. 1053  
House Bill No. 1058  
House Bill No. 1059  
House Bill No. 1062  
House Bill No. 1069  
House Bill No. 1088  
House Bill No. 1103  
House Bill No. 1109  
House Bill No. 1111  
House Bill No. 1112  
House Bill No. 1136  
House Bill No. 1142  
House Bill No. 1147  
House Bill No. 1154  
House Bill No. 1168  
House Bill No. 1171  
House Bill No. 1177  
House Bill No. 1180  
House Bill No. 1182  
House Bill No. 1183  
House Bill No. 1199  
House Bill No. 1203  
House Bill No. 1204  
House Bill No. 1210  
House Bill No. 1216  
House Bill No. 1217  
House Bill No. 1220  
House Bill No. 1226  
House Bill No. 1230  
House Bill No. 1232  
House Bill No. 1234

House Bill No. 1235  
House Bill No. 1238  
House Bill No. 1241  
House Bill No. 1248  
House Bill No. 1249  
House Bill No. 1274  
House Bill No. 1281  
House Bill No. 1286  
House Bill No. 1303  
House Bill No. 1306  
House Bill No. 1332  
House Bill No. 1367  
House Bill No. 1370  
House Bill No. 1428  
House Bill No. 1472  
House Bill No. 1493

House Concurrent Resolution No. 3040

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

ROY GILBREATH, Chief Clerk

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1022  
House Bill No. 1025  
House Bill No. 1034  
House Bill No. 1038  
House Bill No. 1053  
House Bill No. 1058  
House Bill No. 1059  
House Bill No. 1062  
House Bill No. 1069  
House Bill No. 1088  
House Bill No. 1103  
House Bill No. 1109  
House Bill No. 1111  
House Bill No. 1112  
House Bill No. 1136  
House Bill No. 1142  
House Bill No. 1147  
House Bill No. 1154  
House Bill No. 1168  
House Bill No. 1171  
House Bill No. 1177  
House Bill No. 1180  
House Bill No. 1182  
House Bill/No. 1183  
House Bill No. 1199  
House Bill No. 1203  
House Bill No. 1204  
House Bill No. 1210  
House Bill No. 1216

House Bill No. 1217  
House Bill No. 1220  
House Bill No. 1226  
House Bill No. 1230  
House Bill No. 1232  
House Bill No. 1234  
House Bill No. 1235  
House Bill No. 1238  
House Bill No. 1241  
House Bill No. 1248  
House Bill No. 1249  
House Bill No. 1274  
House Bill No. 1281  
House Bill No. 1286  
House Bill No. 1303  
House Bill No. 1306  
House Bill No. 1332  
House Bill No. 1367  
House Bill No. 1370  
House Bill No. 1428  
House Bill No. 1472  
House Bill No. 1493  
House Concurrent Resolution No. 3040

And the President signed the same in the presence of the Senate.

MESSAGE FROM THE HOUSE  
House Chamber

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

Senate Bill No. 2015  
Senate Bill No. 2019  
Senate Bill No. 2028  
Senate Bill No. 2041  
Senate Bill No. 2043  
Senate Bill No. 2046  
Senate Bill No. 2052  
Senate Bill No. 2061  
Senate Bill No. 2097  
Senate Bill No. 2117  
Senate Bill No. 2161  
Senate Bill No. 2172  
Senate Bill No. 2174  
Senate Bill No. 2180  
Senate Bill No. 2181  
Senate Bill No. 2182  
Senate Bill No. 2183  
Senate Bill No. 2186  
Senate Bill No. 2191  
Senate Bill No. 2200  
Senate Bill No. 2215  
Senate Bill No. 2216  
Senate Bill No. 2229  
Senate Bill No. 2235



Senate Bill No. 2244  
Senate Bill No. 2247  
Senate Bill No. 2253  
Senate Bill No. 2257  
Senate Bill No. 2259  
Senate Bill No. 2261  
Senate Bill No. 2265  
Senate Bill No. 2299  
Senate Bill No. 2314  
Senate Bill No. 2315  
Senate Bill No. 2354  
Senate Bill No. 2366  
Senate Bill No. 2390  
Senate Concurrent Resolution No. 4069  
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1022  
House Bill No. 1025  
House Bill No. 1084  
House Bill No. 1038  
House Bill No. 1053  
House Bill No. 1058  
House Bill No. 1059  
House Bill No. 1062  
House Bill No. 1069  
House Bill No. 1088  
House Bill No. 1103  
House Bill No. 1109  
House Bill No. 1111  
House Bill No. 1112  
House Bill No. 1136  
House Bill No. 1142  
House Bill No. 1147  
House Bill No. 1154  
House Bill No. 1168  
House Bill No. 1171  
House Bill No. 1177  
House Bill No. 1180  
House Bill No. 1182  
House Bill No. 1183  
House Bill No. 1199  
House Bill No. 1203  
House Bill No. 1204  
House Bill No. 1210  
House Bill No. 1216  
House Bill No. 1217  
House Bill No. 1220  
House Bill No. 1226  
House Bill No. 1230  
House Bill No. 1232

House Bill No. 1234  
House Bill No. 1235  
House Bill No. 1238  
House Bill No. 1241  
House Bill No. 1248  
House Bill No. 1249  
House Bill No. 1274  
House Bill No. 1281  
House Bill No. 1286  
House Bill No. 1303  
House Bill No. 1306  
House Bill No. 1332  
House Bill No. 1367  
House Bill No. 1370  
House Bill No. 1428  
House Bill No. 1472  
House Bill No. 1493  
House Concurrent Resolution No. 3040  
Which the President has signed.

LEO LEIDHOLM, Secretary

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2015  
Senate Bill No. 2019  
Senate Bill No. 2028  
Senate Bill No. 2041  
Senate Bill No. 2043  
Senate Bill No. 2046  
Senate Bill No. 2052  
Senate Bill No. 2061  
Senate Bill No. 2097  
Senate Bill No. 2117  
Senate Bill No. 2161  
Senate Bill No. 2172  
Senate Bill No. 2174  
Senate Bill No. 2180  
Senate Bill No. 2181  
Senate Bill No. 2182  
Senate Bill No. 2183  
Senate Bill No. 2186  
Senate Bill No. 2191  
Senate Bill No. 2200  
Senate Bill No. 2215  
Senate Bill No. 2216  
Senate Bill No. 2229  
Senate Bill No. 2235  
Senate Bill No. 2244  
Senate Bill No. 2247  
Senate Bill No. 2253  
Senate Bill No. 2257

Senate Bill No. 2259  
 Senate Bill No. 2261  
 Senate Bill No. 2265  
 Senate Bill No. 2299  
 Senate Bill No. 2314  
 Senate Bill No. 2315  
 Senate Bill No. 2354  
 Senate Bill No. 2366  
 Senate Bill No. 2390

Were delivered to the Governor for his approval on March 10, 1977.

SENATOR STRAND, Chairman

MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1174:

Senator Peterson  
 Senator Wright  
 Senator Miller

House Bill No. 1252:

Senator Wenstrom  
 Senator Naaden  
 Senator Erdman

House Bill No. 1325:

Senator Vosper  
 Senator Albers  
 Senator Miller

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 Bill No. 2042, Senate Bill No. 2153, Senate Bill No. 2190, Senate Bill No. 2276, Senate Bill No. 2421, Senate Bill No. 2482, refused to concur in the House amendment to Senate Bill No. 2031, Senate Bill No. 2160, Senate Bill No. 2262, and the President has appointed as a conference committee to act with a like committee from the House:

Senate Bill No. 2031:

Senator Lodoen  
 Senator Tennefos  
 Senator Krauter

Senate Bill No. 2160:

Senator Vosper  
 Senator Albers  
 Senator Mau

Senate Bill No. 2262:

Senator Lodoen  
 Senator Farrington  
 Senator Shablow

LEO LEIDHOLM, Secretary

MESSAGE 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. 2147  
Senate Bill No. 2149  
Senate Bill No. 2162  
Senate Bill No. 2285  
Senate Bill No. 2295  
Senate Bill No. 2328  
Senate Bill No. 2349  
Senate Bill No. 2356

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2168  
Senate Bill No. 2506

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1156

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1063  
House Bill No. 1165  
House Bill No. 1191  
House Bill No. 1209  
House Bill No. 1211  
House Bill No. 1255  
House Bill No. 1295  
House Bill No. 1331  
House Bill No. 1337  
House Bill No. 1355  
House Bill No. 1411  
House Bill No. 1426  
House Bill No. 1440  
House Bill No. 1479  
House Bill No. 1592

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1476

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

Rep. Wentz  
Rep. G. Larson  
Rep. Nordby

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. 2202

Senate Bill No. 2204  
 Senate Bill No. 2233  
 Senate Bill No. 2302  
 Senate Bill No. 2427  
 Senate Bill No. 2429  
 Senate Bill No. 2498

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2202

On page 4, line 12, of the engrossed bill delete the word "three" and insert in lieu thereof the word "five"

On page 4, line 35, delete the word "mortgage" and insert in lieu thereof the words "page and two dollars for each additional page"

On page 5, line 1, delete the words "or mineral instrument" and also on line 1 delete the words "one dollar" and insert in lieu thereof the words "three dollars"

On page 5, line 14, delete the words "three dollars" and insert in lieu thereof the words "the same charge as for recording that instrument"  
 And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2204

On page 1, line 14, insert beginning triple parentheses after the word "held" and delete the triple parentheses around the word "and" and delete the words "as the maximum"

On page 1, line 15, delete the words "amount of the"

On page 1, line 16, insert ending triple parentheses after the comma

On page 1, line 23, following the period, insert the following:

**"Nothing herein shall be construed to prevent the municipality from receiving the amount, not in excess of the amount of the bond, necessary to compensate the municipality for correction, repair or replacement caused by default of the contractor which does not constitute complete failure of performance by the contractor."**

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2233

On page 1, line 3, after the word "counties" delete the words ", and to" and insert in lieu thereof a period

On page 1, delete all of lines 4 and 5

On page 2, delete all of lines 7 through 35

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2302

On page 1, 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 subsection to section 18-10-06 of the North Dakota Century Code, to allow compensation to be paid to the chief of a rural fire protection district.**

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

**SECTION 1. AMENDMENT.)** A new subsection to section 18-10-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

**In its sole discretion, to compensate the chief of the rural fire protection district for time spent in the performance of his duties as the fire chief, when the board determines that the chief may suffer economic loss because of the amount of time taken from his regular employment."**

And renumber the lines and pages accordingly.

**HOUSE AMENDMENTS TO SENATE BILL No. 2427**

On page 2, line 5, following the word "who" insert the words "are subject to a religious vow of poverty and"

And renumber the lines and pages accordingly.

**HOUSE AMENDMENTS TO SENATE BILL No. 2429**

On page 1, line 4 of the engrossed bill, after the word "therein" insert the following: "; and declaring an emergency"

On page 1, following line 24, insert the following new section:

"SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines, pages and sections accordingly.

**HOUSE AMENDMENTS TO SENATE BILL No. 2498**

On page 1, line 3, delete the word "twenty" and insert in lieu thereof the word "ten"

Which motion prevailed.

On page 1, line 11, delete the word "twenty" and insert in lieu thereof the word "ten"

And renumber the lines and pages accordingly.

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4069

Was delivered to the Secretary of State on March 10, 1977.

**SENATOR STRAND, Chairman**

Senator Nething moved that after the reading of House Bills 1004, 1046, 1294, 1310, 1315, 1317, 1372, 1387, 1393, 1404, 1419, 1424, 1436, 1446, 1470, 1517, 1559, 1567, SCR 4086 and HCR's 3021 and 3028 the Senate recess until Friday, March 11, 1977 at 12:30 P.M., which motion prevailed.

**LEO LEIDHOLM, Secretary**



FORTY-SEVENTH DAY AFTER RECESS AND  
FORTY-EIGHTH DAY

Bismarck, March 11, 1977

The Senate convened at 12:30 P.M., pursuant to recess taken, President Sanstead presiding.

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 10, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 10, 1977, I signed the following Senate Bills:

Senate Bill No. 2243  
Senate Bill No. 2310

Sincerely yours,  
ARTHUR A. LINK, Governor

REPORT OF PROCEDURAL COMMITTEE

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

Senate Concurrent Resolution No. 4061  
Senate Concurrent Resolution No. 4064

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2549 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2549 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1037 has had the same under consideration and recommends that the same be amended as follows:

On page 5, after line 29 of the engrossed bill, insert the following: The commission may grant an expedited amendment to an existing permit upon application by the operator for the mining of not more than an additional fifteen acres of land contiguous to existing active permit areas.



Any amendment granted shall be subject to the same conditions as contained in the existing permit. The commission is empowered, if justified by the operator, to waive or modify the provisions of subsections 1 and 7 of this section.

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1037 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1163 has had the same under consideration and recommends that the same be amended as follows:

Page 2, line 27 following the word "are" place triple parentheses around the word "not" and insert in lieu thereof the word "now"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1163 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1178 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 5 of the engrossed bill, after the numerals "38-14-02," delete the following: "subsections 2 and 3 of section 39-14-04" and insert in lieu thereof "subsection 2 of section 38-14-04" and on the same line after the second comma insert "subsections 1, 2 and 3 of section 38-14-05,"

On page 1, line 8, after the word "permit," delete the words "expedited amendments to existing permits and"

On page 1, delete all of line 9 and insert in lieu thereof the following new language: "topography of reclaimed land, suitable plant growth material requirement, drainage on reclaimed land,"

On page 2, line 8, after the word "constructed" insert the following new language: "related to mining activities"

On page 2, delete all of lines 31-35

On page 3, delete all of lines 1-20

On page 3, after line 20, insert the following new section:

SECTION 5. AMENDMENT.) Subsections 1, 2, and 3 of section 38-14-05 of the 1975 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. (((The operator shall regrade the area to approximately the original contour or topography unless a different contour or topography shall be required by the commission in order to carry out the purposes and intent of this chapter.))) The operator shall backfill and regrade the mined area to the gentlest topography consistent with adjacent unmined landscape elements in order to develop a postmined landscape that will provide for maximum moisture retention, maximum stability, and minimum soil losses from runoff and erosion, unless a different contour or topography shall be required by the commission in order to carry out the purpose and intent of this chapter.

2. The operator shall, in such manner as shall be required by the commission, save, segregate, and respread (((,))) suitable plant growth material within the permit area up to a maximum of five feet unless a greater amount is available and is found by the commission to be needed

for reclamation; provided, however, that if up to five feet of such material is not available within the permit area, all suitable plant growth material that is available shall be spread over the regraded area as prescribed by the commission. In the interest of achieving the maximum reclamation provided for in this chapter, the operator may, or at the direction of the commission shall, utilize such soil amendments as described in subsection 17 of section 38-14-02.

3. The operator shall establish natural drainage compatible with the topography on all reclaimed land, and shall impound, drain, or treat all runoff water so as to minimize soil erosion, drainage to agricultural lands, and pollution of streams and other waters.

And renumber the lines, pages, and sections accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1178 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1181 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1181 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1240 has had the same under consideration and recommends that the same be amended as follows:

On page 4, delete lines 5 through 9 and insert in lieu thereof the following section:

"SECTION 7. LEGISLATIVE INTENT.) It is the intent of the Legislative Assembly that the expenses of state grand jury investigations in excess of funds available for such purposes in the appropriation to the attorney general for the biennium beginning July 1, 1977, and ending June 30, 1979, shall be funded from the emergency commission appropriation to the extent available or from other available sources."

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1240 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1308 has had the same under consideration and recommends that the same be amended as follows:

On page 9 of the engrossed bill, delete lines 1 through 6 and insert in lieu thereof the following new sections:

"SECTION 16. APPROPRIATION OF FUNDS.) There is hereby appropriated out of any moneys in the edible bean fund in the state treasury, the sums hereinafter named, or so much thereof as may be necessary, to the edible bean council for the purpose of carrying out this Act for the period beginning with the effective date of this Act and ending June 30, 1979:

|                        |           |
|------------------------|-----------|
| Salaries and wages     | \$ 65,000 |
| Fees and services      | 162,000   |
| Supplies and materials | 8,000     |
| Equipment              | 15,000    |
| Total                  | \$250,000 |

SECTION 17. FUND EXPENDITURES.) The provisions of sections 54-27-10 and 54-44.1-11 shall not apply to the appropriation for the edible bean council."

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to line item the expenditure of funds.

SENATOR LIPS, Chairman

House Bill No. 1308 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1381 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

House Bill No. 1381 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1405 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1405 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1412 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1412 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1423 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Committee on Appropriations.

SENATOR MORGAN, Chairman

House Bill No. 1423 was re-referred to the Committee on Appropriations.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1441 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 23 of the engrossed bill, delete the underscored period.

On page 6, line 3 of the engrossed bill after the word "commissioners" insert the words " , and upon approval of the county commissioners,"

On page 9, line 15, after the word "resolution," insert the following words: "on or before July 1 of each year, adopt a budget showing estimated expenses for the ensuing fiscal year and the proposed contributions of each member district as determined by the agreement. The boards of the member districts shall then submit such budget to their respective board of county commissioners. Each board of county commissioners shall consider such budget and, if approved, by resolution,"

On page 9, line 17, delete the words "member districts" and insert in lieu thereof the words "the district"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1441 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1442 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 18 of the engrossed bill after "39-06.1-06 insert "and section 39-06.01-13"

On page 1, line 20 after the word "ordinance" insert beginning triple parentheses before comma and on the same line after the word "less" insert ending triple parentheses

On page 1, line 21 before the word "in" insert beginning triple parentheses and on same line after word "limit" insert ending triple parentheses

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1442 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1497 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

House Bill No. 1497 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Natural Resources to whom was referred House Bill No. 1525 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 4, after the word "shall" delete the word "not" and on the same line after the word "have" insert the word "concurrent"

On page 3, line 5, after the word "jurisdiction" insert the following new language: "with the district court"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR JACOBSON, Chairman

House Bill No. 1525 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1551 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1551 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1563 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 21 of the engrossed bill after the word "pounds" insert the following words ", and may operate a truck towing a farm trailer"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1563 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred

House Bill No. 1568 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 14 of the engrossed bill after the word "comprising" delete the beginning and ending triple parentheses around the word "forty" and on the same line delete the words "one hundred sixty"

On page 2, line 35, after the word "comprising" delete the beginning and ending triple parentheses around the word "forty" and on the same line delete the words "one hundred sixty"

On page 3, line 7, after the word "of" delete the words "one hundred sixty" and insert in lieu thereof the word "forty"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1565 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1573 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SOLBERG, Chairman

House Bill No. 1573 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Bill No. 1588 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR MORGAN, Chairman

House Bill No. 1588 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Bill No. 1597 has had the same under consideration and recommends that the same be amended as follows:

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

Page 1, line 3 delete "and"

Page 1, line 4 delete "snowmobiles"

Page 1, line 9 delete the following "Two new subsections" and insert in lieu thereof "A new subsection"

Page 1, line 12 delete the numeral "1."

Page 1, delete all of lines 19 through 22

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SOLBERG, Chairman

House Bill No. 1597 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 3039 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2 of the engrossed bill, after the word "to" delete the word "give" and insert in lieu thereof the word "provide"

On page 1, line 3; after the word "landowners" delete the remainder of the line and insert in lieu thereof the following new language: "in North Dakota on the drainage of land containing Class I and II wetlands, consistent with the North Dakota Century Code, without prior approval of the Fish and Wildlife Service."

On page 1, delete all of line 4

On page 1, line 7, after the word "prevented" insert the following: "under the terms contained in Section 16a of PL 87-732"

On page 2, line 3, after the word "drainage" delete the word "projects" and insert in lieu thereof the following: "of Class I and II wetlands"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Concurrent Resolution No. 3039 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 3049 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Concurrent Resolution No. 3049 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 3052 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Concurrent Resolution No. 3052 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 3058 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Concurrent Resolution No. 3058 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Agriculture to whom was referred House Concurrent Resolution No. 3059 has had the same under consideration and recommends that the same do pass.

SENATOR MORGAN, Chairman

House Concurrent Resolution No. 3059 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Transportation to whom was referred House Concurrent Resolution No. 3101 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

House Concurrent Resolution No. 3101 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1009 as recommended by the Committee on Appropriations as printed on pages 1039, 1040 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1011 as recommended by the Committee on Appropriations as printed on pages 1040-1042 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to House Bill No. 1342 as recommended by the Committee on Agriculture as printed on page 1043 of the Senate Journal be adopted, which motion prevailed.



**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2429.** A Bill for an Act to amend and reenact subsection 4 of section 38-08-07 of the North Dakota Century Code, relating to the establishment of spacing units for oil and gas wells and the number of wells drilled therein-

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 |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND            |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |                  |  |  |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1118.** A Bill for an Act to amend and reenact section 6-09-15 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota to make loans.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 13; nays, 34; absent and not voting, 3.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS |                  |  |  |
| • ALBERS        |     | •    | • JACOBSON   |     | •    | • NAADEN   |     | •    | • SMYKOWSKI         |     | •    |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     | •    |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND            |     | •    |                  |  |  |
| • CHRISTENSEN   |     | •    | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN          |     | •    |                  |  |  |
| • ERDMAN        |     | •    | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON        |     | •    |                  |  |  |
| • FARRINGTON    |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS          |     | •    |                  |  |  |
| • FREED         |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE             |     | •    |                  |  |  |
| • FRITZELL      |     | •    | • LODOEN     |     | •    | • REDLIN   |     | •    | • VOSPER            |     | •    |                  |  |  |
| • GOODMAN       |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH             |     | •    |                  |  |  |
| • HANSON        |     | •    | • MAU        |     |      | • SANDNESS |     | •    | • WENSTROM          |     | •    |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT            |     | •    |                  |  |  |
| • HOLMBERG      |     | •    | • MILLER     |     |      | • SCHIRADO |     | •    | • MR. PRESIDENT     |     |      |                  |  |  |
| • ISZLER        |     | •    | • MORGAN     |     | •    | • SHABLOW  |     |      |                     |     |      |                  |  |  |

House Bill No. 1118 was declared lost.

**House Bill No. 1161.** A Bill for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code relating to the increase of base premium; and to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to assessment of premiums based on the average wage in the state.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 6; nays, 40; absent and not voting, 4.



| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   |     |      | NAADEN   | •   |      | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | JONES      |     | •    | NELSON   |     |      | SOLBERG          |     | •    |
| • BERUBE            |     |      | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     |      | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| • FREED             |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| • FRITZELL          |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     |      | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1161 was declared lost.

**House Bill No. 1162.** A Bill for an Act to provide for supplementary benefits to persons receiving workmen's compensation benefits under previous benefit allowances, payment of supplementary benefits, establishment of a supplementary benefit fund within the workmen's compensation fund, and providing an appropriation.

Which has been read.

**ROLL CALL.**

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 30; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   |     |      | NAADEN   |     |      | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | JONES      |     | •    | NELSON   |     |      | SOLBERG          |     | •    |
| • BERUBE            |     |      | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     |      | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| • FREED             |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| • FRITZELL          |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     |      | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1162 was declared lost.

**House Bill No. 1184.** A Bill for an Act to amend section 54-52-25 of the North Dakota Century Code, relating to the limitation of powers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 36; nays, 11; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   |     |      | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | JONES      |     | •    | NELSON   |     |      | SOLBERG          |     | •    |
| • BERUBE            |     |      | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     |      | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| • FARRINGTON        |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| • FREED             |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| • FRITZELL          |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| • HANSON            |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     |      | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| • ISZLER            |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1233.** A Bill for an Act to provide a method of reimbursing counties for certain court costs incurred in the prosecution and defense of felonies involving physical violence; to amend and reenact sections 29-07-01.1, 29-26-22, and 29-32-05 of the North Dakota Century Code, relating to the reimbursement of certain court costs and fees of counsel appointed to defend indigents; and providing an appropriation. Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 36; absent and not voting, 2.

| NORTH DAKOTA SENATE |      |      |            |      |      |                  |      |               |   |
|---------------------|------|------|------------|------|------|------------------|------|---------------|---|
| REGULAR SESSION     |      |      | ROLL CALL  |      |      | 1977 LEGISLATURE |      |               |   |
| YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS          |   |
| ALBERS              | •    |      | JACOBSON   | •    |      | NAADEN           | •    | SMYKOWSKI     | • |
| BARTH               | •    |      | JONES      | •    |      | NELSON           | •    | SOLBERG       | • |
| BERUBE              | •    |      | KRAUTER    | •    |      | NETHING          | •    | STRAND        | • |
| CHRISTENSEN         | •    |      | LARSON     | •    |      | ORANGE           | •    | STRINDEN      | • |
| ERDMAN              | •    |      | LASHKOWITZ | •    |      | PETERSON         | •    | TALLACKSON    | • |
| FARRINGTON          | •    |      | LEE        | •    |      | PIETRON          | •    | TENNEFOS      | • |
| FREED               | •    |      | LIPS       | •    |      | RAIT             | •    | THANE         | • |
| FRITZELL            | •    |      | LODOEN     | •    |      | REDLIN           | •    | VOSPER        | • |
| GOODMAN             | •    |      | MAHER      | •    |      | REITEN           | •    | WALSH         | • |
| HANSON              | •    |      | MAU        | •    |      | SANDNESS         | •    | WENSTROM      | • |
| HOFFNER             | •    |      | MELLAND    | •    |      | SANDS            | •    | WRIGHT        | • |
| HOLMBERG            | •    |      | MILLER     | •    |      | SCHIRADO         | •    | MR. PRESIDENT | • |
| ISZLER              | •    |      | MORGAN     | •    |      | SHABLOW          | •    |               |   |

House Bill No. 1233 was declared lost.

**House Bill No. 1258.** A Bill for an Act to provide for a local governmental services tax, to provide procedures for the imposition, collection, and administration of such tax, and to provide for the allocation of revenues to local governmental units, to provide for an inflation credit against income taxes payable by individuals; to amend and reenact sections 57-35.2-02, 57-35.2-04, subdivision f of subsection 1 of section 57-38-01.2, and subdivision d of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the imposition and disposition of privilege taxes on banks, trust companies, and building and loan associations and adjustments to taxable income for individuals, fiduciaries, and corporations; to repeal section 57-38-66 and chapter 57-58 of the North Dakota Century Code and sections 1 and 3 of House Bill No. 1004 as approved by the forty-fifth legislative assembly providing for a business and corporation privilege tax, personal property tax allocations, and the appropriation for the replacement of personal property taxes; to provide an appropriation; and to provide effective dates. Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |      |      |            |      |      |                  |      |               |   |
|---------------------|------|------|------------|------|------|------------------|------|---------------|---|
| REGULAR SESSION     |      |      | ROLL CALL  |      |      | 1977 LEGISLATURE |      |               |   |
| YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS          |   |
| ALBERS              | •    |      | JACOBSON   | •    |      | NAADEN           | •    | SMYKOWSKI     | • |
| BARTH               | •    |      | JONES      | •    |      | NELSON           | •    | SOLBERG       | • |
| BERUBE              | •    |      | KRAUTER    | •    |      | NETHING          | •    | STRAND        | • |
| CHRISTENSEN         | •    |      | LARSON     | •    |      | ORANGE           | •    | STRINDEN      | • |
| ERDMAN              | •    |      | LASHKOWITZ | •    |      | PETERSON         | •    | TALLACKSON    | • |
| FARRINGTON          | •    |      | LEE        | •    |      | PIETRON          | •    | TENNEFOS      | • |
| FREED               | •    |      | LIPS       | •    |      | RAIT             | •    | THANE         | • |
| FRITZELL            | •    |      | LODOEN     | •    |      | REDLIN           | •    | VOSPER        | • |
| GOODMAN             | •    |      | MAHER      | •    |      | REITEN           | •    | WALSH         | • |
| HANSON              | •    |      | MAU        | •    |      | SANDNESS         | •    | WENSTROM      | • |
| HOFFNER             | •    |      | MELLAND    | •    |      | SANDS            | •    | WRIGHT        | • |
| HOLMBERG            | •    |      | MILLER     | •    |      | SCHIRADO         | •    | MR. PRESIDENT | • |
| ISZLER              | •    |      | MORGAN     | •    |      | SHABLOW          | •    |               |   |



The prayer was offered by Senator Solberg.

“Let us pray. I would like to present an interpretation of Corinthians 10.

“Let us who think we stand, take heed that we may fall. No temptation has confronted us that is not common to all man. God is faithful, and He will not let us be tempted beyond our strength, but with every temptation, He will provide a way of escape, so that we may be able to endure. All things that are lawful do not always build. Therefore, let us not seek our good only, but also the good of others. Search me, O God and know my heart — Try me, and know my thoughts — See if there be any wicked way in me. But may You lead me in the everlasting life and in this service, we ask Thy consideration and Thy help, in Thy name, we pray. Amen.”

The roll was called and all Senators were present except Freed, Lee and Melland.

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-sixth day after recess and Forty-seventh day and recommends that the same be corrected as follows:

On page 1046, line 16, after the word “Bill”, insert 1470

And when so corrected recommends that the same be approved.

**SENATOR VOSPER, Chairman**

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

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1346.** A Bill for an Act to allow the construction superintendent to adopt a uniform standards code for energy conservation in new building construction.

Which has been read.

Senator Hanson requested to be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that Senator Hanson and those Senators who have indicated a conflict of interest be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 24; absent and not voting, 2.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |     |                |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|-----|----------------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |     |                |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS           |
|                     |             | •    | •         | JACOBSON   |      |      | NAADEN   | •    |                  |     | SMYKOWSKI      |
| •                   | BARTH       |      |           | JONES      | •    |      | NELSON   | •    |                  |     | SOLBERG        |
| •                   | BERUBE      |      | •         | KRAUTER    |      |      | NETHING  | •    |                  |     | STRAND         |
| •                   | CHRISTENSEN |      | •         | LARSON     |      | •    | ORANGE   |      |                  |     | STRINDEN       |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON | •    |                  | •   | TALLACKSON     |
|                     | FARRINGTON  | •    |           | LEE        | •    |      | PIETRON  |      |                  |     | TENNEFOS       |
|                     | FREED       | •    |           | LIPS       |      | •    | RAIT     |      |                  |     | THANE          |
| •                   | FRITZELL    |      |           | LODGEN     | •    | •    | REDLIN   |      |                  |     | VOSPER         |
|                     | GOODMAN     | •    |           | MAHER      |      |      | REITEN   | •    |                  | •   | WALSH          |
|                     | HANSON      | •    | •         | MAU        |      |      | SANDNESS | •    |                  | •   | WENSTROM       |
| •                   | HOFFNER     |      |           | MELLAND    |      |      | SANDS    | •    |                  | •   | WRIGHT         |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      |                  |     | VIC. PRESIDENT |
|                     | ISZLER      | •    |           | MORGAN     | •    | •    | SHABLOW  |      |                  |     |                |

House Bill No. 1346 was declared lost.

**House Bill No. 1365.** A Bill for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for

constructing revenue-producing buildings at the university of North Dakota; to make an appropriation; and to declare an emergency.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 5; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MELLAND    |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MILLER     |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MORGAN     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      |              |     |      | • SHABLOW  |     |      |                  |     |      |

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

### MOTION

Senator Naaden moved that the rules be suspended, that Senate Bill 2549, which was introduced by the Committee on Delayed Bills, be placed at the head of the calendar, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2549. A Bill for an Act appropriating federal revenue sharing funds for foundation program payments.

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    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2549 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

### MOTION

Senator Nething moved that Senate Bill No. 2549 be messaged to the House immediately, which motion prevailed.

### MESSAGE TO THE HOUSE

#### Senate Chamber

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



Senate Bill No. 2479, Senate Bill No. 2519, and the President has appointed as a conference committee to act with a like committee from the House:

Senate Bill No. 2178:

Senator Sands  
 Senator Christensen  
 Senator Schirado

Senate Bill No. 2296

Senator Iszler  
 Senator Holmberg  
 Senator Schirado

Senate Bill No. 2479:

Senator Freed  
 Senator Holmberg  
 Senator Schirado

Senate Bill No. 2519:

Senator Iszler  
 Senator Holmberg  
 Senator Lashkowitz

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. 1214  
 House Bill No. 1490  
 House Bill No. 1500  
 House Bill No. 1509  
 House Bill No. 1515

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1124  
 House Bill No. 1135  
 House Bill No. 1205  
 House Bill No. 1324  
 House Bill No. 1368  
 House Bill No. 1461  
 House Bill No. 1462  
 House Bill No. 1480  
 House Bill No. 1514  
 House Bill No. 1535  
 House Concurrent Resolution No. 3103  
 House Concurrent Resolution No. 3104

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1096  
 House Bill No. 1259  
 House Bill No. 1291  
 House Bill No. 1299  
 House Bill No. 1468

LEO LEIDHOLM, Secretary

MESSAGE TO THE SENATE

House Chamber

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

Senate Bill No. 2432

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2478

Senate Bill No. 2501

Senate Bill No. 2518

Senate Bill No. 2532

Senate Concurrent Resolution No. 4044

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1245, House Bill No. 1388, and the Speaker has appointed as a conference committee to act with a like committee from the Senate:

House Bill No. 1245:

Rep. Rued

Rep. Lee

Rep. McGauvran

House Bill No. 1388:

Rep. Rued

Rep. Lee

Rep. McGauvran

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE

House Chamber

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

Senate Bill No. 2071

Senate Bill No. 2145

Senate Bill No. 2148

Senate Bill No. 2184

Senate Bill No. 2185

Senate Bill No. 2221

Senate Bill No. 2222

Senate Bill No. 2355

Senate Bill No. 2539

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL 2071

On page 1, line 2 after the word "bailiffs" insert the following ", and declaring an emergency"

On page 1, after line 16 insert the following new section:

"SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2145

On page 1, line 21 of the engrossed bill after the word "court" delete the



word "shall" and insert in lieu thereof the words "may at its discretion"  
And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2148

On page 1, line 17, after the word "shall" insert the word "not"  
And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2184

On page 2, line 13 delete the word "three" and insert in lieu thereof the words "one dollar"

On page 2, line 14 delete the word "dollars"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2185

On page 2, line 6 delete the word "ten" and insert in lieu thereof the word "twenty"

On page 2, line 9 place beginning triple parentheses before the word "a"

On page 2, line 10 place ending triple parentheses after the word "misdemeanor" and before the period and insert in lieu thereof the following: "an infraction"

And renumber the lines and pages accordingly.

On page 2, line 6 delete the word "twenty" and insert in lieu thereof the word "thirty"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2221

On page 2, line 10 of the engrossed bill delete "and upon the payment of a fee not to" and insert in lieu thereof the following: "with the laws governing motor vehicle registration"

On page 2, line 11 delete the words "exceed five dollars"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2222

On page 1, line 17 of the engrossed bill delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

On page 3, line 2 after the word and period "proceedings." insert the following: "Any applicant bonded pursuant to the provisions of chapters 39-18 or 39-22 shall not be required to furnish the surety bond provided for in this section whenever the bond issued pursuant to chapters 39-18 or 39-22 is written to include the requirements of this section."

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2355

On page 1, line 13 of the engrossed bill delete the numeral "4" and insert in lieu thereof the numeral "3"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL 2539

On page 1, line 14, delete the word "marshall" and insert in lieu thereof the word "marshal"

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. 2031:

Rep. Gerl

Rep. Langley

Rep. Metz

Senate Bill No. 2262:

Rep. Metz  
Rep. Black  
Rep. McCaffrey

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that after the reading of House Bills 1009, 1011, 1181, 1342, 1381, 1405, 1412, 1420, 1497, 1532, 1551, 1573, 1583, 1588 and House Concurrent Resolutions 3049, 3052, 3058, 3059 and 3101 the Senate adjourn until Monday, March 14, 1977 at 2:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



FORTY-NINTH DAY

Bismarck, March 14, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. A. Ben Dove, First Presbyterian Church, Mandan

"Dear God

Thank you for the painful, but precious gift of ruling ourselves.

Even in this brief pause we are still pushed by the dwindling days on the calendar, by the relentless hands of the clock.

Remind your servants here that not only our state, but time itself belongs to you — that there is enough to do our work and yours.

You know the other pressures operating within these walls, personal burdens, differing interests, political habits and fears.

Beyond them all make this body responsive to your own direction toward excellence, renewal and hope.

Grant sharp recognition of what is really essential, most valuable in life. Grant freedom from sterile conformity and courage to act, expecting your good will to be worked out among us.

All this we pray trusting you.

Amen"

The roll was called and all Senators were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 1079, line 6, delete ";and declaring an emergency"

On page 1088, lines 51, 52 and 53, delete "Senator" and insert in lieu thereof "Representative"

On page 1089, lines 2, 3 and 4 delete "Senator" and insert in lieu thereof "Representative"

Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-sixth day after recess and Forty-seventh day and recommends that the same be corrected as follows:

On page 1062, delete lines 19 and 20

On page 1063, delete lines 25 and 26

On page 1065, delete lines 20 and 21

On page 1055, bottom line, after the word "to" insert: ", and declaring an emergency"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

#### CONSIDERATION OF AMENDMENTS

Senator Jacobson moved that the amendments to House Bill No. 1037 as recommended by the Committee on Natural Resources as printed on pages 1071, 1072 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1163 as recommended by the Committee on Transportation as printed on page 1072 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the amendments to House Bill No. 1178 as recommended by the Committee on Natural Resources as printed on pages 1072, 1073 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1240 as recommended by the Committee on Appropriations as printed on page 1073 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1308 as recommended by the Committee on Appropriations as printed on pages 1073, 1074 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to House Bill No. 1441 as recommended by the Committee on Agriculture as printed on page 1074 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1442 as recommended by the Committee on Transportation as printed on page 1075 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the amendments to House Bill No. 1525 as recommended by the Committee on Natural Resources as printed on page 1075 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1563 as recommended by the Committee on Transportation as printed on page 1075 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to House Bill No. 1565 as recommended by the Committee on Agriculture as printed on page 1076 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the amendments to House Bill No. 1597 as recommended by the Committee on Transportation as printed on page 1076 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to House Concurrent Resolution 3039 as recommended by the Committee on Agriculture as printed on pages 1076, 1077 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF CONCURRENT RESOLUTIONS

Committee on Delayed Bills introduced:

**Senate Concurrent Resolution No. 4087.** A concurrent resolution expressing dissatisfaction with the apparent decline in academic achievement in education.

Was read the first time and referred to the committee on Education.

#### FIRST READING OF SENATE RESOLUTIONS

**Senate Resolution No. 13.** A resolution urging the legislature and executive officials and agencies of the State of Washington to encourage and permit the construction of appropriate port facilities for unloading

crude oil for shipment by pipeline to the northern states, including the State of North Dakota.

Was read the first time and referred to the committee on Transportation.

Committee on Delayed Bills Introduced:

**Senate Resolution No. 12.** A resolution congratulating the Fargo North High School basketball team on winning the North Dakota Class A high school basketball championship.

Was read the first time.

Senator Lashkowitz moved that the rules be suspended, that Senate Resolution No. 12 not be printed as a bill, not referred to a committee, but 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. 12**

Introduced by Committee on Delayed Bills:

A resolution congratulating the Fargo North High School basketball team on winning the North Dakota Class A high school basketball championship.

WHEREAS, the Fargo North Spartans capped a wonderful basketball season by defeating Minot High School 53-49 in the finals of the North Dakota Class A high school basketball championship to give a Fargo team its first Class A basketball title in 34 years; and

WHEREAS, the Spartans were ably coached by Carl Wall, an extraordinarily gifted basketball tactician who time and again displayed his coaching excellence on the bench during the championship game not only to his players and the 7,500 fans on hand for the game in the North Dakota State University Fieldhouse, but also to the thousands of basketball fans watching the game on television across the state; and

WHEREAS, the players who, with tremendous heart and desire, executed coach Wall's game plan to perfection to annex the state crown were John Oxtou, Todd Bakken, Mark Sperial, Scott Solee, Steve Sponberg, Brad Ellingson, Mark Wacker, Rob Olson, Kevin Hanson, Greg Larson, Terry Warkenthien, Monte Herrmann, Mike Sandvik, and Scott Sheldon; and

WHEREAS, assisting head coach Carl Wall with his title winning machinations were assistant coaches Mark Askerooth and Steve Gravalin, and student managers Terry Saeger, Jon Zubriski, Donna Galitz, and John Hansmann;

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

That the Senate of the Forty-fifth Legislative Assembly extend its heartiest congratulations to the Fargo North Spartans basketball team for truly earning the right to say "We're Number 1" by winning the 1976-77 North Dakota Class A high school basketball championship; and

**BE IT FURTHER RESOLVED,** that the Secretary of State send copies of this resolution to Fargo School Superintendent Vern Bennett, to Fargo Athletic Director Harold Pederson, to Fargo North Principal Don Dehne, to the Fargo North High School Library, and to basketball coach Carl Wall.

**SECOND READING OF SENATE RESOLUTIONS**

**Senate Resolution No. 12.** A resolution congratulating the Fargo North High School basketball team on winning the North Dakota Class A high school basketball championship.

Was read the second time.

The question being on the final adoption of the resolution.  
Senate Resolution No. 12 was declared adopted on a voice vote.

**WESTERN CONFERENCE COMMITTEE  
ON ENERGY AND RESOURCES**

Senator Nething moved that the Senate send a member of this body to Salt Lake City on Friday and Saturday, March 18 and 19 to represent the Senate at a meeting of the Western Conference Committee on Energy and Resources.

**ROLL CALL**

The question being on the motion to send a representative from the Senate to Salt Lake City to attend the Western Conference Committee on Energy and Resources, the roll was called and there were 49 ayes; 0 nays; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAA DEN  |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

The motion so carried, and Senator Shirley Lee was selected to attend the Western Conference Committee.

**REPORTS OF STANDING COMMITTEES**

Mr. President: Your Committee on Education to whom was referred Senate Bill No. 2550 has had the same under consideration and recommends that the same do pass.

**SENATOR SANDNESS, Chairman**

Senate Bill No. 2550 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred Senate Concurrent Resolution No. 4085 has had the same under consideration and recommends that the same do pass.

And be re-referred to the Legislative Council Resolutions Committee.

**SENATOR SANDS, Chairman**

Senate Concurrent Resolution No. 4085 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1006 has had the same under consideration and recommends that the same be amended as follows:

On page 3 of the engrossed bill, delete lines 9 through 17

On page 3 of the engrossed bill, line 18, delete the numerals "14" and insert in lieu thereof the numerals "13"

On page 3 of the engrossed bill, line 24, delete the numerals "15" and insert in lieu thereof the numerals "14"

On page 3 of the engrossed bill, line 29, delete the numerals "16" and insert in lieu thereof the numerals "15"

On page 3 of the engrossed bill, line 34, delete the numerals "6,387,128" and insert in lieu thereof the numerals "1,852,391"

On page 4 of the engrossed bill, line 1, delete the numerals "6,740,318" and insert in lieu thereof the numerals "2,205,581"

On page 4 of the engrossed bill, line 32, delete the word "appropriation" and insert in lieu thereof the word "appropriations"

On page 4 of the engrossed bill, delete line 33, and insert in lieu thereof the following: "subdivisions 7 and 15 of section 1 of this Act are hereby declared to be emergency measures"

On page 4 of the engrossed bill, line 34, delete the words "emergency measure"

On page 4 of the engrossed bill, line 35, delete the word "their"

And renumber the lines and pages accordingly

And when so amended recommends the same do pass

Statement of Purpose of Amendment:

The purpose of this amendment is to delete the appropriation to the North Dakota Educational Broadcasting Council for public television and radio.

This amendment attaches the emergency clause for the Miscellaneous Refunds appropriation and the Unemployment Insurance appropriation.

SENATOR LIPS, Chairman

House Bill No. 1006 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1012 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 19, delete the numerals "616,515" and insert in lieu thereof the numerals "626,515"

On page 1 of the engrossed bill, line 24, delete the numerals "759,015" and insert in lieu thereof the numerals "769,015"

On page 2 of the engrossed bill, line 2, delete the numerals "738,515" and insert in lieu thereof the numerals "748,515"

On page 2 of the engrossed bill, line 3, delete the numerals "739,715" and insert in lieu thereof the numerals "749,715"

On page 2 of the engrossed bill, line 5, delete the numerals "760,215" and insert in lieu thereof the numerals "770,215"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of this amendment is to add \$10,000 to the salaries and wages line item of the Parole Office's appropriation to provide adequate funds for the chief parole officer and other parole officers' salaries in the department.

SENATOR LIPS, Chairman

House Bill No. 1012 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1026 has had the same under consideration and recommends that the same be amended as follows:

On page 2 of the engrossed bill, line 15, after the word "course" delete the words "necessary for graduation" and insert in lieu thereof "accepted to satisfy the graduation requirements of the particular school district"

On page 2, line 30, after the word "authorized" delete the comma and the word "voluntary"



On page 3, after line 3, insert the following new subsection: "6. Fees for behind-the-wheel driver's education training."

On page 3, line 4, delete the numeral "6" and insert in lieu thereof the numeral "7"

On page 3, line 11, after the hyphen, delete the word "SUPERINTENDENT"

On page 3, line 12, delete the entire line

On page 3, line 16, after the word "payments" delete the following: "for those students so charged" and insert in lieu thereof the words "in an amount equal to the twenty percent the district is required to reduce such fees"

On page 3, line 16, after the period delete the word "ALL"

On page 3, delete lines 17 and 18

On page 4, line 3, after the word "student" insert the words "in average daily membership"

On page 5, after line 14, insert the following new subsections:

"b. The payment shall be further reduced to those school districts receiving aid from the oil and gas production tax by fifty cents for each dollar of such tax received as determined by certification of the county treasurer, of the tax received for the prior year.

"c. The payment shall be further reduced to those school districts receiving aid from the coal production tax and the coal severance tax by fifty cents for each dollar of such tax received as determined by certification of the county treasurer, of the tax received for the prior year. In no case shall grants from the coal impact fund be included."

On page 6, line 9, after the word "membership" insert the following: "for one hundred eighty half days or ninety full days during the calendar year"

On page 6, line 12, after the period insert the following: "For elementary schools providing such kindergartens for ninety half days or forty-five full days during the calendar year, there shall be paid that amount of money resulting from multiplying the factor .25 times the educational support per pupil as provided in section 15-40.1-06 under the same conditions as otherwise provided by this subsection."

On page 6, line 26, following the word "each" insert the words "public school"

On page 7, after line 10, insert the following new section: "SECTION 11. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that all school district employees, including administrators, classroom teachers, and custodial staff, receive salaries commensurate with the level of other public employees in North Dakota who have made a comparable education investment and have an equivalent responsibility."

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass and be referred to the Committee on Appropriations.

SENATOR SANDNESS, Chairman

House Bill No. 1026 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1071 has had the same under consideration and recommends that the same be amended as follows:

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

On page 1, line 11, after the word "coverage" insert the words "to reinstate certain causes of action; to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to the limit of county liability for negligence in the supervision and repairs of bridges; and to repeal sections 40-42-01, 40-42-02, 40-42-03, and 40-43-07 of the North Dakota Century Code, relating to claims for injuries on streets, sidewalks, or bridges"

On page 3, line 15, delete the word "five" and insert in lieu thereof the word "one"

On page 3, line 16, delete the words "one million" and insert in lieu thereof the words "three hundred thousand"

On page 6, line 30, after the word "law" insert the following: "but shall not exceed five mills"

On page 10, after line 6, insert the following new sections:

"SECTION 16. CERTAIN CAUSES OF ACTION REINSTATED.) If a claim against a municipality was filed in the office of the city auditor in accordance with section 40-42-01 after April 8, 1975, and prior to July 1, 1977, and the cause of action against the municipality was dismissed on the basis of failure to file the claim with the county auditor in accordance with section 4 of chapter 295 of the 1975 Session Laws of North Dakota, such claim is preserved and may be filed in the office of the city auditor within ninety days after the effective date of this Act. Notwithstanding sections 40-42-02 and 40-42-03, the time limits for rejecting a claim and for bringing an action shall be determined on the basis of the date a claim was filed as authorized by this section.

SECTION 17. AMENDMENT.) Section 24-08-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. SUPERVISION AND REPAIRS OF BRIDGE (((- LIMIT OF COUNTY LIABILITY FOR NEGLIGENCE))) Any bridge built under the provisions of section 24-08-01 shall be under the supervision of the board of county commissioners, and the cost of rebuilding or repairing the same shall be paid by the county. Where the cost of rebuilding or repairing a bridge would exceed the sum of fifteen thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota highway department, the county commissioners shall advertise for bids and award the contract in the manner provided by section 24-08-01. When a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by delay, the county commissioners may proceed to contract for the rebuilding or repair of such bridge without advertising for bids, regardless of the cost. The board of county commissioners at least every two years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. In case any bridge on the county road system shall be deemed unsafe for public use by the said board of commissioners, it forthwith shall take steps to close the same and prevent the use thereof by the public. In case any bridge on the county road system shall be deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight. The county shall not be immune from claims or suits for damages arising out of negligent failure to perform the inspection and repair duties set out above (((, but the maximum recovery from the

county on such suit or suits shall not exceed the sum of fifteen thousand dollars for each accident or occurrence caused by any negligent failure to inspect and repair))).

SECTION 18. REPEAL.) Sections 40-42-01, 40-42-02, 40-42-03, and 40-43-07 of the North Dakota Century Code are hereby repealed."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1071 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1074 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1074 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1175 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1175 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1284 has had the same under consideration and recommends that the same be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1284 printed on page 966 of the Senate Journal, engrossed House Bill No. 1284 is hereby amended as follows:

On page 1 of the engrossed bill, delete lines 20 through 24

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

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of this amendment is to delete the appropriation, since it is intended that the funds necessary to carry out the provisions of this bill will be paid from the homestead tax credit appropriation in House Bill No. 1064.

SENATOR LIPS, Chairman

House Bill No. 1284 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1361 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 4, delete the word "and"

On page 1 of the engrossed bill, line 5, delete the word "radio"

On page 1 of the engrossed bill, line 14, delete the words "and radio"

On page 1 of the engrossed bill, line 17, delete the words "and radio"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1361 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1383 has had the same under consideration and recommends that the same be amended as follows:

On page 2, delete lines 17 and 18.

On page 2, line 19, delete the numeral "6" and insert in lieu thereof the numeral "5"

On page 2, line 20, delete the numeral "7" and insert in lieu thereof the numeral "6"

On page 2, line 31, after the first comma insert the word "and" and on the same line after "5," delete "and 6"

On page 3, line 20, after the word "project" insert the following: "in support of those projects" and on the same line after the word "subsection" delete the numeral "5" and insert in lieu thereof the numeral "3"

and renumber the lines, pages and sections accordingly

And when so amended recommends the same do pass.

SENATOR SANDS, Chairman

House Bill No. 1383 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1397 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1397 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1408 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

House Bill No. 1408 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1418 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1418 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1429 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDNESS, Chairman

House Bill No. 1429 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1443 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 12, delete the following: " provided, however, that if" and insert in lieu thereof the following: " subject to the approval of the legislative assembly if it is in session, or of the budget section of the legislative council in the event the legislative

assembly is not in session. If”

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to clarify the legislative position.

SENATOR LIPS, Chairman

House Bill No. 1443 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1448 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 24 of the engrossed bill, delete the word “January” and insert in lieu thereof the word “February”

On page 2, after line 18, insert the following: “h. Such caucuses shall be held in places accessible to and large enough to accommodate all interested persons, and shall be scheduled to begin and end at reasonable hours.”

On page 8, line 17, after the period insert the following new sentence: “The national convention shall mean the national nominating convention of the two parties receiving the highest number of votes for the office of president at the last presidential election.”

On page 9, line 16, delete the words “date, time, and places” and insert in lieu thereof the word “dates”

On page 9, line 18, delete the word “and” and insert in lieu thereof a comma and on the same line after the word “auditor” insert the following: “, and the state chairmen of the two parties which cast the largest and next largest numbers of votes in the state at the last general election for the office of governor.”

On page 9, after line 20, insert the following new subsection: “4. The times and places of the precinct caucuses and district committee meetings as determined by the county auditor and the district chairmen of the former legislative districts affected by the apportionment and representing the two parties identified in subsection 3 above.”

On page 10, line 34, delete the word “governor” and insert in lieu thereof the following: “United States representative”

And renumber the lines, subsections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1448 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1455 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1455 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Education to whom was referred House Bill No. 1475 has had the same under consideration and recommends that the same do pass.

SENATOR SANDNESS, Chairman

House Bill No. 1475 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was

referred House Bill No. 1477 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR SANDS, Chairman

House Bill No. 1477 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. PRESIDENT: Your Committee on Agriculture to whom was referred House Bill No. 1478 has had the same under consideration and recommends that the same be amended as follows:

On page 5, line 17 of the engrossed bill, insert beginning triple parentheses after the word "stated" and on the same line insert ending triple parentheses after the word "numbers"

On page 6, delete all of lines 12 through 17

On page 8, line 19, after the word "sell" insert the following words: "at retail"

On page 9, delete all of lines 30 through 33 and insert the following new subsection 4:

**"4. The department may require the labels of specialty fertilizer sold in packages of fifty pounds or more, or sold in bulk, to contain the statement "Not intended for farm use" prominently placed thereon."**

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR MORGAN, Chairman

House Bill No. 1478 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1548 has had the same under consideration and recommends that the same be amended as follows:

On page 3 of the engrossed bill, line 5, delete the numerals "600,000.00" and insert in lieu thereof the numerals "350,000.00"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of this amendment is to provide sufficient funds so that the dairy farm inspection program can begin on July 1, 1978. It is the intent of the Legislative Assembly that some of the funds available pursuant to the appropriation provided for in this Act will be spent prior to July 1, 1978, for the department's planning and preparation for the implementation of this Act.

SENATOR LIPS, Chairman

House Bill No. 1548 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1569 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1569 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1582 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SANDS, Chairman

House Bill No. 1582 was placed on the 14th order of business on the

calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1587 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete everything 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 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenue formulas for the privilege tax on coal conversion facilities.

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

**SECTION 1. AMENDMENT.)** Section 57-60-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-60-14. ALLOCATION OF REVENUE.)** The state treasurer, on or before July fifteenth of each year, shall allocate all moneys received from all coal conversion facilities in each county pursuant to the provisions of this chapter and moneys received for those taxes for which a credit is allowed pursuant to section 57-60-06, notwithstanding the provisions of section 57-33.1-08, (((in the following manner:

1. The first one hundred thousand dollars of annual revenue received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated one hundred))) thirty-five percent to the county (((

2. The second one hundred thousand dollars of annual revenue received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated fifty percent to the county))) and (((fifty))) sixty-five percent to the state general fund.

(((3. All annual revenue in excess of two hundred thousand dollars but not in excess of five hundred thousand dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated twenty-five percent to the county and seventy-five percent to the state general fund.

4. All annual revenue in excess of five hundred thousand dollars but not in excess of one million dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated fifteen percent to the county and eighty-five percent to the state general fund.

5. All annual revenue in excess of one million dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated ten percent to the county and ninety percent to the state general fund.)))

**SECTION 2. AMENDMENT.)** Section 57-60-15 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-60-15. DUTY OF COUNTY TREASURER — ALLOCATION TO POLITICAL SUBDIVISIONS.)** Moneys received by counties under the provisions of section 57-60-14 shall be apportioned as follows:

1. (((Fifteen))) Thirty-five percent of all revenues allocated to any county shall be paid by the county treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official (((decennial))) regular or special federal census (((;))) or the census taken in accordance with the provisions of chapter

40-02 in case of a city incorporated subsequent to such census.

2. (((Forty))) Thirty-five percent of the revenues allocated to any county shall be deposited by the county treasurer in the county general fund to be used for general governmental purposes (((; and))).

3. (((Forty-five))) Thirty percent of all revenues allocated to any county shall be apportioned by the county treasurer to school districts within the county on the average daily (((attendance distribution))) membership basis, as certified to him by the county superintendent of schools."

And renumber the lines and pages accordingly.

And when so amended recommends the same to pass.

SENATOR GOODMAN, Chairman

House Bill No. 1587 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1598 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1598 was placed on the 14th order of business on the calendar for the succeeding legislative day.

MOTION

Senator Melland moved that the Senate reconsider its action whereby it failed to pass House Bill No. 1346, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1346. A Bill for an Act to allow the construction superintendent to adopt a uniform standards code for energy conservation in new building construction.

Which has been read.

Senator Melland moved to amend House Bill 1346 as follows:

On page 3 of the engrossed bill, delete lines 26 through 35.

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

Senator Melland moved that the rules be suspended, that House Bill 1346 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

Senator Hanson moved that he be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that Senator Hanson be permitted to vote, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1346. A Bill for an Act to allow the construction superintendent to adopt a uniform standards code for energy conservation in new building construction.

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 yeas, 29; nays, 21; absent and not voting, 0.

| NORTH DAKOTA SENATE |        |      |      |          |      |                  |        |      |      |           |      |
|---------------------|--------|------|------|----------|------|------------------|--------|------|------|-----------|------|
| REGULAR SESSION     |        |      |      |          |      | 1977 LEGISLATURE |        |      |      |           |      |
| ROLL-CALL           |        |      |      |          |      |                  |        |      |      |           |      |
| YEAS                | N-V    | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V    | NAYS | YEAS | N-V       | NAYS |
|                     |        | •    | •    |          |      |                  |        | •    |      |           | •    |
| •                   | ALBERS |      | •    | JACOBSON |      | •                | NAADEN |      | •    | SMYKOWSKI | •    |
| •                   | BARTH  |      | •    | JONES    |      | •                | NELSON |      | •    | SOLBERG   | •    |



|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

#### POINT OF PERSONAL PRIVILEGE

Senator Strinden: Mr. President: I rise on a point of personal privilege.

I rise on the floor of this body to perform a task I do not relish. As Caucus Chairman of the Senate Republican Majority I must answer publicly some charges made against my caucus by the Minority Leader.

Mr. President and members of the Senate, the Minority Leader has cast reflections on the Republican Senate Members as to the propriety of its caucus determinations. He has planted seeds of doubt in the minds of the citizens of North Dakota by speaking with a forked tongue. He has challenged the integrity of the Majority Leader.

The Minority Leader publicly and openly, with little regard for the truth has accused the Republican Senate members of being like lambs led to slaughter by Senator Nothing our majority leader. He has accused very falsely and with little regard for the truth the budget cutting measures being determined in SMOKE FILLED POLITICAL CAUCUS by the Republican majority.

Mr. President and members of the Senate. The Smoke filled room the minority leader speaks of is Room G1 of this Capitol, where the Republican Senate holds its caucus meetings. Each and every caucus and I emphasize every, is announced publicly from this floor, or in the case of the first caucus of this session, by letters to the Republican Senate membership and to the News media by word of mouth and I may add the media was in attendance and was invited to stay. This smoke filled political caucus room the minority leader speaks of was lined with visitors, news reporters, and television personnel when budget matters were discussed and voted upon.

The Democrat minority leader has attempted throughout this session, to lead the people of North Dakota through loose talk into believing the Democrat party is concerned about fiscal responsibility. He, as leader of the Democrat party in this Senate has talked of fund cutting to preserve the state of North Dakota from financial collapse. When the Republican Majority takes action to bring back financial responsibility to the Legislative Body, the fiscally responsible minority leader is the first to condemn the action. Loose talk is not fair to the citizens of North Dakota. The Republican majority has had to act contrary to how we as individuals feel about certain programs. We have to vote against programs we would like to fund.

Mr. President and members of the Senate. Senator Lips, the appropriations chairman has bit the bullet. No one can call the good senator an ultra-conservative, yet he has displayed the sense of responsibility needed to restore balance to the financial picture of our state. Senator Nothing, the majority leader has displayed a needed sense of leadership when he has been completely honest with the senate membership and the people of North Dakota.

As caucus chairman of the Senate Republican Majority, I resent the

implication cast on my caucus by the Minority Leader in his statement of Smoke Filled decision making. My Republican colleagues have honored me by electing me their caucus chairman for the fourth time. I cannot stand by and allow hollow charges to go unanswered. We have never asked the news media to leave our caucus and then close the doors as the Democrat party has done this session. The minority leader talks of open government but has not lived up to that pledge.

Mr. President and members of the senate, as caucus chairman of the Republican Majority, I request of the Television media to give me equal time, so as to inform the people of North Dakota the Republican members of this body do not make decisions in smoke filled caucus rooms. In caucus the problems at hand are explained by the Majority leader and the committee chairman and after complete and open discussion the Republican Senators are asked to cast their votes without pressure. On many occasions the Republican Senators have voted against new programs, not because of the program, but because of lack of finances.

Mr. President-I realize what I have said today is harsh, but I cannot tolerate false impressions of my Republican caucus being given to the people of our State, and casting doubts as to the honesty, integrity and sincerity of the Republican members of the Senate. The Republican Caucus of the Senate of the State of North Dakota will remain open for all who wish to attend.

#### POINT OF PERSONAL PRIVILEGE

Senator Hoffner: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal. Mr. President, members of the Senate, apparently some feathers have been ruffled, and so that all members know exactly what I said at that news conference, I think it is only fair that these remarks be placed in the Journal, because the media didn't carry the entire statement, maybe it was too long.

Senator Nething is leading his members, like lambs to a political slaughter.

The Republicans killed off a few of their members last session by rejecting a responsible coal severance tax program and they are doing so again this session by deserting programs like educational television and kindergarten to Senior Citizens Ag related projects and others.

Our system has gone from legislation in the chambers of the House and Senate floors to a smoke-filled political caucus room. In the past few sessions, more and more legislation which should be non-partisan has become a political football. Now Senator Nething has dragged almost all of the issues into the political arena by trying to kill them in a Republican caucus on a recorded vote.

When you drag this many issues into the political arena, it's not good for the people, the system, the law, anyone or anything. The bills should be allowed to stand or fall on their own individual merits.

All legislators are elected to represent a certain constituency and are expected to stand up and be counted when their constituents are for or against something. When a majority leader tells his Party members to kill all new programs without consideration for the desires of his constituents, it's a mockery to the legislative process.

Senator Nething may feel like the Christmas grinch for instructing his caucus to kill such programs as ETV and kindergarten, but he is acting like Santa Claus for the energy interests.

It is ironic that at the same time Senator Nething is saying we have no

money for important programs like ETV and Kindergarten, he is working to give the energy companies gigantic breaks which will assure we won't have enough money.

For example, I was amazed to see Senator Nething introduce Senate Resolution 4072 which recognizes the direct cost to State Government agencies from energy development may be \$19 million for the next biennium; while the energy taxation bills he is backing — both severance tax and the in-lieu property tax, will give the general fund only \$7.5 million in revenue during that same period.

I don't understand how Senator Nething can justify denying programs for North Dakota people so that we can subsidize energy development largely for out-of-state users.

I want to say that I have mentioned nothing about a "closed-door" caucus and I want this chamber to know that we in the Senate have never had a "closed" caucus in this session.

#### POINT OF PERSONAL PRIVILEGE

Senator Barth: I rise on a point of personal privilege and request my remarks be printed in the Journal. I would like to say that I pleaded with the members of the Senate Agriculture Committee last week, and here we read in the newspapers, we hear this on the floor constantly about the fiscal responsibility of the Majority Party. Well I submit to this body and to the people of North Dakota that just last week when I decided to have breakfast at the motel that I was staying at I picked up the latest issue of the newspaper, on the very front page of the newspaper said that, "The Senator Nething Kill Sheet". I read the action that was taken by the Majority Party in their Senate Caucus the evening before, and included in that kill list was a piece of legislation, a bill which was to be heard the next day. We talk about fiscal responsibility. If the action had already been taken by the Senate to kill the bill, then why did the Senate Agriculture Committee have a hearing on a bill which was basically dead. And I submit to this body, yes, the Majority party has taken positions long before the people of North Dakota know what the issue is, what it entails, what will the fiscal impact be to the State of North Dakota, what will the revenue be to the State of North Dakota, and I do not believe that our Minority Leader has to apologize to anybody. It is a fact, it was an Associated Press article, that this is what it was. And I then pleaded with the Senate Agriculture Committee, and I want the body to remember that there are four Republicans and three Democrats. And I said gentlemen of this committee, let's sit down and legislate like legislators should. Let's keep Republican and Democrat politics out of the fact that we have a bill here before us that we need to pass. I don't know what position the caucus has taken since. But I think it disturbs me and it disturbs my people back home. I was home this weekend, yes, and I visited with my people, and they were very disturbed that the action on bills which have not yet had a hearing in this chamber, the action had been taken by the Majority Leader when he proposed the kill sheet to his people, to his Senators, and said, "Look here's what goes down the tube", and we have not yet had a hearing. Now if this body and if anybody in the State of North Dakota can relate to us, and you can honestly and truthfully say this is fiscal responsibility, then certainly I need to go back to school and learn more because it is not. This is what's happened and we have no apologies to make. It is a matter of record.

## POINT OF PERSONAL PRIVILEGE.

Mr. President, members of the Senate,

Senator Jones: I have had the privilege of listening to that lecture twice now, and I just want to mention that the bill that he was referring to in the Ag Committee, is not yet dead, is not on the kill list. It was held over, and has a very good chance if we all get together as has been suggested, that we can salvage this bill and pass it. I do not like the accusation that we are instructed to do, as has been said. I have sat silently through all of these talks and I hope that I will be able to sit silently through the rest, but I don't like that instructed insinuation.

## CONFIRMATION SESSION

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

REPORTS OF STANDING COMMITTEE  
CONCERNING GOVERNOR'S APPOINTMENTS

Mr. President:

Your Committee on State and Federal Government recommends that the Senate do advise and consent to the following Governor's appointments:

## STATE HISTORICAL BOARD (Section 55-01-01)

|                                     |                             |
|-------------------------------------|-----------------------------|
| Mr. Robert Cory, Minot              | July 1, 1975 — July 1, 1978 |
| Mr. Lowell F. Johnson, Wahpeton     | July 1, 1975 — July 1, 1978 |
| Dr. D. Jerome Tweton, Grand Forks   | July 1, 1975 — July 1, 1978 |
| Mr. La Vern Neff, Williston         | July 1, 1976 — July 1, 1979 |
| Mr. Albert R. Hausauer, Bismarck    | July 1, 1976 — July 1, 1979 |
| Mrs. Mary (Ernest) Young, Jamestown | July 1, 1976 — July 1, 1979 |

SENATOR JONES, Chairman

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

Mr. President:

Your Committee on Education recommends that the Senate do advise and consent to the following Governor's appointment:

State Board of Higher Education

Mr. S. Bryce Streibel July 1, 1977 — July 1, 1984

SENATOR SANDNESS, Chairman

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

Senator Nething moved that the confirmation session be dissolved, which motion prevailed.

The Senate reconvened, the President presiding.

## RECOGNITION

Senator Nething announced that very special guests are here today, the Saudi Arabian fact finding team that arrived in North Dakota yesterday, to promote business opportunity and to encourage cultural exchange between this country and Saudi Arabia. Senator Nething moved that the President appoint a committee of two to escort the Honorable Fouad Al Farsy to the rostrum. The motion prevailed and the President appointed Senators Wright and Larson. Dr. Fouad Al Farsy was escorted to the rostrum and addressed the Senate.

## REMARKS OF DR. FOUAD AL FARSY

Dr. Al Farsy: Mr. President, distinguished Senators. I am very delighted to be here tonight with you, and as a matter of fact, literally I am overwhelmed and speechless, you see I can't say it even, being here, and I am really pleased that we decided to come to Bismarck, North

Dakota, and we as a team of paid delegates touring the United States of America, and a fact finding and a fact telling delegation to try and exploit possibilities to promote and strengthen their already existing Saudi Arabian relations and try to, would not say correct, try to put together the true picture of the northern Arabs, rather than what is being depicted in the newspapers and news media, and so forth, and while being in Washington, we looked through the schedule of the trips that were being taken in the US and one of my delegates said that why should we go to Bismarck, we have never heard of the place and just skip North Dakota and I said "no". Wise good Americans go to Saudi Arabia. There is a potential between you and us. There is a lot to be given from you and there is a lot to be learned on our side from your people and I have already learned a lot during our flight which I took from Minneapolis to Fargo, when I was sitting beside a lovely mother, who had just finished visiting her two sons, one in Columbia, South Carolina, and the other one in Rockville, Maryland, and I was very impressed by the speech we had together and she told me that she was visiting them for eight weeks, and this is to me as a person who lived in the USA eight weeks is too much to be devoted to two sons, and I immediately received that thanks to God there is still a strong attachment in this part of the country to the commitment to God and family, and I was very touched and very pleased, and yesterday when we went to his Excellency, the Governor of North Dakota, we had a marvelous time and he put it in a much — the best thing we could have done through this is bridging the gap and had the communication between the North Dakotan and between the Saudi Arabian government and to me it is an achievement, it's a pleasure and it is an opportunity for me to speak about your political system. I went to Duke for about three years and a half and I was very impressed by the federalist government. The federalist system that is being adopted in this country and I decided that I should take master's degree in American Government, which I took in 1975, and while taking a course in American Political Science I was very, very much impressed by President Jefferson to an extent that on the spring break I went to Monticello and I decided to go to that place and feel the whole democracy that had developed this great nation of yours and I was very pleased and touched that I was there, and I must admit while being in this country for four years I had some doubts and I was skeptical about the, if you will forgive me, the American Democracy, because every person who is having to be a Senator or Congressman is a lawyer. I am a lawyer myself, nothing wrong in being a lawyer, but I have discovered that in North Dakota everybody almost, and I was talking to the Governor, he is a farmer and gowing wheat, the Speaker of the House is a farmer, the Rep. Eugene Nicholas is a farmer, and I was really very touched, and I said to myself, "by God, by Jefferson's words and by the Declaration of Independence, that it's a government, by the people, for the people, that exists in North Dakota" and I was very pleased and I wish you, it's a late visitation, I know that your Bicentennial was over last year, but I think it's a good opportunity for me to come before you and hope that you would live forever, the leader of democracy and hopefully the greatest nation on earth. Thank you very much.

President Sanstead invited Abdulrahman Al Sadhan to the rostrum, whereupon he was introduced to the Senate.

## FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills Introduced:

**Senate Resolution No. 14.** A resolution welcoming Saudi Arabian officials Abdulrahman Al Sadhan and Dr. Fouad Al Farsy to North Dakota.

Was read the first time.

Senator Nething moved that the rules be suspended, that Senate Resolution No. 14 not be printed as a bill, not referred to a committee, but 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. 14

Introduced by Committee on Delayed Bills.

A resolution welcoming Saudi Arabian officials Abdulrahman Al Sadhan and Dr. Fouad Al Farsy to North Dakota.

WHEREAS, North Dakota has recently witnessed several demonstrations of the friendship which is developing between the state and the Arab countries by the trip of the North Dakota delegation to Egypt and Jordan last fall, and by the visits to this state in recent months of various representatives of Arab countries; and

WHEREAS, the most recent demonstration of this friendship is the goodwill visit to North Dakota this week of two Saudi Arabian officials, Abdulrahman Al Sadhan and Dr. Fouad Al Farsy, who have visited with North Dakota governmental officials and who have visited the Forty-fifth Legislative Assembly;

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

That the Senate of the Forty-fifth Legislative Assembly extend a warm and hearty North Dakota welcome to Abdulrahman Al Sadhan and Dr. Fouad Al Farsy, and that it express its concern that every effort be made not only to improve the developing friendship between the Arab countries and North Dakota, but also to avoid and discourage situations which might strain this friendship; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Saudi Arabian Embassy in Washington, D.C., and to the North Dakota Business and Industrial Development Department.

## SECOND READING OF SENATE RESOLUTIONS

**Senate Resolution No. 14.** A resolution welcoming Saudi Arabian officials Abdulrahman Al Sadhan and Dr. Fouad Al Farsy to North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Resolution No. 14 was declared adopted on a voice vote.

## SECOND READING OF HOUSE BILLS

**House Bill No. 1430.** A Bill for an Act to require a feasibility study on energy conservation and the use of alternative energy sources in the construction or renovation of state-owned buildings.

Which has been read.

Senator Hanson requested that he be excused from voting on this bill due to a conflict of interest.

Senator Thane moved that Senator Hanson be permitted to vote, which motion prevailed.

## ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SHYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

House Bill No. 1430 was declared lost.

House Bill No. 1484. A Bill for an Act to create and enact a new section to chapter 39-06.1 and two new sections to chapter 39-07 of the North Dakota Century Code, relating to the notification of parents or guardians of juvenile traffic offenders and of the necessity of their notification prior to any fines being paid by the juveniles, and restrictions on the interrogating of juveniles by law enforcement officers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 992,993) the roll was called and there were ayes, 45; nays, 2; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

House Bill No. 1523. A Bill for an Act to create and enact one new section to chapter 27-01 of the North Dakota Century Code, relating to the waiver of fees in civil actions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 993) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |





Senate Bill No. 2429

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. 2038

Senate Bill No. 2136

Senate Bill No. 2187

Senate Bill No. 2192

Senate Bill No. 2208

Senate Bill No. 2269

Senate Bill No. 2289

Senate Bill No. 2290

Senate Bill No. 2334

Senate Bill No. 2444

Senate Bill No. 2467

Senate Bill No. 2529

Senate Bill No. 2546

Senate Concurrent Resolution No. 4020

Senate Concurrent Resolution No. 4043

Senate Concurrent Resolution No. 4050

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. 3097

House Concurrent Resolution No. 3098

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. 2372

Senate Bill No. 2425

Senate Bill No. 2471.

ROY GILBREATH, Chief Clerk

## HOUSE AMENDMENTS TO SENATE BILL No. 2372

On page 1, line 13, of the engrossed bill delete the words "for general purposes"

On page 1, line 15, after the word "mills" insert the following: "for the purpose of creating and maintaining a city employees' pension plan" and also on line 15, delete the words "by sixty" and insert in lieu thereof the following: "at any regular or special city election by an affirmative vote of at least sixty percent of the electors voting on the issue."

On page 1, delete all of lines 16 and 17

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL No. 2425

On page 1, line 18, of the engrossed bill insert beginning and ending triple parentheses around the word "three" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL No. 2474

On page 1, line 2 of the engrossed bill, delete the word "bank"

On page 1, line 11, place triple parentheses around the word "BANK"

On page 1, line 11 after the word "bank" insert the words "or savings and loan association"

On page 1, line 18, after the word "cent" insert the words "simple interest"

On page 1, line 19 insert beginning triple parentheses before the word "total" and insert ending triple parentheses after the word "amount" and insert in lieu thereof the words "unpaid balance"

And renumber the lines and pages accordingly.

Senator Nething moved that after the reading of Senate Bill 2550, House Bills 1037, 1074, 1163, 1175, 1178, 1240, 1308, 1397, 1408, 1418, 1429, 1441, 1442, 1455, 1475, 1477, 1525, 1563, 1565, 1569, 1582, 1597, 1598 and HCR 3039, the Senate recess until Tuesday, March 15, 1977 at 1:00 P.M., which motion prevailed.

LEO LEIDHOLM, Secretary



FORTY-NINTH DAY AFTER RECESS AND FIFTIETH DAY

Bismarck, March 15, 1977

The Senate convened at 1:00 P.M., pursuant to recess taken, President Sanstead presiding.

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 14, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 12, 1977, I signed the following Senate Bills:

Senate Bill No. 2015  
Senate Bill No. 2019  
Senate Bill No. 2028  
Senate Bill No. 2041  
Senate Bill No. 2043  
Senate Bill No. 2046  
Senate Bill No. 2052  
Senate Bill No. 2061  
Senate Bill No. 2097  
Senate Bill No. 2117  
Senate Bill No. 2161  
Senate Bill No. 2172  
Senate Bill No. 2174  
Senate Bill No. 2180  
Senate Bill No. 2181  
Senate Bill No. 2182  
Senate Bill No. 2183  
Senate Bill No. 2186  
Senate Bill No. 2191  
Senate Bill No. 2200  
Senate Bill No. 2215  
Senate Bill No. 2216  
Senate Bill No. 2229  
Senate Bill No. 2235  
Senate Bill No. 2244  
Senate Bill No. 2247  
Senate Bill No. 2253  
Senate Bill No. 2257

Senate Bill No. 2259  
 Senate Bill No. 2261  
 Senate Bill No. 2265  
 Senate Bill No. 2299  
 Senate Bill No. 2314  
 Senate Bill No. 2315  
 Senate Bill No. 2354  
 Senate Bill No. 2366  
 Senate Bill No. 2390

Sincerely yours,  
 ARTHUR A. LINK, Governor

**MOTION**

Senator Nothing moved that the Senate request the return of House Bills 1172, 1239, 1242, 1333 from the House, which motion prevailed.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker:

I have the honor to inform you that the Senate requests the return of:  
 House Bill No. 1172  
 House Bill No. 1239  
 House Bill No. 1242  
 House Bill No. 1333

LEO LEIDHOLM, Secretary

**MOTION**

Senator Nothing moved that Senate Bill 2550 and House Bills 1310, 1372, 1419, 1559, 1567, 1009, 1011, 1342, 1420, 1532, 1583, 1037, 1163, 1178, 1240, 1308, 1441, 1442, 1525, 1563, 1565, 1597 and HCR 3039 be placed at the head of the calendar on the 14th order, which motion prevailed.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Freed moved that the Senate do concur in the House amendments to Senate Bill No. 2071, as printed on page 1087 of the Senate Journal, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2071 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2071. A Bill for an Act to amend and reenact section 27-06-09 of the North Dakota Century Code, relating to compensation of bailiffs, and declaring an emergency.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |

|            |          |            |               |
|------------|----------|------------|---------------|
| ● HOLMBERG | ● MILLER | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER   | ● MORGAN | ● SHABLOW  |               |

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

Senator Freed moved that the Senate do concur in the House amendments to Senate Bill No. 2145, as printed on pages 1087 and 1088 of the Senate Journal, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2145 be deemed properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2145.** A Bill for an Act to amend and reenact section 11-11-39 of the North Dakota Century Code, relating to an appeal from a decision of the board of county commissioners.

Which has been read.

**ROLL CALL**

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

| REGULAR SESSION |     |      |              | NORTH DAKOTA SENATE |     |            |   | 1977 LEGISLATURE |     |      |  |
|-----------------|-----|------|--------------|---------------------|-----|------------|---|------------------|-----|------|--|
| ROLL CALL       |     |      |              |                     |     |            |   |                  |     |      |  |
| YEAS            | N-V | NAYS |              | YEAS                | N-V | NAYS       |   | YEAS             | N-V | NAYS |  |
| ● ALBERS        |     |      | ● JACOBSON   |                     |     | ● NAADEN   | ● | ● SMYKOWSKI      |     | ●    |  |
| ● BARTH         |     |      | ● JONES      |                     |     | ● NELSON   |   | ● SOLBERG        |     |      |  |
| ● BERUBE        |     |      | ● KRAUTER    |                     |     | ● NETHING  |   | ● STRAND         |     |      |  |
| ● CHRISTENSEN   |     |      | ● LARSON     |                     |     | ● ORANGE   |   | ● STRINDER       |     |      |  |
| ● ERDMAN        |     |      | ● LASHKOWITZ |                     |     | ● PETERSON |   | ● TALLACKSON     |     |      |  |
| ● FARRINGTON    |     |      | ● LEE        |                     |     | ● PIETRON  |   | ● TENNEFOS       |     |      |  |
| ● FREED         |     |      | ● LIPS       |                     |     | ● RAIT     |   | ● THANE          |     |      |  |
| ● FRITZELL      |     |      | ● LODOEN     |                     |     | ● REDLIN   |   | ● VOSPER         |     |      |  |
| ● GOODMAN       |     |      | ● MAHER      |                     |     | ● REITEN   |   | ● WALSH          |     |      |  |
| ● HANSON        |     |      | ● MAU        |                     |     | ● SANDNESS |   | ● WENSTROM       |     |      |  |
| ● HOFFNER       |     |      | ● MELLAND    |                     |     | ● SANDS    |   | ● WRIGHT         |     |      |  |
| ● HOLMBERG      |     |      | ● MILLER     |                     |     | ● SCHIRADO |   | ● MR. PRESIDENT  |     |      |  |
| ● ISZLER        |     |      | ● MORGAN     |                     |     | ● SHABLOW  |   |                  |     |      |  |

So the bill passed and the title was agreed to.

Senator Solberg moved that the Senate do not concur in the House amendments to Senate Bill No. 2148 as printed on page 1088 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2148:

- Senator Strand
- Senator Iszler
- Senator Lashkowitz

Senator Fritzell moved that the Senate do concur in the House amendments to Senate Bill No. 2157, as printed on page 1036 of the Senate Journal, which motion prevailed.

Senator Fritzell moved that the rules be suspended, that Senate Bill No. 2157 be deemed properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2157.** A Bill for an Act to create and enact a new section to chapter 65-13 of the North Dakota Century Code, relating to excluding prisoners from coverage; to amend and reenact sections 65-13-03, 65-13-04, 65-13-05, subsection 7 of section 65-13-06, section 65-13-08, subsection 3 of section 65-13-17, and section 65-13-18 of the North Dakota Century Code, relating to definitions, making awards, powers and duties of the board,



|              |           |            |               |
|--------------|-----------|------------|---------------|
| ● FARRINGTON | ● LEE     | ● PIETRON  | ● TENNEFOS    |
| ● FREED      | ● LIPS    | ● RAIT     | ● THANE       |
| ● FRITZELL   | ● LODDOEN | ● REDLIN   | ● VOSPER      |
| ● GOODMAN    | ● MAHER   | ● REITEN   | ● WALSH       |
| ● HANSON     | ● MAU     | ● SANDNESS | ● WENSTROM    |
| ● HOFFNER    | ● MELLAND | ● SANDS    | ● WRIGHT      |
| ● HOLMBERG   | ● MILLER  | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER     | ● MORGAN  | ● SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2202 as printed on page 1068 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2202:

- Senator Lodoen
- Senator Farrington
- Senator Mau

Senator Fritzell moved that the Senate do concur in the House amendments to Senate Bill No. 2204, as printed on page 1068 of the Senate Journal, which motion prevailed.

Senator Fritzell moved that the rules be suspended, that Senate Bill No. 2204 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2204. A Bill for an Act to amend and reenact subsection 3 of section 40-22-31 of the North Dakota Century Code, relating to conditions of contractor's bond.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRANDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODDOEN    |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Solberg moved that the Senate do not concur in the House amendments to Senate Bill No. 2221 as printed on page 1088 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2221:

- Senator Iszler
- Senator Tennefos
- Senator Schirado



Senator Solberg moved that the Senate do not concur in the House amendments to Senate Bill No. 2222 as printed on page 1088 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2222:

- Senator Iszler
- Senator Tennefos
- Senator Schirado

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2233 as printed on page 1068 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2233:

- Senator Reiten
- Senator Lodoen
- Senator Mau

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2302 as printed on page 1068 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2302 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2302. A Bill for an Act to create and enact a new subsection to section 18-10-06 of the North Dakota Century Code, to allow compensation to be paid to the chief of a rural fire protection district.

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    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERODMAN           |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Solberg moved that the Senate do concur in the House amendments to Senate Bill No. 2355, as printed on page 1088 of the Senate Journal, which motion prevailed.

Senator Solberg moved that the rules be suspended, that Senate Bill No. 2355 be deemed properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2355.** A Bill for an Act to amend and reenact paragraph 15 of subdivision a of subsection 3 of section '39-06.1-10 of the North Dakota Century Code, relating to the driver's license point penalty assigned for exhibition driving.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       | ●   |      | ● LARSON     |     |      | ● ORANGE   |     | ●    | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          | ●   |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     | ●   |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2372, as printed on page 1112 of the Senate Journal, which motion prevailed.

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

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2372.** A Bill for an Act to create and enact a new section to chapter 40-46 of the North Dakota Century Code, relating to the tax levy for city employees' pension 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, 49; nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        | ●   |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2425, as printed on page 1112 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No.

2425 be deemed properly re-engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2425.** A Bill for an Act to amend and reenact sections 11-33-09 and 11-33-10 of the North Dakota Century Code, relating to the publication and effective date of county zoning resolutions and amendments, and to separate hearings on such resolutions and amendments.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |               |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|---------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     | •                | • SMYKOWSKI   |     | •    |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN    |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS    |     |      |
| • FREED             | •   |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |           |      | • REDLIN   |     |                  | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |               |     |      |

So the bill passed and the title was agreed to.

Senator Reiten moved that the Senate do not concur in the House amendments to Senate Bill No. 2471 as printed on page 1113 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2471:

- Senator Lodoen
- Senator Fritzell
- Senator Krauter

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2498, as printed on page 1069 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2498 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2498.** A Bill for an Act to create and enact a new section to chapter 4-02 of the North Dakota Century Code, to provide that a county fair association which fails to hold a fair for ten years will lose its official authorization.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |           |      |          |     |                  |             |     |      |
|---------------------|-----|------|------------|-----------|------|----------|-----|------------------|-------------|-----|------|
| REGULAR SESSION     |     |      |            | ROLL-CALL |      |          |     | 1977 LEGISLATURE |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS     | N-V | NAYS             | YEAS        | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |           |      | • NAADEN |     |                  | • SMYKOWSKI |     |      |
| • BARTH             |     |      | • JONES    |           |      | • NELSON |     |                  | • SOLBERG   |     |      |

|               |              |            |                |
|---------------|--------------|------------|----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND       |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN     |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON   |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS     |
| • FREED       | • LIPS       | • RAIT     | • THANE        |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER       |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH        |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM     |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT       |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                |

So the bill passed and the title was agreed to.

Senator Solberg moved that the Senate do concur in the House amendments to Senate Bill No. 2539, as printed on page 1088 of the Senate Journal, which motion prevailed.

Senator Solberg moved that the rules be suspended, that Senate Bill No. 2539 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2539. A Bill for an Act to amend and reenact subsection 2 of section 39-10-43 of the North Dakota Century Code, relating to certain vehicles being required to stop at railroad grade crossings at which traffic is controlled by a police officer.

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 yeas, 50; nays, 0; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |                |
|-----------------|-----|------|---------------------|-----|------|------------------|-----|----------------|
| ROLL-CALL       |     |      | ROLL-CALL           |     |      | ROLL-CALL        |     |                |
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS           |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN         |     |                |
| • BARTH         |     |      | • JONES             |     |      | • NELSON         |     |                |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING        |     |                |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE         |     |                |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON       |     |                |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON        |     |                |
| • FREED         |     |      | • LIPS              |     |      | • RAIT           |     |                |
| • FRITZELL      |     |      | • LODOEN            |     |      | • REDLIN         |     |                |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN         |     |                |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS       |     |                |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS          |     |                |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO       |     |                |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW        |     |                |
|                 |     |      |                     |     |      |                  |     | • SMYKOWSKI    |
|                 |     |      |                     |     |      |                  |     | • SOLBERG      |
|                 |     |      |                     |     |      |                  |     | • STRAND       |
|                 |     |      |                     |     |      |                  |     | • STRINDEN     |
|                 |     |      |                     |     |      |                  |     | • TALLACKSON   |
|                 |     |      |                     |     |      |                  |     | • TENNEFOS     |
|                 |     |      |                     |     |      |                  |     | • THANE        |
|                 |     |      |                     |     |      |                  |     | • VOSPER       |
|                 |     |      |                     |     |      |                  |     | • WALSH        |
|                 |     |      |                     |     |      |                  |     | • WENSTROM     |
|                 |     |      |                     |     |      |                  |     | • WRIGHT       |
|                 |     |      |                     |     |      |                  |     | • MR PRESIDENT |

So the bill passed and the title was agreed to.

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1245, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1245:

- Senator Strand
- Senator Tennefos
- Senator Lashkowitz

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1388, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1388:

- Senator Strand
- Senator Tennefos
- Senator Lashkowitz

Senator Sands moved that the President appoint a committee of three

to act with a like committee from the House as a Conference Committee on House Bill No. 1476, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1476:

Senator Farrington  
 Senator Holmberg  
 Senator Berube

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1006 as recommended by the Committee on Appropriations as printed on pages 1094 and 1095 of the Senate Journal be adopted.

Senator Hoffner moved that the question be divided on adopting the amendments to House Bill 1006, to have them voted upon separately, excluding Subdivision 13, which motion prevailed.

The question being on adopting the amendments to House Bill 1006, except Subdivision 13, the amendments were adopted on a voice vote.

Senator Miller requested a roll call vote on the motion to adopt the amendment to Subdivision 13, House Bill 1006, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendment to Subdivision 13, House Bill 1006, the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
| •                   |     |      | •         |            |      | •    |          |      | •                |     |               |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                |     | SMYKOWSKI     |
|                     |     | •    |           | JONES      |      | •    | NELSON   |      | •                |     | SOLBERG       |
|                     |     |      |           | KRAUTER    | •    |      | •        | •    | •                |     | STRAND        |
| •                   |     |      |           | LARSON     | •    |      | •        | •    | •                |     | STRINDEN      |
|                     |     | •    |           | LASHKOWITZ |      | •    | ORANGE   |      | •                |     | TALLACKSON    |
| •                   |     |      |           | LEE        |      | •    | PETERSON | •    | •                |     | TENEFOS       |
| •                   |     |      |           | LIPS       |      |      | •        | •    | •                |     | THANE         |
|                     |     | •    |           | LUDGREN    |      |      | •        | •    | •                |     | VOSPER        |
| •                   |     |      |           | MAHER      |      | •    | REITEN   |      | •                |     | WALSH         |
| •                   |     |      |           | MAU        | •    |      | •        | •    | •                |     | WENSTROM      |
|                     |     | •    |           | MELLAND    |      | •    | •        | •    | •                |     | WRIGHT        |
|                     |     | •    |           | MILLER     | •    | •    | SANDS    |      | •                |     | MR. PRESIDENT |
|                     |     | •    |           | MORGAN     |      |      | SCHIRADO |      |                  |     |               |
|                     |     |      |           |            |      |      | SHABLOW  | •    |                  |     |               |

The motion to adopt the amendment to Subdivision 13, House Bill 1006 prevailed.

#### POINT OF PERSONAL PRIVILEGE

Senator Hoffner: Mr. President, I rise on a point of personal privilege. Just a very short comment. Yesterday in this chamber I was accused of speaking with forked tongue. I have checked it out, and that, I guess apparently means speaking out of both sides of your mouth, according to an Indian interpretation. This decision that was just made, was made in a caucus, and a political caucus by the Republican Party, and this is what I had reference to. This is number one of a list of twenty-one. And all the time we were debating this issue, I for one, knew what the outcome was going to be, and I hate to think what is ahead for us.

#### MOTION

Senator Nething moved that Senate Rule 44 be suspended, that the time limit for committee reports to be out of committee be extended to 4:00 P.M. today, which motion prevailed.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary  
FIFTIETH DAY

Bismarck, March 15, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Jeffrey Mantz, Assemblies of God, Bismarck.

Father we come to you today in the Name of Jesus Christ your Son. We first thank you for all the blessings you've sent our way. We all want to thank you for the trials we've encountered as a state and nation for it has taught us to appreciate the freedom we now enjoy so richly. Forgive us for the times we have failed to consult with you for decisions that had to be made that affected the lives of so many people. Help us with every decision, every vote to maintain a level of communication with you for we know that any decision that would be out of line with Divine law will not prosper or be for the people's good.

We're not to be swayed by the minds of evil men for a land without the blessing of God is sick and will die for lack of Spirit which is life to mankind. We do not claim to be perfect in every decision that we must make but we ask your perfecting hand in our lives to bring unity and healing to our land and communities and most of all our families. O God give strength to the moral character of every assemblyman here and courage to speak for truth and justice rejecting the temptations that would make it so easy to go with the crowd, but destroy our liberty.

Deal with us as sons, O Father, and chasten us according to your statutes and precepts for they are eternal and help us always to be conscious of your presence, especially today. We thank you in Jesus' Name, Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 1092, delete line 50

On page 1111, roll call for House Bill 1541, change Peterson's vote to nay and Pietron's vote to aye.

Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-seventh day after recess and Forty-eighth day and recommends that the same be corrected as follows:

On page 1079, line 6, after the word "therein;" insert and declaring an emergency

On page 1079, line 27, after the word "to" insert "and the emergency clause carried"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

MOTION

Senator Peterson requested the record to show that his vote on House Bill 1541 should be "nay" instead of "aye" as shown on page 1111 of the Senate Journal, which motion prevailed.

Senator Pietron's vote on House Bill 1541 should be "aye" instead of "nay, as shown, on page 1111 of the Senate Journal.

MESSAGES FROM THE HOUSE  
House Chamber

Mr. President:

I have the honor to inform you that the House requests the return to the House of:

House Concurrent Resolution No. 3097

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President:

I have the honor to return the following:

House Bill No. 1172

House Bill No. 1239

House Bill No. 1242

House Bill No. 1333

Which the Senate has requested.

ROY GILBREATH, Chief Clerk

MOTION

Senator Nothing moved that the Senate accede to the request of the House, and that we return House Concurrent Resolution No. 3097, which motion prevailed.

MESSAGE TO THE HOUSE  
Senate Chamber

Mr. Speaker:

I have the honor to return House Concurrent Resolution No. 3097, which the House has requested.

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

Senator Lips moved that the amendments to House Bill No. 1012 as recommended by the Committee on Appropriations as printed on page 1095 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to House Bill No. 1026 as recommended by the Committee on Education as printed on pages 1095 and 1096 of the Senate Journal be adopted.

Senator Freed moved to amend the amendment as follows:

On page 2 of the amendment, delete sections b and c.

Senator Freed moved that the amendments be adopted.

Senator Mau requested a roll call vote on the motion to adopt Senator Freed's amendments, which request was granted.

ROLL CALL

The question being on the motion to adopt Senator Freed's amendment, the roll was called and there were ayes, 31; nays, 18; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |              |   |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|--------------|---|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |              |   |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS         |   |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAAOEN   |     | •    |                  |     | • SMYKOWSKI  | • |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    |                  |     | • SOLBERG    | • |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    |                  |     | • STRAND     | • |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     | •    |                  |     | • STRINDEN   | • |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    |                  |     | • TALLACKSON | • |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    |                  |     | • TENNEFOS   | • |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    |                  |     | • THANE      | • |
| • FRITZELL          |     |      | • LODOEN     |     | •    | • REDLIN   |     | •    |                  |     | • VOSPER     | • |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    |                  |     | • WALSH      | • |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS |     | •    |                  |     | • WENSTROM   | • |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

Sections b and c on page 2 of the amendments have been deleted.

The remaining amendments to House Bill No. 1026 as printed on pages 1095 and 1096 of the Senate Journal were adopted on a voice vote. Senator Sandness moved that House Bill No. 1026 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1071 as recommended by the Committee on Judiciary as printed on pages 1096 - 1098 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1284 as recommended by the Committee on Appropriations as printed on page 1098 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the amendments to House Bill No. 1361 as recommended by the Committee on Education as printed on page 1098 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to House Bill No. 1383 as recommended by the Committee on Political Subdivisions as printed on page 1099 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1443 as recommended by the Committee on Appropriations as printed on pages 1099 and 1100 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1448 as recommended by the Committee on Judiciary as printed on page 1100 of the Senate Journal be adopted, which motion prevailed.

Senator Morgan moved that the amendments to House Bill No. 1478 as recommended by the Committee on Agriculture as printed on page 1101 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1548 as recommended by the Committee on Appropriations as printed on page 1101 of the Senate Journal be adopted, which motion prevailed.

Senator Goodman moved that the amendments to House Bill No. 1587 as recommended by the Committee on Finance and Taxation as printed on pages 1102 and 1103 of the Senate Journal be adopted, which motion lost on a division vote.

House Bill No. 1587 will be placed on the calendar without amendments.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Finance and Taxation to whom was referred Senate Bill No. 2551 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

Senate Bill No. 2551 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1001 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR LIPS, Chairman

House Bill No. 1001 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1003 has had the same under consideration and recommends that the same be amended as follows:



On page 1 of the engrossed bill, line 23, delete the numerals "13,000" and insert in lieu thereof the underscored numerals "13,000"

On page 1 of the engrossed bill, delete line 24

On page 2 of the engrossed bill, line 1, delete the numerals "2,372,633" and insert in lieu thereof the numerals "2,022,633"

On page 2 of the engrossed bill, line 3, delete the numerals "2,212,490" and insert in lieu thereof the numerals "1,862,490"

On page 2 of the engrossed bill, line 21, delete the numerals "4,297,979" and insert in lieu thereof the numerals "3,947,979"

On page 2 of the engrossed bill, line 23, delete the numerals "4,608,317" and insert in lieu thereof the numerals "4,258,317"

On page 2 of the engrossed bill, line 35, delete the words "The appropriation to the supreme court"

On page 3 of the engrossed bill, delete lines 1 through 4

And renumber the lines accordingly

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

The purpose of this amendment is to delete the \$350,000 appropriation relating to the construction of an office building. This amount related to the Supreme Court providing for interior building design in the state office building proposed in Senate Bill No. 2022; however, this bill provides that it is the intent of the Legislative Assembly that space for operations of the Supreme Court be included in the state office building proposed in Senate Bill No. 2022.

This bill provides the following annual salary levels for Supreme Court and District Court justices:

|                                   |          |
|-----------------------------------|----------|
| Supreme Court chief justice       | \$38,300 |
| Supreme Court justice             | 36,800   |
| District Court presiding justices | 35,700   |
| District Court justices           | 34,500   |

SENATOR LIPS, Chairman

House Bill No. 1003 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1007 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR LIPS, Chairman

House Bill No. 1007 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1010 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 20, delete the numerals "1,081,011" and insert in lieu thereof the numerals "878,722"

On page 1 of the engrossed bill, line 21, delete the numerals "80,530" and insert in lieu thereof the numerals "65,065"

On page 1 of the engrossed bill, line 22, delete the numerals "92,288" and insert in lieu thereof the numerals "89,929"

On page 1 of the engrossed bill, line 23, delete the numerals "118,558" and insert in lieu thereof the numerals "118,173"

On page 1 of the engrossed bill, line 24, delete the numerals "535,000" and insert in lieu thereof the numerals "235,000"

On page 2 of the engrossed bill, line 2, delete the numerals "13,895" and insert in lieu thereof the numerals "2,420"

On page 2 of the engrossed bill, line 3, delete the numerals "15,000" and insert in lieu thereof the numerals "14,404"

On page 2 of the engrossed bill, line 4, delete the numerals "2,946,282" and insert in lieu thereof the numerals "2,413,713"

On page 2 of the engrossed bill, line 5, delete the numerals "1,420,864" and insert in lieu thereof the numerals "1,270,864"

On page 2 of the engrossed bill, line 6, delete the numerals "1,525,418" and insert in lieu thereof the numerals "1,142,849"

On page 2 of the engrossed bill, line 28, delete the word "general" and insert in lieu thereof the word "special"

On page 2 of the engrossed bill, line 29, delete the numerals "2,009,347" and insert in lieu thereof the numerals "1,522,708"

On page 2 of the engrossed bill, line 30, delete the numerals "2,779,664" and insert in lieu thereof the numerals "2,733,734"

On page 2 of the engrossed bill, line 31, delete the numerals "4,789,011" and insert in lieu thereof the numerals "4,256,442"

On page 3 of the engrossed bill, after line 24, insert the following sections:

"SECTION 6. INTENT.) It is the intent of the legislative assembly that the state historical board and the governor's office make every effort to impress upon the proper federal agency or agencies the importance of restoration of Fort Totten historic site as a means of preserving its national historical value. The legislative assembly considers federal funding to be of utmost importance in the restoration of this site.

SECTION 7. HERITAGE COMMISSION APPROPRIATION — INTENT.) The special fund appropriation in subdivision 3 of section 1 of this Act is to be derived from the interest on heritage commission funds on deposit with the Bank of North Dakota."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Historical Board

This amendment reduces salaries and wages by \$202,289 from the House amendments by deleting funds for the following positions:

|   |                  |
|---|------------------|
| Security supervisor                     | \$ 29,954        |
| 3 security officers                     | 72,990           |
| Director of research and<br>reference   | 38,088           |
| Director of museums                     | 38,088           |
| Maintenance of foreman —<br>Fort Totten | <u>23,169</u>    |
| Total                                   | <u>\$202,289</u> |

This appropriation as amended by these amendments provides funds for the new positions of deputy superintendent — \$39,100; and a director of archeology and historic preservation — \$38,088.

Fees and services is reduced by \$15,465, supplies and materials by \$2,359, data processing by \$11,475, and microfilming by \$596 from the House amendments to provide funds for continuation of operations at present levels.

The equipment line item is reduced by \$385 from the House amendments for new positions not allowed. The land, structures, and major

improvements line item is reduced \$300,000 from the House amendments for restoration work at Fort Totten Historic Site. The appropriation for land, structures, and major improvements as reflected in these amendments does not include the \$400,000 recommended in the executive budget for restoration work at Fort Totten Historic Site.

The estimated income line item is reduced by \$150,000 from the House amendments for the amount of federal funds included in the \$300,000 deleted from the improvements line item for restoration work at Fort Totten.

The net effect of these amendments is to reduce the general fund appropriation for the Historical Board by \$385,770 from the amount recommended in the executive budget.

#### Heritage Commission

This amendment provides that the funds for the operations of the Heritage Commission are to be derived from the interest on Heritage Commission funds on deposit at the Bank of North Dakota.

SENATOR LIPS, Chairman

House Bill No. 1010 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1018 has had the same under consideration and recommends that the same be amended as follows:

On page 2 of the engrossed bill, line 10, delete the word "There" and insert in lieu thereof "A community water facility loan fund with an authorized ceiling of ten million dollars is hereby established from the future undivided profits of the Bank of North Dakota. Five million dollars from the future undivided profits of the Bank shall be transferred to the fund through quarterly transfers of one million two hundred fifty thousand dollars on each of the following dates: July 1, 1978; October 1, 1978; January 1, 1979; and April 1, 1979"

On page 2 of the engrossed bill, delete lines 11 and 12

On page 2 of the engrossed bill, line 13, delete the words "water facility loan fund"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1018 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1043 has had the same under consideration and recommends that the same be amended as follows:

On page 3, line 27 of the engrossed bill delete the words, "which shall specify the"

On page 3, line 28, delete the following: "general nature of the contemplated treatment"

On page 3, line 34, delete the word "and"

On page 3, line 35, delete the following: "the person is incapable of expressing consent"

On page 7, line 31, delete the words "premium paid" and insert in lieu thereof the words "insurance services office standard premium based upon its standard classification code"

On page 7, line 35, after the word "Assessments" insert the words "or surcharges"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1043 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1045 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR FREED, Chairman

House Bill No. 1045 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1047 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 10, of the engrossed bill, after the word "the" delete the remainder of the line

On page 2, line 11, delete the word "and"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1047 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1049 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 2 of the engrossed bill, after "16.1-07" insert "16.1-08,"

On page 2, line 8, after "16-20-07," insert the following: "16-20-08, 16-20-09; 16-20-10, 16-20-11,"

On page 3, line 17, after the word "on" delete the word "challenge" and insert in lieu thereof the word "election"

On page 6, line 5, after the period delete the remainder of the line

On page 6, delete lines 6 and 7

On page 6, line 8, delete the following: "and shall remain open continuously until nine p.m."

On page 19, line 6, after the word "electors" insert a period and delete the remainder of the line and insert in lieu thereof the following: "It shall be the duty of both election judges together to give any assistance requested by electors in marking ballots or operating voting machines. It shall be the duty of election officers to instruct voters on how to open and close voting machines and how to move the levers to cast and change votes."

On page 19, delete lines 7 through 9

On page 19, line 10, delete the following: "change their vote."

On page 21, line 17, after the word "the" delete the word "district" and insert in lieu thereof the word "precinct"

On page 23 of the engrossed bill, delete lines 5 through 33 and insert in lieu thereof the following new section:

"16.1-06-05. FORM OF GENERAL ELECTION BALLOT.) The official ballots provided for partisan election at general elections in precincts in which voting machines are not used shall be prepared as follows:

1. The ballots shall be of sufficient width to contain all of the political party tickets to be voted for, under the appropriate party designation for each.

2. On the left-hand side of such ballot shall be a column designating the office to be voted for, and on the same line, in the column under the appropriate party designation of each, all of the names of the candidates duly nominated for that office shall be printed.

3. The names of candidates under headings designating each official position shall be alternated in the printing of the official ballot in the same manner as is provided for the primary election ballot.

4. The names of all persons nominated by petition shall be placed in one column under the designation "independent nominations" in the lines respectively specifying the offices for which they are nominated.

5. The size of types shall be specified by the secretary of state.

In precincts in which voting machines are used, the list of offices and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating the requirements of this section."

On page 24 of the engrossed bill, delete lines 12 through 28 and insert in lieu thereof the following new section:

"16.1-06-07. ARRANGEMENT OF NAMES ON BALLOT — PRESIDENTIAL ELECTORS.) The ballot provided for in section 16.1-06-05 shall be arranged as follows: The names of the candidates of the party casting the highest number of votes in the state for members of Congress at the last preceding general election shall be arranged in the first or left-hand column of such ballot; of the party casting the next highest number of votes in the second column; of the party casting the next highest number of votes in the third column; and of such other party as the secretary of state may direct in the fourth and successive columns. In presidential election years the names of presidential electors presented in one certificate of nomination, shall be arranged in a group enclosed in brackets to the right and opposite the center of which shall be printed in bold type the surname of the presidential candidate represented. To the right and in a line with such surname, near the margin, shall be placed a single square, and a mark within such square shall be designated a vote for all the electors, and such group shall be placed at the head of the column under the party designated or represented in such certificate."

On page 33, line 29, after the period delete the word "The"

On page 33, delete lines 30 through 35

On page 34, delete lines 1 through 3

On page 34, line 4, after the word "understand" delete the remainder of the line

On page 34, delete line 5

On page 34, line 6, delete the following: "application is unreasonable under the law, and"

On page 34, line 7, after the word "offense" delete the following: "punishable by imprisonment for up to"

On page 34, delete line 8

On page 34, line 11, delete the blank line and insert in lieu thereof the words "at least 30 days."

On page 34, line 12, delete the following: "(years/months/days)"

On page 34, delete lines 14 and 15

On page 38, after line 31, add the following new section:

SECTION 6.) Chapter 16.1-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

16.1-08-01. DEFINITIONS.) As used in this chapter, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including, but not limited to, labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. Associations shall not include corporations, cooperative corporations, political committees, or political parties.

2. "Candidate" means a person whose name is presented for nomination to public office at any primary election or convention, whether the person is actually nominated or not; a person whose name is printed as a candidate on an official ballot used at any election; or a person who seeks election through write-in votes.

3. "Contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office, or in furtherance of or to defeat any constitutional amendment, initiated measure, referred measure, or other question submitted to the electors of the state or political subdivision. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and includes funds received by a political committee which are transferred to that committee from another political committee or other source.

4. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office, or in the furtherance of or to defeat any constitutional amendment, initiated measure, referred measure, or other question submitted to the electors of the state or political subdivision. Expenditure also means a contract, promise, agreement, express or implied, whether or not legally enforceable, to make any expenditure, and includes the transfer of funds by a political committee to another political committee.

5. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, or other organization or group of persons.

6. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes.

7. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

8. "Political purpose" or "political purposes" means any activity undertaken in support of or in opposition to the election or nomination of a candidate, or in support of or in opposition to the adoption of any question or measure submitted to the electors of the state or political subdivision, whether the activity is undertaken by a candidate, a political committee, a political party, or any person.

9. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

**16.1-08-02. CAMPAIGN CONTRIBUTIONS BY CORPORATIONS, COOPERATIVE CORPORATIONS, AND ASSOCIATIONS PROHIBITED — VIOLATION — PENALTY.)**

1. No corporation, cooperative corporation, or association, directly or indirectly, shall make a contribution:

- a. To aid any political party, political committee, or organization.
- b. To aid any corporation or association organized or maintained for political purposes.
- c. To aid any candidate for political office or for nomination to such office.
- d. For the reimbursement or indemnification of any person for money or property so used.
- e. For the influencing of legislation before the legislative assembly in accordance with chapter 54-05.1.

2. Nothing in this section shall be construed to prohibit the establishment, administration, and solicitation of contributions to a separate and segregated fund to be utilized for political purposes by a corporation, cooperative corporation, or association. It shall be unlawful for:

- a. The person or persons controlling such a fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilizing money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilizing money obtained in any commercial transaction.
- b. Any person soliciting an employee or member for a contribution to such a fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation.
- c. Any person soliciting an employee or member for a contribution to such a fund to fail to inform the employee or member, at the time of the solicitation, of his right to refuse to contribute without any reprisal.
- d. Any solicitation to be made in a manner that allows the corporation, cooperative corporation, or association to determine who does and who does not make a contribution in response to the solicitation.

3. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, or association funds or otherwise violates the provisions of this section, it shall be prima facie evidence of a violation by the corporation, cooperative corporation, or association.

4. A violation of the provisions of this section may be prosecuted in the county where the contribution is made, or in any county in which it has been paid or distributed.

5. It shall be a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation, cooperative corporation, or association to violate any of the provisions of this section, or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of the provisions of this section shall be guilty of a class A misdemeanor.

6. Any officer, director, stockholder, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section shall be liable to the company, corporation, or association for the amount so contributed.

On page 69, delete lines 24 through 30

On page 110, line 27, after "16-20-07," insert the following: "16-20-08, 16-20-09, 16-20-10, 16-20-11,"

And renumber the lines, subsections, sections and pages accordingly.  
And when so amended recommends the same do pass.

SENATOR FREED, Chairman

House Bill No. 1049 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1056 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 3, delete the words "and providing an"

On page 1, line 4, delete the words "appropriation therefor"

On page 2, delete all of lines 15 through 21

And renumber the lines accordingly.

And when so amended recommends the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1056 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1173 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

House Bill No. 1173 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1223 has had the same under consideration and recommends that the same do pass.

SENATOR FREED, Chairman

House Bill No. 1223 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1262 has had the same under consideration and recommends that the same do pass.

SENATOR GOODMAN, Chairman

House Bill No. 1262 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred House Bill No. 1320 has had the same under consideration and recommends that the same be amended as follows:

On page 4, after line 25 of the engrossed bill, insert the following new sections:

SECTION 4 (1.403). PROHIBITED PROVISIONS IN RENTAL AGREEMENTS.)

1. A rental agreement shall not provide that the tenant:
  - a. Agrees to waive or forego rights or remedies under this Act;
  - b. Authorizes any person to confess judgment on a claim arising out of the rental agreement;
  - c. Agrees to pay the landlord's attorney's fees; or
  - d. Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or the costs connected therewith.

2. A provision prohibited by subsection 1 included in a rental agreement.



is unenforceable. If a landlord deliberately uses a rental agreement containing provisions known by the landlord to be prohibited, the tenant may recover in addition to the tenant's actual damages an amount up to three months' periodic rent and reasonable attorney's fees.

**SECTION 5 (3.103). TENANT OBLIGATIONS — ACCESS.)**

1. A tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations, or improvements, supply necessary or agreed services, or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen, or contractors.

2. A landlord may enter the dwelling unit without consent of the tenant in case of emergency.

3. A landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or unless it is impracticable to do so, the landlord shall give the tenant at least twenty-four hours' notice of the landlord's intent to enter and may enter only at reasonable times.

4. A landlord has no other right of access except for any of the following:

- a. Pursuant to court order.
- b. As permitted by this Act.
- c. Where the tenant has abandoned or surrendered the premises.

**SECTION 6 (4.202). LANDLORD REMEDIES FOR FAILURE TO MAINTAIN.)** If there is noncompliance by the tenant with section 2 materially affecting health and safety that can be remedied by repair, replacement of a damaged item, or cleaning, and the tenant fails to comply as promptly as conditions require in case of emergency or within fourteen days after written notice by the landlord specifying the breach and requesting that the tenant remedy it within that period of time, the landlord may enter the dwelling unit and cause the work to be done in a workmanlike manner and submit the itemized bill for the actual and reasonable cost or the fair and reasonable value thereof as rent on the next date periodic rent is due, or if the rental agreement has terminated, for immediate payment.

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

**SENATOR FREED, Chairman**

House Bill No. 1320 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1344 has had the same under consideration and recommends that the same be indefinitely postponed.

**SENATOR LIPS, Chairman**

House Bill No. 1344 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1364 has had the same under consideration and recommends that the same be indefinitely postponed.

**SENATOR LIPS, Chairman**

House Bill No. 1364 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1384 has had the same under consideration and recommends that the same be amended as follows:

On page 2, line 13 of the engrossed bill, remove beginning triple parentheses

On page 2, line 15, remove ending triple parentheses

On page 2, delete all of line 16

On page 3, line 18, remove beginning triple parentheses

On page 3, line 19, remove ending triple parentheses

On page 3, line 22, delete the words "an incumbent" and insert in lieu thereof the word "a"

On page 3, line 23, delete the word "their" and insert in lieu thereof the words "his or her"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR SAND, Chairman

House Bill No. 1384 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Finance and Taxation to whom was referred House Bill No. 1392 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR GOODMAN, Chairman

House Bill No. 1392 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1423 has had the same under consideration and recommends that the same be amended as follows:

On page 9 of the engrossed bill, delete lines 2 through 7 and insert in lieu thereof the following new sections:

"SECTION 16. APPROPRIATION OF FUNDS.) There is hereby appropriated out of any moneys in the sunflower fund in the state treasury, the sums hereinafter named, or so much thereof as may be necessary, to the sunflower council for the purpose of carrying out this Act for the period beginning with the effective date of this Act and ending June 30, 1979:

|                        |           |
|------------------------|-----------|
| Salaries and wages     | \$ 50,000 |
| Fees and services      | 40,000    |
| Supplies and materials | 20,000    |
| Equipment              | 10,000    |
| Total                  | \$120,000 |

"SECTION 17. FUND EXPENDITURES.) The provisions of sections 54-27-10 and 54-44.1-11 shall not apply to the appropriation for the sunflower council."

And renumber the lines, sections, and pages accordingly

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to designate the budget in line item form and to reduce the appropriation to the amount of anticipated income.

SENATOR LIPS, Chairman

House Bill No. 1423 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Political Subdivisions to whom was referred House Bill No. 1431 has had the same under consideration and recommends that the same be amended as follows:

On page 4 of the engrossed bill, line 28, delete the word "thirty-five" and insert in lieu thereof the word "twenty-five"

On page 6 of the engrossed bill, line 30, delete the words "or private nonprofit corporation"

On page 6 of the engrossed bill, line 31, delete the words "or limited profit entity"

On page 6 of the engrossed bill, line 32, delete the words "long-term"

On page 6 of the engrossed bill, delete line 35

On page 7 of the engrossed bill, delete lines 1 and 2

On page 7 of the engrossed bill, line 9, after the period insert the following: "The commission shall appoint an advisory board of directors for the agency, consisting of five persons, including one experienced in each of the following fields: savings and loan association management; commercial banking; mortgage lending; and housing construction. The commission shall obtain the recommendations of the advisory board of directors as to all policies and procedures to be followed in executing the powers granted in this chapter, and may delegate to it such additional powers and duties with respect to the review and approval of actions of the agency as the commission shall by resolution determine."

On page 7 of the engrossed bill, line 10, after the word "such" insert the word "additional"

On page 7 of the engrossed bill, line 12, delete the words "obtain the recommendations of the advisory"

On page 7 of the engrossed bill, delete lines 13 and 14

On page 7 of the engrossed bill, line 15, delete the period and the words "The commission" and insert in lieu thereof the word "and"

On page 7 of the engrossed bill, line 21, after the period insert the following: "The agency shall contract to the maximum extent for the services of employees and for the use of the physical resources of the Bank, and no more than ten persons shall be employed full time by the executive director."

On page 8 of the engrossed bill, line 2, delete the words "by the"

On page 8 of the engrossed bill, line 3, delete the words "governor and one other member of the commission, or"

On page 10 of the engrossed bill, line 15, after the period insert the following: "The agency may enter into a contract with a member of the advisory board of directors, or a corporation or other entity in which the member has an interest, provided that the member does not vote on any action of the board relating to such contract."

On page 11 of the engrossed bill, line 23, delete the word "reserach" and insert in lieu thereof the word "research"

On page 16 of the engrossed bill, line 9, after the word "as" insert the words "may be authorized by law from time to time and are"

On page 16 of the engrossed bill, line 10, delete the words "shall be"

On page 16 of the engrossed bill, line 15, after the word "premiums" insert the words "and interest"

On page 16 of the engrossed bill, line 16, after the word "thereon" insert a period and delete the remainder of the line

On page 16 of the engrossed bill, delete line 17

On page 16 of the engrossed bill, line 18, delete the words and period "or notes."

On page 16 of the engrossed bill, line 31, delete the word "demonina-" and insert in lieu thereof the word "denomina-"

On page 17 of the engrossed bill, line 13, delete the words "on the redemption date next succeeding the date"

On page 17 of the engrossed bill, line 14, delete the words "of delivery of such refunding bonds or notes" and insert in lieu thereof the words ", and to the payment of interest thereon,"

On page 17 of the engrossed bill, line 24, after the word "refunded" insert the words "and interest and redemption premiums thereon or, to the payment of interest on the refunding bonds"

On page 23 of the engrossed bill, after line 22, insert the following three new sections:

"SECTION 20. LIMITATION OF AMOUNT.) Until otherwise provided by law the principal amount of bonds and notes of the agency outstanding at any time, not including bonds or notes refunded or to be refunded by outstanding bonds or notes, shall be limited to twenty-five million dollars.

SECTION 21. LIMITATION OF ACT.) This Act shall not be construed to limit or otherwise affect the authority of any housing agency in existence at the effective date of this Act, nor to affect the operation or administration of any public housing program by any other state agency.

SECTION 22. EXPIRATION DATE.) This Act shall expire and be of no further force and effect at 12:01 a.m. on July 1, 1979, but the expiration of this Act shall not affect the validity of revenue bonds issued pursuant to this Act. Payment of the interest and principal upon such bonds shall be administered by the Industrial Commission."

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same be indefinitely postponed.

SENATOR SANDS, Chairman

House Bill No. 1431 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1508 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR LIPS, Chairman

House Bill No. 1508 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1528 has had the same under consideration and recommends that the same be placed on calendar without recommendation.

SENATOR LIPS, Chairman

House Bill No. 1528 was placed on the 14th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business & Labor to whom was referred House Concurrent Resolution No. 3034 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

House Concurrent Resolution No. 3034 was placed on the 14th order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILLS-

Senate Bill No. 2550. A Bill for an Act to authorize a school district mill levy for federal unemployment compensation taxes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 37; nays, 13; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON     | •   |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      | •   |      | • NELSON         | •   |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       | •   |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     | •    | • LEE        | •   |      | • PIETRON        |     |      | • TENNEFOS      | •   |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        | •   |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            | •   |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        | •   |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     | •   |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2550 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1310. A Bill for an Act to create and enact section 44-08-04.3 of the North Dakota Century Code, relating to allowances for moving expenses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1018-1019) the roll was called and there were ayes, 44; nays, 5; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON     |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             | •   |      | • JONES      | •   |      | • NELSON         | •   |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        | •   |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1310 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1372. A Bill for an Act to amend and reenact section 6-03-05.1 of the North Dakota Century Code, relating to the authority of mortgagees to advance funds to protect liens.

Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL       |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS            | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | • SMYKOWSKI     |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      | • SOLBERG       |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND            |     |      | • STRAND        |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | • STRINDEN      |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      | • TALLACKSON    |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | • TENNEFOS      |     |      |                  |  |  |
| • FRED          |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      | • THANE         |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      | • VOSPER        |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      | • WALSH         |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      | • WENSTROM      |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      | • WRIGHT        |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      | • MR. PRESIDENT |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                 |     |      |                  |  |  |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1372 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1419. A Bill for an Act to authorize the legislative council, through any of its programs, projects, or committees, to oversee and monitor methanol research; and providing an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1020) the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL       |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS            | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | • SMYKOWSKI     |     |      |                  |  |  |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      | • SOLBERG       |     |      |                  |  |  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND            |     |      | • STRAND        |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN          |     |      | • STRINDEN      |     |      |                  |  |  |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON        |     |      | • TALLACKSON    |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      | • TENNEFOS      |     |      |                  |  |  |
| • FRED          |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE             |     |      | • THANE         |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      | • VOSPER        |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH             |     |      | • WALSH         |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM          |     |      | • WENSTROM      |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      | • WRIGHT        |     |      |                  |  |  |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      | • MR. PRESIDENT |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                 |     |      |                  |  |  |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1419 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1559. A Bill for an Act to create and enact three new sections to chapter 12.1-23 of the North Dakota Century Code, relating to altering identification marks; and to the possession of altered property and dealing in stolen property; to amend and reenact section 12.1-23-09 of the North Dakota Century Code, relating to defenses and proof as to theft and related offenses; and to create and enact two new subsections to section 12.1-23-10 of the North Dakota Century Code, relating to definitions of "dealer in property" and traffic".

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1021) the roll was called and there were ayes, 49; nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |             |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|-------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL   |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON  |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES     |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER   |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON    |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASKOWITZ | ●   |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE       |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS      |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN    |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER     |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU       |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND   |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER    |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN    |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1559 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1567. A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to interest on security deposits for residential dwelling units, recovery by a lessee for wrongful withholding of security deposits, providing for transfer of security deposits upon a change of ownership, and binding the lessor holding the lease at the time of termination to return the security deposit.

Which has been read.

Senators Orange, Tennefos, Goodman and Tallackson requested to be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that those Senators who declared they have a conflict of interest be permitted to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1022) the roll was called and there were ayes, 27; nays, 23; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |             |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|-------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL   |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS        | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     | ●    | ● JACOBSON  |     | ●    | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES     |     |      | ● NELSON   |     | ●    | ● SOLBERG        |     | ●    |
| ● BERUBE            |     |      | ● KRAUTER   |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     | ●    | ● LARSON    |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     | ●    |
| ● FARRINGTON        |     | ●    | ● LEE       |     | ●    | ● PIETRON  |     |      | ● TENNEFOS       |     | ●    |
| ● FREED             |     |      | ● LIPS      |     | ●    | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     | ●    | ● LODOEN    |     |      | ● REDLIN   |     |      | ● VOSPER         |     | ●    |
| ● GOODMAN           |     |      | ● MAHER     |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU       |     |      | ● SANDNESS |     | ●    | ● WENSTROM       |     | ●    |
| ● HOFFNER           |     |      | ● MELLAND   |     | ●    | ● SANDS    |     |      | ● WRIGHT         |     | ●    |
| ● HOLMBERG          |     |      | ● MILLER    |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN    |     | ●    | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill 1567 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1009. Budgets — Department of Agriculture — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota and which are under the supervision of the commissioner of agriculture.

Which has been read. ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1039,1040) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |              |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1009 was passed, reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1011 — BUDGETS — EMPLOYEES BENEFIT AND RETIREMENT FUNDS — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof 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, (SJ pages 1040-1042) the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI  |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG    |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN   |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS   |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE      |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● VOSPER     |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM   |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT     |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |              |

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

Senator Nething moved that the vote by which House Bill No. 1011 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1420. A Bill for an Act to provide for cancellation of easements acquired by a public utility through unfair tactics; to create and enact a new subsection to section 49-22-20 of the North Dakota Century Code relating to revocation of a transmission facility route permit to provide for a penalty and to declare an emergency.**

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1044-1045) the roll was called and there were ayes, 42; nays, 6; absent and not voting, 2.



| REGULAR SESSION |   |  |              |  |   |            |  |   | 1977 LEGISLATURE |  |  |      |  |  |      |  |  |
|-----------------|---|--|--------------|--|---|------------|--|---|------------------|--|--|------|--|--|------|--|--|
| YEAS            |   |  | N.V.         |  |   | NAYS       |  |   | YEAS             |  |  | N.V. |  |  | NAYS |  |  |
| • ALBERS        |   |  | • JACOBSON   |  |   | • NAADEN   |  |   | • SHYKOWSKI      |  |  |      |  |  |      |  |  |
| • BARTH         |   |  | • JONES      |  |   | • NELSON   |  |   | • SOLBERG        |  |  |      |  |  |      |  |  |
| • BERUBE        |   |  | • KRAUTER    |  |   | • NETHING  |  |   | • STRAND         |  |  |      |  |  |      |  |  |
| • CHRISTENSEN   |   |  | • LARSON     |  |   | • ORANGE   |  |   | • STRINDEN       |  |  |      |  |  |      |  |  |
| • ERDMAN        |   |  | • LASHKOWITZ |  |   | • PETERSON |  |   | • TALLACKSON     |  |  |      |  |  |      |  |  |
| • FARRINGTON    |   |  | • LEE        |  |   | • PIETRON  |  |   | • TENNEFOS       |  |  |      |  |  |      |  |  |
| • FREED         | • |  | • LIPS       |  | • | • RAIT     |  | • | • THANE          |  |  |      |  |  |      |  |  |
| • FRITZELL      |   |  | • LODDEN     |  |   | • REDLIN   |  |   | • VOSPER         |  |  |      |  |  |      |  |  |
| • GOODMAN       |   |  | • MAHER      |  |   | • REITEN   |  |   | • WALSH          |  |  |      |  |  |      |  |  |
| • HANSON        |   |  | • MAU        |  |   | • SANDNESS |  |   | • WENSTROM       |  |  |      |  |  |      |  |  |
| • HOFFNER       |   |  | • MELLAND    |  |   | • SANDS    |  | • | • WRIGHT         |  |  |      |  |  |      |  |  |
| • HOLMBERG      |   |  | • MILLER     |  |   | • SCHIRADO |  |   | • MR. PRESIDENT  |  |  |      |  |  |      |  |  |
| • ISZLER        |   |  | • MORGAN     |  |   | • SHABLOW  |  | • |                  |  |  |      |  |  |      |  |  |

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

Senator Nething moved that the vote by which House Bill No. 1420 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2058

And find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

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

#### REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2053

Senate Bill No. 2059

Senate Bill No. 2101

Senate Bill No. 2132

Senate Bill No. 2150

Senate Bill No. 2167

Senate Bill No. 2170

Senate Bill No. 2207

Senate Bill No. 2225

Senate Bill No. 2231

Senate Bill No. 2316

Senate Bill No. 2337

Senate Bill No. 2376

Senate Bill No. 2389

Senate Bill No. 2416

Senate Bill No. 2447

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

#### MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1184

House Bill No. 1330

House Bill No. 1365

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. 1118  
House Bill No. 1161  
House Bill No. 1162  
House Bill No. 1233  
House Bill No. 1258  
House Bill No. 1345  
House Bill No. 1375

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:

House Bill No. 1245  
Senator Strand  
Senator Tennesos  
Senator Lashkowitz  
House Bill No. 1388  
Senator Strand  
Senator Tennesos  
Senator Lashkowitz  
House Bill No. 1476  
Senator Farrington  
Senator Holmberg  
Senator Berube

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 Bill No. 2071  
Senate Bill No. 2145  
Senate Bill No. 2157  
Senate Bill No. 2185  
Senate Bill No. 2204  
Senate Bill No. 2302  
Senate Bill No. 2355  
Senate Bill No. 2372  
Senate Bill No. 2425  
Senate Bill No. 2498  
Senate Bill No. 2539  
Refused to concur in the House amendment to:  
Senate Bill No. 2148  
Senate Bill No. 2184  
Senate Bill No. 2202  
Senate Bill No. 2221  
Senate Bill No. 2222  
Senate Bill No. 2233

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

Senate Bill No. 2148  
 Senator Strand  
 Senator Iszler  
 Senator Lashkowitz  
 Senate Bill No. 2184  
 Senator Strand  
 Senator Iszler  
 Senator Lashkowitz  
 Senate Bill No. 2202  
 Senator Lodoen  
 Senator Farrington  
 Senator Mau  
 Senate Bill No. 2221  
 Senator Iszler  
 Senator Tennefos  
 Senator Schirado  
 Senate Bill No. 2222  
 Senator Iszler  
 Senator Tennefos  
 Senator Schirado  
 Senate Bill No. 2233  
 Senator Reiten  
 Senator Lodoen  
 Senator Mau

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2030  
 Senate Bill No. 2350  
 Senate Bill No. 2538

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2159  
 Senate Bill No. 2175  
 Senate Bill No. 2213  
 Senate Bill No. 2220  
 Senate Bill No. 2242  
 Senate Bill No. 2339  
 Senate Bill No. 2459

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. 2203  
 Senate Bill No. 2205  
 Senate Bill No. 2401  
 Senate Bill No. 2408

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2203

On page 2, line 18, delete the first word "or" and insert in lieu thereof the word "of".

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2205

On page 1, line 12, after the comma insert the following:  
"for good and valuable consideration,"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2401

On page 1, line 9, delete the word "bank" and insert in lieu thereof the words "banking association"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2408

On page 2, line 33, delete the word "ten" and insert in lieu thereof the word "twenty"

On page 3, line 9 delete the word "ten" and insert in lieu thereof the word "twenty"

And renumber the lines and pages accordingly.

House Chamber

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

House Bill No. 1087

House Bill No. 1129

House Bill No. 1273

And refused to concur in the Senate amendment to:

House Bill No. 1013

House Bill No. 1028

House Bill No. 1041

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

House Bill No. 1013

Rep. L. Hausauer

Rep. Eagles

Rep. Opedahl

House Bill No. 1028

Rep. Murphy

Rep. Nicholas

Rep. Laughlin

House Bill No. 1041

Rep. Rylance

Rep. Matchie

Rep. Kermott

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1264

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

Rep. Kretschmar

Rep. Strinden

Rep. Backes

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. 2178
- Senate Bill No. 2296
- Senate Bill No. 2479
- Senate Bill No. 2519
- Senate Bill No. 2178
  - Rep. Kretschmar
  - Rep. Wentz
  - Rep. Lundene
- Senate Bill No. 2296
  - Rep. Russell
  - Rep. Reed
  - Rep. Benedict
- Senate Bill No. 2479
  - Rep. Conmy
  - Rep. Stenehjem
  - Rep. Hill
- Senate Bill No. 2519
  - Rep. Richie
  - Rep. Stenehjem
  - Rep. Dotzenrod

ROY GILBREATH, Chief Clerk

House Chamber

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

- House Bill No. 1042
- House Bill No. 1079
- House Bill No. 1085
- House Bill No. 1128
- House Bill No. 1141
- House Bill No. 1186
- House Bill No. 1215
- House Bill No. 1218
- House Bill No. 1228
- House Bill No. 1243
- House Bill No. 1253
- House Bill No. 1256
- House Bill No. 1261
- House Bill No. 1266
- House Bill No. 1287
- House Bill No. 1297
- House Bill No. 1302
- House Bill No. 1343
- House Bill No. 1359
- House Bill No. 1437
- House Bill No. 1438
- House Bill No. 1459
- House Bill No. 1482

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

ROY GILBREATH, Chief Clerk

TUESDAY, MARCH 15, 1977

1149

Senator Nething moved that after the reading of Senate Bill 2551 and House Bills 1001, 1006, 1007, 1012, 1045, 1071, 1173, 1223, 1262, 1284, 1344, 1361, 1364, 1383, 1392, 1443, 1448, 1478, 1508, 1528, 1548, 1587 and HCR 3034, the Senate recess until Wednesday, March 16, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



FIFTIETH DAY AFTER RECESS AND  
FIFTY-FIRST DAY

Bismarck, March 16, 1977

The Senate convened at 9:00 A.M., pursuant to recess taken, President Sanstead presiding.

MOTIONS

Senator Lips moved that the rules be suspended, that House Bill 1006 be re-referred to the Committee on Appropriations, which motion prevailed.

Senator Thane moved that House Bill 1012 be placed below House Bill 1441 on the calendar, which motion prevailed.

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2051  
Senate Bill No. 2177  
Senate Bill No. 2218  
Senate Bill No. 2277  
Senate Bill No. 2308  
Senate Bill No. 2327  
Senate Bill No. 2342  
Senate Bill No. 2359  
Senate Bill No. 2369  
Senate Bill No. 2378  
Senate Bill No. 2514

Ray Gilbreath, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2051

On page 1, line 19 place beginning triple parentheses before the word "from"

On page 1, line 20 place ending triple parentheses after the word "twenty-four" and insert in lieu thereof the words "not less than eighteen"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2177

On page 1, line 14, of the engrossed bill after the word "meetings" insert the words "where practicable." and also on line 14, delete "unless otherwise specifi-"

On page 1, delete all of lines 15 through 24

On page 2, delete all of lines 1 through 14

And renumber the lines and pages accordingly.



## HOUSE AMENDMENTS TO SENATE BILL No. 2218

On page 1, line 14 of the engrossed bill, after the word "battery," insert the following: "or gross sexual imposition,"

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL No. 2277

On page 1, line 24 of the engrossed bill, after the word "account" insert the words "at the maximum rate allowed for passbook savings"

On page 2, line 4 after the period, insert the following new sentence: "A landlord may not demand or receive security, however denominated, in an amount or value in excess of one month's rent."

On page 2, line 6 delete the word "accrued"

On page 2, line 7 delete the words "rent and"

On page 2, line 11 delete the words "accrued rent or"

On page 2, line 12 after the word "itemization" insert the words "together with the amount due"

On page 2, line 20 delete the word "wrongfully" and after the word "withheld" insert the words "without reasonable justification"

On page 2, line 24 after the period insert the following new sentence: "The grantor shall not be relieved of liability under this Act until transfer of the security deposit to the grantee."

On page 2, after line 28 insert the following new subsection: "5. This Act shall apply to the state and to political subdivisions of the state that lease real property or dwellings and require money as a security deposit."

And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SENATE BILL No. 2308

On page 1, line 10, of the engrossed bill delete the word "freeholders" and insert in lieu thereof the word "electors"

On page 2, line 31, after the word "expressed" insert the words " , wherever possible."

On page 2, line 32, delete the words "if possible,"

On page 4, line 17, after the word "year" insert a comma

On page 4, line 34, after the word "district" insert the words "with regard to a general ambulance service program"

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL No. 2327

On page 4, line 17, after the period delete the following: "Members who leave the"

On page 4, delete all of lines 18 through 20

On page 9, after line 1 insert the following new paragraph: "A central credit union with corporate shareholdings equal to or in excess of seventy-five percent of its total assets may by vote of its board of directors elect exemption of insurance of share and deposit accounts under provisions of Title II of the National Credit Union Act."

And renumber the lines, pages and sections accordingly

## HOUSE AMENDMENTS TO SENATE BILL No. 2342

On page 2, delete line 20 and insert in lieu thereof the word "All"

On page 2, line 21, after the word "entities" insert the word "may"

And renumber the lines accordingly.

## HOUSE AMENDMENTS TO SENATE BILL No. 2359

On page 1, line 2, of the engrossed bill, delete the word "and"

On page 1, delete lines 3 and 4

On page 1, line 13, insert a period after the word "employment"

On page 1, delete line 14

On page 1, delete lines 16 and 17

On page 1, line 18, delete the words "had an opportunity to review the material."

On page 1, after line 21, insert the following new section: "SECTION 3. RIGHT TO OBJECT TO MATERIAL IN FILE.) If the teacher believes that any material placed in his file is inappropriate or in error, he may seek review of the placement of such material in the file."

On page 2, line 3, after the word "file" insert a period and delete the words "or if said complaint is to be used in any manner as a"

On page 2, line 4, delete all language

On page 2, line 9, after the word "employment." insert the words "The teachers shall pay for the cost of such reproduction."

And renumber the lines, pages and sections accordingly

#### HOUSE AMENDMENTS TO SENATE BILL No. 2369

On page 1, line 8 of the engrossed bill, delete the following: "; and declaring an"

On page 1, line 9, delete the word "emergency"

On page 2, line 8, delete the triple parentheses around the words "health council" and also on line 8, delete the words "health department"

On page 5, line 30, after the word "in" insert the following: "subsection 6 of" and also on line 30, delete the underscored comma

On page 5, line 31, delete the following: "subsection 6, as defined in this chapter"

On page 7, line 33, delete the triple parentheses around the words "health council" and also on line 7, delete the words "department of"

#### HOUSE AMENDMENTS TO SENATE BILL No. 2378

On page 1, line 18 of the engrossed bill delete the words "The North"

On page 1, delete all of lines 19 through 24

And renumber the lines and pages accordingly

#### HOUSE AMENDMENTS TO SENATE BILL No. 2514

On page 1, line 3 of the engrossed bill, after the word "fuels" insert the words "in motor vehicles or"

On page 1, line 15, after the word "Code" insert the words "that a nonrefundable tax be imposed on sales and deliveries of special fuels for use in motor vehicles and"

On page 3, line 1, insert before the period the following: ", provided that the sale or delivery of special fuel for use in a motor vehicle shall not be exempt"

On page 4, line 3, following the numeral "6." delete the remainder of the line and insert in lieu thereof: "EFFECTIVE DATE.) The provisions of this Act shall not apply to any contracts let before January 1, 1977."

On page 4, delete all of line 4

And renumber the lines and pages accordingly.

#### FIRST READING OF SENATE BILLS

Committee on Delayed Bills introduced:

**Senate Concurrent Resolution No. 4088.** A concurrent resolution directing the Legislative Council to conduct a study of North Dakota's drug laws, penalties, and sentencing procedures and practices.

Was read the first time and referred to the committee on Judiciary.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1037.** A Bill for an Act to create and enact a new section to chapter 38-14 of the North Dakota Century Code, relating to notice of

noncompliance and surface mining permit suspension and revocation; to amend and reenact section 38-14-01, subsection 9 of section 38-14-02, subsections 1 and 3 of section 38-14-04, subsection 5 of section 38-14-05, and section 38-14-07 of the North Dakota Century Code, relating to the declaration of policy on reclamation of affected lands, definition of refuse, application requirements for surface mining permits, amended applications, placement of material outside the permit area, and operator bonds; and to repeal subsections 10, 11, and 15 of section 38-14-02 of the North Dakota Century Code, relating to the definition of ridge, peak, and rolling topography.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1071, 1072)

The roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRÄTER     |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDOEN    |     |      | ● REDLAN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1037 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1071. A Bill for an Act to provide for the liability of political subdivisions, to require political subdivisions to be insured to certain limits, to set limitations upon such liability, to provide for the certification of coverage, to authorize the purchase of insurance or provision for self-insurance and to authorize a fund and a levy therefor, to prescribe the duties of the insurance commissioner, to provide a statute of limitations, to provide a procedure for making payments for claims and judgments against political subdivisions, to authorize the state to purchase insurance coverage to reinstate certain causes of action; to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to the limit of county liability for negligence in the supervision and repairs of bridges; and to repeal section 40-42-01, 40-42-02, 40-42-03, and 40-43-07 of the North Dakota Century Code, relating to claims for injuries on streets, sidewalks, or bridges.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1096-1098) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEEN        |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1071 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1163. A Bill for an Act to create and enact a new section to chapter 24-17 of the North Dakota Century Code, relating to limitations of outdoor advertising; to amend and reenact section 24-17-03 of the North Dakota Century Code, relating to limitations of outdoor advertising.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1072) the roll was called and there were ayes, 26; nays, 23; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEEN        |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1163 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1178. A Bill for an Act to create and enact subsection 8 of section 38-14-03.1, and subsection 16 of section 38-14-05, relating to powers of the public service commission, and duties of the operator; to amend and reenact subsections 3 and 8 of section 38-14-02, subsection 2 of section 38-14-04, subsections 1, 2 and 3 of section 38-14-05, subsection 6 of section 38-14-05.1, and section 38-14-12, relating to definitions, data required to be filed in the application for a mining permit, topography of reclaimed land, suitable plant growth material requirement, drainage on reclaimed land, limitations and civil penalties.

Which has been read.

ROLL CALL

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

pages 1072, 1073) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1178 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1240.** A Bill for an Act to provide for the impanelling, powers, duties, composition and function of a state grand jury, and authorizing the attorney general to request that a state grand jury be impanelled in certain cases.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1073) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1240 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

#### MOTION

Senator Nething moved that the Senate recess for fifteen minutes, which motion prevailed.

The Senate reconvened, the President presiding.

#### MOTIONS

Senator Lips moved that the Senate reconsider its action whereby it passed House Bill 1541, which motion prevailed on a division vote.

Senator Tennefos moved that House Bill 1541 be placed below House Concurrent Resolution 3039 on the calendar, which motion prevailed.

Senator Naaden moved that House Bill 1308 be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1284.** A Bill for an Act to create and enact a new subsection to section 57-02-08.1 of the North Dakota Century Code, to exclude medical expenses in determining income for eligibility under the homestead credit law; and providing an appropriation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1098) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| ROLL-CALL           |     |      |              |     |      |                  |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI     |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG       |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND        |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN      |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON    |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFORD     |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE         |     |      |
| ● FRITZELL          |     |      | ● LODDOEN    |     |      | ● REDLIN         |     |      | ● VOSPER        |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● RETTEN         |     |      | ● WALSH         |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM      |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT        |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | ● MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1284 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**MOTION**

Senator Sandness moved that Senate Concurrent Resolution No. 4087 be withdrawn. There being no objection, it was so ordered.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1342.** A Bill for an Act to create and enact a new subsection to section 12.1-30-02 and a new subsection to section 12.1-30-03 of the North Dakota Century Code, relating to the sale of horses on Sunday.

Which has been read.

Senator Jones moved to amend the amendment to House Bill No. 1342 as follows:

In paragraph 1 of the amendment, delete "unless the owners are members of a breed association".

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

Senator Jones moved that the rules be suspended, that House Bill 1342 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**House Bill No. 1342.** A Bill for an Act to create and enact a new subsection to section 12.1-30-02 and a new subsection to section 12.1-30-03 of the North Dakota Century Code, relating to the sale of horses on Sunday.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1043) the roll was called and there were ayes, 16; nays, 33; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODOEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

House Bill No. 1342 was declared lost.

House Bill No. 1361. A Bill for an Act to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, relating to the authority of the North Dakota educational broadcasting council to contract with noncommercial public television.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1098) the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     | •    |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     | •    | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODOEN     |     | •    | • REDLIN   |     | •    | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     | •    |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1361 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1383. A Bill for an Act to create and enact subsection 8 to section 40-61-08 of the North Dakota Century Code, relating to the issuance of revenue bonds by municipal parking authorities for parking projects; to amend and reenact section 40-57-02, subsection 3 of section 40-57-03, and section 40-61-10 of the North Dakota Century Code, relating to the financing of health care, parking and pollution control projects used or useful in connection with revenue-producing enterprises by the issuance of municipal revenue bonds; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1099) the roll was called and there were ayes, 45; nays, 0; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     |      | • SMYKOWSKI      |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODGEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

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

Senator Nething moved that the vote by which House Bill No. 1383 was passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1441. A Bill for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to joint water management district boards; and to amend and reenact section 61-16-05, subsection 9 of section 61-16-11, and sections 61-16-12, 61-16-19.1, 61-16-48, and 61-16-50 of the North Dakota Century Code, relating to the powers and duties of a water management district board of commissioners, consolidation or adjustment of districts, and tax levy limitations. Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1074) the roll was called and there were ayes, 39; nays, 7; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | •    | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    | •   |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN         |     |      | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           | •   |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1441 was passed be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1012. Pardon Board and Parole Office — A Bill for an Act making an appropriation for defraying expenses of the pardon board and parole office. Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1095) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |             |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|-------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS        | N-V | NAYS |
| • ALBERS            | •   |      | • JACOBSON |     |      | • NAADEN         |     |      | • SMYKOWSKI |     |      |
| • BARTH             |     |      | • JONES    |     |      | • NELSON         |     |      | • SOLBERG   |     |      |



|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAD        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1012 was passed be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1442. A Bill for an Act to create and enact five new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessment of points on driving records for various motorcycle offenses; to amend and reenact section 39-06.1-09, subsection 1 of section 39-10.2-06, and section 39-10.2-07 of the North Dakota Century Code, relating to defining motorcycle offenses as moving violations, clarifying the use of motorcycle helmets; and clarifying penalties; and providing penalties.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1075) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADE    |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAD        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1442 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**MOTION**

Senator Melland moved that House Bill 1443 be placed at the foot of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1448. A Bill for an Act to create and enact chapter 16.1-03, and sections 16.1-11-18, 16.1-14-18, 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code, relating to political party organization from precinct caucuses through district and state committees, to the form of the consolidated primary election ballot, and to voting for presidential electors by persons not meeting the residency requirements for voting in the state; and to repeal sections 16-04-15.1, 16-16-17, 16-16-17.1, 16-16-18, 16-16-19, 16-16-20, 16-16-21, 16-16-22, 16-16-23, 16-16-24, 16-16-26,

16-16-27, and 16-16-28, and chapter 16-17 of the North Dakota Century Code, relating to the primary election ballot, political party organization, and voting for presidential electors by persons unqualified to vote at state elections.

Which has been read.

Senator Hoffner moved to amend House Bill 1448 as follows:

On page 10 of the engrossed bill, delete lines 33 through 35.

On page 11 of the engrossed bill, delete lines 1 through 6

Senator Hoffner moved that the amendments be adopted and requested a roll call vote on the motion, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments offered by Senator Hoffner, the roll was called and there were 18 ayes; 30 nays; absent and not voting 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |     |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS          |
|                     |     |      |           | JACOBSON   |      |                  | NAADEN   |      |      |     | SMYKOWSKI     |
|                     |     |      |           | JONES      |      |                  | NELSON   |      |      |     | SOLBERG       |
|                     |     |      |           | KRAUTER    |      |                  | NETHING  |      |      |     | STRAND        |
|                     |     |      |           | LARSON     |      |                  | ORANGE   |      |      |     | STRINDEN      |
|                     |     |      |           | LASHKOWITZ |      |                  | PETERSON |      |      |     | TALLACKSON    |
|                     |     |      |           | LEE        |      |                  | PIETRON  |      |      |     | TENNEFOS      |
|                     |     |      |           | LIPS       |      |                  | RAIT     |      |      |     | THANE         |
|                     |     |      |           | LODOEN     |      |                  | REDLIN   |      |      |     | VOSPER        |
|                     |     |      |           | MAHER      |      |                  | REITEN   |      |      |     | WALSH         |
|                     |     |      |           | MAU        |      |                  | SANDNESS |      |      |     | WENSTROM      |
|                     |     |      |           | MELLAND    |      |                  | SANDS    |      |      |     | WRIGHT        |
|                     |     |      |           | MILLER     |      |                  | SCHIRADO |      |      |     | MR. PRESIDENT |
|                     |     |      |           | MORGAN     |      |                  | SHABLOW  |      |      |     |               |

The motion to adopt the amendments lost.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1100) the roll was called and there were ayes, 29; nays 19; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |     |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS          |
|                     |     |      |           | JACOBSON   |      |                  | NAADEN   |      |      |     | SMYKOWSKI     |
|                     |     |      |           | JONES      |      |                  | NELSON   |      |      |     | SOLBERG       |
|                     |     |      |           | KRAUTER    |      |                  | NETHING  |      |      |     | STRAND        |
|                     |     |      |           | LARSON     |      |                  | ORANGE   |      |      |     | STRINDEN      |
|                     |     |      |           | LASHKOWITZ |      |                  | PETERSON |      |      |     | TALLACKSON    |
|                     |     |      |           | LEE        |      |                  | PIETRON  |      |      |     | TENNEFOS      |
|                     |     |      |           | LIPS       |      |                  | RAIT     |      |      |     | THANE         |
|                     |     |      |           | LODOEN     |      |                  | REDLIN   |      |      |     | VOSPER        |
|                     |     |      |           | MAHER      |      |                  | REITEN   |      |      |     | WALSH         |
|                     |     |      |           | MAU        |      |                  | SANDNESS |      |      |     | WENSTROM      |
|                     |     |      |           | MELLAND    |      |                  | SANDS    |      |      |     | WRIGHT        |
|                     |     |      |           | MILLER     |      |                  | SCHIRADO |      |      |     | MR. PRESIDENT |
|                     |     |      |           | MORGAN     |      |                  | SHABLOW  |      |      |     |               |

House Bill No. 1448 lost for lack of a two thirds majority.

**POINT OF PERSONAL PRIVILEGE**

Senator Freed: Mr. President, I rise on a point of personal privilege. Mr. President, members of the Senate, I think this was an unfortunate incident that just happened. The Minority Leader all during the last legislative session was being very very critical because we were not having any reform to the election laws, and I am very concerned as to why he would take the action that he has just taken unless there was some reason all along that this should be the case. I hope that's an error, but I

think that it is very very unfortunate that all the effort that was put in by both parties trying to come up with something, and an opportunity was not given to work some minor details out. I think it is very unfortunate and I hope the record will show this for posterity in case this argument comes up again, that a great effort was made to have election reform and a good share of it was just eliminated by the action of the minority party.

Senator Hoffner: Mr. President, I rise on a point of personal privilege. I remember very well what happened in the last session and as I have stated earlier, that I don't recognize this bill with these amendments. I've given the majority party a chance to take out a petty amendment, a petty amendment I say, that they want that left hand column that they say doesn't mean a thing. If it doesn't mean a thing, why did they change it to the "member of Congress", which they control very solidly, when the original bill called for the "governor", which would have put the Democratic party column on the left hand side. I say that is a petty thing, and I say that the Republican party has demonstrated a petty move in this case. If I if given a chance to compromise to talk and say that this bill will end up in conference committee, doesn't change anything because that conference committee, the action has to be taken by the final chamber, and we have had a test vote on that. Now if the chairman of the Judiciary Committee wants to reconsider that, and I'll be on the prevailing side and demonstrate that he is willing to compromise, this is the way the session works, the legislative process works, that he's willing to compromise, then by all means this is a very important part, but this is just a portion of the election law reform, I might remind the Senator, which he very well knows, and he has spent many many hours in the interim and in committee and so has that House Committee. So to stand up and say that the minority party has demonstrated that they don't want election reform is false.

Senator Sands: Mr. President, I would like to speak on a point of personal privilege. I served on that same committee in which the senator was the chairman and we worked very hard and he says this is a petty amendment. Well, if it's a petty amendment for the Republicans, then it must be a petty amendment that he proposed because he wanted his way. Now, I would also like to say that in our hearings, we accepted the amendments of Austin Engel. They are all in here. There is only one amendment by the Republicans, so if he is objecting to the amendments, he should check with Austin Engel.

Senator Hoffner: Mr. President, I rise on a point of clarification. The original bill states the governor, so I haven't suggested a petty amendment, it's the Judiciary committee and I don't know what the vote was, but the majority of the Judiciary Committee voted to amend the governor out of there and put in U.S. Representative, just check the bill, so it is incorrect to say that I was petty in recommending the governor be in there, because that is the original bill, that is the original law.

Senator Sands: Mr. President, I rise on a point of personal privilege. I will withdraw the statement, but I wish that he would consider the fact that we accepted the recommendations of the Democratic party and we only made one change, and that was to keep us consistent with the ballot form in the general election. I don't see that this is a big issue. We have upside down ballot and we put the heading on both ends of the ballot as per the request during the interim, so that you couldn't tell the top from

the bottom, you couldn't tell upside from downside, and I think that was fair. We accepted these amendments of Austin Engel and I think they are fair, and all we wanted to do was be consistent and I don't see anything that could cause such a motion to kill a bill that is quite necessary. I think he agrees with that.

**MOTION**

Senator Nething moved that that Senate recess for lunch, which motion prevailed.

The Senate reconvened, the President presiding.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2203, as printed on pages 1146-1147 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2203 be deemed properly engrossed and placed on second reading and final passage as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2203. A Bill for an Act to amend and reenact sections 38-03-02 and 38-03-07 of the North Dakota Century Code, relating to the qualifications and the powers and duties of mine inspectors.

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 |      |            |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE       |     |      |
| • FRITZELL          |     |      | • LODDEN     |           |      | • REDLIN   |     |                  | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |               |     |      |

So the bill passed and the title was agreed to.

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2205, as printed on page 1147 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2205 be deemed properly engrossed and placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2205. A Bill for an Act to authorize the state water commission to release easements granted to the state for dams.

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 |      |          |     | 1977 LEGISLATURE |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS     | N-V | NAYS             | YEAS        | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |           |      | • NAADEN |     |                  | • SMYKOWSKI |     |      |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| ● BARTH       | ● JONES      | ● NELSON   | ● SOLBERG     |
| ● BERUBE      | ● KRAUTER    | ● NETHING  | ● STRAND      |
| ● CHRISTENSEN | ● LARSON     | ● ORANGE   | ● STRINDEN    |
| ● ERDMAN      | ● LASHKOWITZ | ● PETERSON | ● TALLACKSON  |
| ● FARRINGTON  | ● LEE        | ● PIETRON  | ● TENNEFOS    |
| ● FREED       | ● LIPS       | ● RAIT     | ● THANE       |
| ● FRITZELL    | ● LODOEN     | ● REDLIN   | ● VOSPER      |
| ● GOODMAN     | ● MAHER      | ● REITEN   | ● WALSH       |
| ● HANSON      | ● MAU        | ● SANDNESS | ● WENSTROM    |
| ● HOFFNER     | ● MELLAND    | ● SANDS    | ● WRIGHT      |
| ● HOLMBERG    | ● MILLER     | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER      | ● MORGAN     | ● SHABLOW  |               |

So the bill passed and the title was agreed to.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2401, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2401 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2401.** A Bill for an Act to provide for indemnification of any employee, director, or officer or former employee, director, or officer of any bank.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |               |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|---------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |           |      | ● NAADEN   |     |                  | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |           |      | ● NELSON   |     |                  | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |           |      | ● NETHING  |     |                  | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |           |      | ● ORANGE   |     |                  | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |           |      | ● PETERSON |     |                  | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |           |      | ● PIETRON  |     |                  | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       | ●         |      | ● RAIT     |     |                  | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |           |      | ● REDLIN   |     |                  | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |           |      | ● REITEN   |     |                  | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |           |      | ● SANDNESS |     |                  | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |           |      | ● SANDS    |     |                  | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |           |      | ● SCHIRADO |     |                  | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |           |      | ● SHABLOW  |     |                  |               |     |      |

So the bill passed and the title was agreed to.

Senator Goodman moved that the Senate do concur in the House amendments to Senate Bill No. 2514, which moved prevailed.

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2514 be deemed properly re-engrossed and placed on second reading and final passage, which motion prevailed.

**Senate Bill No. 2514.** A Bill for an Act to state the purpose and intent of the Legislative assembly with respect to special fuels taxes payable by users of special fuels in motor vehicles or for industrial purposes in the performance of contracts with governmental units; and to amend and reenact subsections 5 and 7 of section 57-52-03 and sections 57-52-04, 57-53-02, and 57-53-03 of the North Dakota Century Code, relating to special fuels taxes.

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 |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
|-----------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI     |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG       |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NOTHING        |     | ● STRAND        |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON    |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS      |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE         |
| ● FRITZELL      |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER        |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH         |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM      |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT        |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● MR. PRESIDENT |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1013, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1013:

- Senator Thane
- Senator Hanson
- Senator Erdman

Senator Goodman moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1028, which motion prevailed.

The president appointed as a Conference Committee on House Bill No. 1028:

- Senator Wright
- Senator Goodman
- Senator Redlin

Senator Reiten moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1041, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1041:

- Senator Fritzell
- Senator Lodoen
- Senator Krauter

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1264, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1264:

- Senator Freed
- Senator Sands
- Senator Schirado

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2051 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. 2051:

- Senator Holmberg

Senator Freed  
 Senator Schirado

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2177 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. 2177:

Senator Farrington  
 Senator Reiten  
 Senator Mau

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2277 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. 2277:

Senator Freed  
 Senator Christensen  
 Senator Schirado

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2308, 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. 2308:

Senator Lodoen  
 Senator Holmberg  
 Senator Shablow

Senator Jones moved that the Senate do not concur in the House amendments to Senate Bill No. 2342, 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. 2342:

Senator Jones  
 Senator Morgan  
 Senator Rait

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2378 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. 2378:

Senator Iszler  
 Senator Holmberg

Senator Lashkowitz

Senator Reiten moved that the Senate do not concur in the House amendments to Senate Bill No. 2408 as printed on page 1147 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2408:

- Senator Lodoen
- Senator Fritzell
- Senator Pietron

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1478.** Bill for an Act to create and enact section 19-20.1-03.1 and 19-20.1-03.2 of the North Dakota Century Code, relating to the licensing of fertilizer dealers and proof of product effectiveness; to amend and reenact section 19-20.1-02, 19-20.1-03, 19-20.1-04, 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code relating to definitions, registration, labeling of fertilizer and soil amendments, inspection fees, tonnage reports, sampling and analysis, false statements, publications, short weight, cancellation of licenses and registration, "stop sale" orders, seizure, and providing a penalty; and to repeal sections 19-20.1-05 and 19-20.1-09 of the North Dakota Century Code relating to labeling soil conditioners and minimum plant food content.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1101) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |            |     |                  |     |      |
|---------------------|-----|------|--------------|-----|------------|-----|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |            |     | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | YEAS       | N-V | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     | • NAADEN   |     | • SAIYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     | • NELSON   |     | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | • NETHING  |     | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | • ORANGE   |     | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | • PETERSON |     | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     | • PIETRON  |     | • TENNEFOS       |     |      |
| • FRED              |     |      | • LIPS       |     | • RAIT     |     | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     | • REDLIN   |     | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | • REITEN   |     | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     | • SANDNESS |     | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     | • SANDS    |     | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | • SCHIRADO |     | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     | • SHABLOW  |     |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1478 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1525.** A Bill for an Act to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of district courts; and to amend and reenact sections 20.1-10-01 and 27-07-02 of the North Dakota Century Code, relating to confiscation of material by game and fish officials and jurisdiction of county courts.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1075) the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.



| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI     |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG       |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND        |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE         |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN         |     | ● VOSPER        |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH         |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM      |
| ● HOFNER            |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT        |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

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

Which motion prevailed.

Senator Thane moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

#### FIFTY-FIRST DAY

Bismarck, March 16, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Fr. Edwin Wehner, St. Mary's Central High School, Bismarck.

"As individuals who represent many other individuals in the State of North Dakota, we have the responsibility and the obligation to legislate for the welfare of the people we represent. Father, give us the vision to see the needs of others, the wisdom to know how to answer these needs, and the courage to legislate accordingly. Father, we are asking, therefore, to share in your vision of what is good for mankind, to share in your wisdom that truly knows the right from the wrong ways to answer these needs. We ask for your strength and power and authority to put into effect in our State those laws which will effect growth and happiness in our people.

Much it is that we ask of you — but even greater are the blessings you wish to grant unto us, if we but ask. We do so now in the name of Christ our Lord. Amen."

Roll was called and all Senators were present.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

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

On page 1149, delete lines 2 through 15

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

#### SECOND READING OF HOUSE BILLS

House Bill No. 1532. A Bill for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to the confidentiality of toxicological or chemical analysis by the office of state toxicologist under certain circumstances.



|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1548 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1563.** A Bill for an Act to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the application by persons fourteen to sixteen for a motorcycle learner's permit and operator's license.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1075) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |                 |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |                 |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |                 |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |                 |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |                 |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |                 |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |                 |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |                 |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |                 |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |                 |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |                 |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |                 |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |
|                     |     |      |              |     |      |                  |     | • SMYKOWSKI     |
|                     |     |      |              |     |      |                  |     | • SOLBERG       |
|                     |     |      |              |     |      |                  |     | • STRAND        |
|                     |     |      |              |     |      |                  |     | • STRINDEN      |
|                     |     |      |              |     |      |                  |     | • TALLACKSON    |
|                     |     |      |              |     |      |                  |     | • TENNEFOS      |
|                     |     |      |              |     |      |                  |     | • THANE         |
|                     |     |      |              |     |      |                  |     | • VOSPER        |
|                     |     |      |              |     |      |                  |     | • WALSH         |
|                     |     |      |              |     |      |                  |     | • WENSTROM      |
|                     |     |      |              |     |      |                  |     | • WRIGHT        |
|                     |     |      |              |     |      |                  |     | • MR. PRESIDENT |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1563 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1565.** A Bill for an Act to amend and reenact section 61-01-22 of the North Dakota Century Code, relating to drainage.

Which has been read.

Senator Jones moved to amend House Bill 1565 as follows:

On page 1, line 14, of the engrossed bill after the word "comprising" insert triple parentheses around the word "forty" and insert in lieu thereof the word "eighty"

On page 2, line 35, after the word "comprising" insert triple parentheses around the word "forty" and insert in lieu thereof the word "eighty"

On page 3, line 7, after the word "of" delete the word "forty" and insert in lieu thereof the word "eighty"

And renumber the lines and pages accordingly.

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

Senator Thane moved to amend House Bill 1565 as follows:

On page 2 of the engrossed bill, line 30, after the words "apply to" add the words "the construction or maintenance of"; and after the word

"any" add the words "existing or prospective"

And renumber the lines and pages accordingly.

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

Senator Jones moved that the rules be suspended, that House Bill No. 1565 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

House Bill No. 1565. A Bill for an Act to amend and reenact section 61-01-22 of the North Dakota Century Code, relating to drainage.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1076) the roll was called and there were ayes, 34; nays, 16; absent and not voting, 0.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH         |     | ●    | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE        |     |      | ● KRAUTER    |     | ●    | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN   |     | ●    | ● LARSON     |     |      | ● ORANGE         | ●   | ● STRINDEN    |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON    |     | ●    | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED         |     | ●    | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL      |     | ●    | ● LODDOEN    |     | ●    | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN       |     |      | ● MAHER      |     | ●    | ● REITEN         |     | ● WALSH       |
| ● HANSON        |     |      | ● MAU        |     | ●    | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER       |     | ●    | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG      |     |      | ● MILLER     |     | ●    | ● SCHIRADO       | ●   | MR. PRESIDENT |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1565 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1583. A Bill for an Act to amend and reenact sections 11-19-19 and 11-19.1-06 of the North Dakota Century Code, relating to who shall be acting county coroner in the absence of the county coroner.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1045) the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL      |     |      | ● LODDOEN    |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WENSTROM    |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1583 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1597.** A Bill for an Act to create and enact a new section to section 57-39.2-04 of the North Dakota Century Code; relating to sales tax exemptions for travel trailers sold to residents of other states.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1076) the roll was called and there were ayes, 37; nays, 11; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1597 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 3039.** A concurrent resolution urging the President and Congress to permit the Soil Conservation Service to provide technical assistance to landowners in North Dakota on the drainage of land containing Class I and II wetlands, consistent with the North Dakota Century Code, without prior approval of the Fish and Wildlife Service.

Was read the second time.

The question being on the final adoption of the resolution, as amended, (SJ pages 1076, 1077).

House Concurrent Resolution No. 3039 was declared adopted.

Senator Nething moved that the vote by which House Concurrent Resolution No. 3039 was adopted, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1541.** A Bill for an Act to require inclusion of chiropractic service under group accident and health policies, hospital service contracts and medical service contracts.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 25; nays, 23; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|-----------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON  |     | •    | • NAADEN |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | JONES     |     | •    | • NELSON |     |      | • SOLBERG        |     | •    |

|             |   |   |            |   |   |          |   |   |               |   |
|-------------|---|---|------------|---|---|----------|---|---|---------------|---|
| BERUBE      | • | • | KRAUTER    | • | • | NETHING  | • | • | STRAND        | • |
| CHRISTENSEN | • | • | LARSON     | • | • | ORANGE   | • | • | STRINDEN      | • |
| • ERDMAN    | • | • | LASHKOWITZ | • | • | PETERSON | • | • | TALLACKSON    | • |
| FARRINGTON  | • | • | LEE        | • | • | PIETRON  | • | • | TENNEFOS      | • |
| FREED       | • | • | LIPS       | • | • | RAIT     | • | • | THANE         | • |
| FRITZELL    | • | • | LODOEN     | • | • | REDLIN   | • | • | VOSPER        | • |
| GOODMAN     | • | • | MAHER      | • | • | REITEN   | • | • | WALSH         | • |
| • HANSON    | • | • | MAU        | • | • | SANDNESS | • | • | WENSTROM      | • |
| • HOFFNER   | • | • | MELLAND    | • | • | SANDS    | • | • | WRIGHT        | • |
| • HOLMBERG  | • | • | MILLER     | • | • | SCHIRADO | • | • | MR. PRESIDENT | • |
| ISZLER      | • | • | MORGAN     | • | • | SHABLOW  | • | • |               |   |

House Bill No. 1541 lost for lack of a constitutional majority.

House Bill No. 1045. A Bill for an Act to provide for reporting and review of medical malpractice claims, settlements, and final judgments.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 6; nays, 42; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |     |               |   |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|-----|---------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |     |               |   |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS          |   |
|                     | •   |      | •         | JACOBSON   | •    | •                | NAADEN   | •    | •    | •   | SMYKOWSKI     | • |
|                     | •   |      | •         | JONES      | •    | •                | NELSON   | •    | •    | •   | SOLBERG       | • |
|                     | •   |      | •         | KRAUTER    | •    | •                | NETHING  | •    | •    | •   | STRAND        | • |
|                     | •   |      | •         | LARSON     | •    | •                | ORANGE   | •    | •    | •   | STRINDEN      | • |
|                     | •   |      | •         | LASHKOWITZ | •    | •                | PETERSON | •    | •    | •   | TALLACKSON    | • |
|                     | •   |      | •         | LEE        | •    | •                | PIETRON  | •    | •    | •   | TENNEFOS      | • |
|                     | •   |      | •         | LIPS       | •    | •                | RAIT     | •    | •    | •   | THANE         | • |
|                     | •   |      | •         | LODOEN     | •    | •                | REDLIN   | •    | •    | •   | VOSPER        | • |
|                     | •   |      | •         | MAHER      | •    | •                | REITEN   | •    | •    | •   | WALSH         | • |
|                     | •   |      | •         | MAU        | •    | •                | SANDNESS | •    | •    | •   | WENSTROM      | • |
|                     | •   |      | •         | MELLAND    | •    | •                | SANDS    | •    | •    | •   | WRIGHT        | • |
|                     | •   |      | •         | MILLER     | •    | •                | SCHIRADO | •    | •    | •   | MR. PRESIDENT | • |
|                     | •   |      | •         | MORGAN     | •    | •                | SHABLOW  | •    | •    |     |               |   |

House Bill No. 1045 was declared lost.

MOTION

Senator Pietron moved that the Senate reconsider the action whereby it failed to pass House Bill 1541, which motion prevailed on a division vote.

Senator Goodman moved that the Senate reconsider its action whereby the motion to reconsider House Bill 1541 prevailed. President Sanstead ruled the motion out of order.

Senator Melland moved that House Bill 1541 be placed at the foot of the calendar, which motion prevailed.

Senator Goodman moved that Senate Bill 2551 be placed at the foot of the calendar, which motion prevailed.

Senator Melland moved that House Bills 1001, 1004, 1007, 1074 and 1173 be laid over one legislative day, which motion prevailed.

MOTION

Senator Nething moved that House Bills 1049 and 1431 which are on the 6th Order of business be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1003 as recommended by the Committee on Appropriations as printed on page 1127 and 1128 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1010 as recommended by the Committee on Appropriations as printed on page 1128-1130 of the Senate Journal be adopted.

Senator Jones moved to amend the amendment to House Bill 1010 as

follows:

On page 1 of the amendment, delete the lines which read as follows:

"On page 1 of the engrossed bill, line 24, delete the numerals \$535,000 and insert in lieu thereof the numerals \$235,000"

Senator Jones moved that the question be divided on adopting the amendments to House Bill 1010, to have his amendment voted upon separately from the other amendments, which motion prevailed.

The question being on the motion to adopt the amendments recommended by the Committee except Senator Jones' amendment, the amendments were adopted on a voice vote.

The question being on adopting Senator Jones' amendment, the amendment lost on a division vote.

Senator Lips moved that the amendments to House Bill No. 1018 as recommended by the Committee on Appropriations as printed on page 1130 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1043 as recommended by the Committee on Judiciary as printed on page 1130 and 1131 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1047 as recommended by the Committee on Judiciary as printed on page 1131 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1056 as recommended by the Committee on Appropriations as printed on page 1135 of the State Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1320 as recommended by the Committee on Judiciary as printed on page 1135 and 1136 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the amendments to House Bill No. 1384 as recommended by the Committee on Political Subdivisions as printed on page 1136 and 1137 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1423 as recommended by the Committee on Appropriations as printed on page 1137 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1046. A Bill for an Act to require physicians to give patients informed consent in any cases where there is a grave risk of injury from a proposed course of diagnosis or treatment.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 5; nays, 43; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    |            |     | •    |                  |     | •    |               |     | •    |
| ALBERS              |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
| BERUBB              |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
| ERDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

House Bill No. 1046 was declared lost.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1002 has had under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 20, delete the numerals "857,346" and insert in lieu thereof the numerals "849,955"

On page 2 of the engrossed bill, line 3, delete the numerals "1,241,762" and insert in lieu thereof the numerals "1,234,371"

On page 2 of the engrossed bill, line 6, delete the numerals "2,111,582" and insert in lieu thereof the numerals "2,104,272"

On page 2 of the engrossed bill, line 13, delete the numerals "6,140,473" and insert in lieu thereof the numerals "6,133,163"

On page 2 of the engrossed bill, line 16, delete the numerals "395,092" and insert in lieu thereof the numerals "391,821"

On page 2 of the engrossed bill, line 20, delete the numerals "583,282" and insert in lieu thereof the numerals "580,011"

On page 2 of the engrossed bill, line 22, delete the numerals "245,951" and insert in lieu thereof the numerals "242,680"

On page 2 of the engrossed bill, line 25, delete the numerals "338,518" and insert in lieu thereof the numerals "288,521"

On page 2 of the engrossed bill, line 31, delete the numerals "2,159,082" and insert in lieu thereof the numerals "2,109,085"

On page 2 of the engrossed bill, line 32, delete the numerals "1,953,267" and insert in lieu thereof the numerals "1,916,275"

On page 2 of the engrossed bill, line 33, delete the numerals "205,815" and insert in lieu thereof the numerals "192,810"

On page 2 of the engrossed bill, line 34, delete the numerals "1,693,528" and insert in lieu thereof the numerals "1,669,861"

On page 2 of the engrossed bill, line 35, delete the numerals "8,431,071" and insert in lieu thereof the numerals "8,386,769"

On page 3 of the engrossed bill, line 1, delete the numerals "10,124,599" and insert in lieu thereof the numerals "10,056,630"

On page 3 of the engrossed bill, after line 16, insert the following section:

"SECTION 4. LEGISLATIVE INTENT.) It is the intent of the legislature that the department of accounts and purchases review alternate methods of acquiring data processing equipment. In the event such alternate methods prove cost effective to the state of North Dakota, the department of accounts and purchases is hereby authorized to borrow moneys which are hereby appropriated from the Bank of North Dakota not to exceed three million dollars. It is further intended that before the department of accounts and purchases enter into any such agreements with the Bank of North Dakota, the legislative council committee on the budget must give prior approval for any loan or alternate method of acquiring data processing equipment."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of the amendment is to reduce the salaries and wages line item for the Department of Accounts and Purchases by \$7,391, Central Data Processing by \$7,310, State Planning Agency by \$2,260, and Central



Personnel Division by \$3,271 to reflect a five percent per year increase and the necessary amount for fringe benefits. Also, this amendment deletes \$47,437 from the State Planning Division salary and wage line item for the position of economic development planner. Also, the Planning Division estimated income line item was adjusted to reflect these reductions.

SENATOR LIPS, Chairman

House Bill No. 1002 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1005 has had the same under consideration and recommends that the same be amended as follows:

On page 2 of the engrossed bill, delete lines 7 and 8 and insert in lieu thereof the following lines:

|                                  |              |
|----------------------------------|--------------|
| "Bismarck junior college         | \$2,100,112  |
| Lake region junior college       | 866,554      |
| UND-Williston                    | 669,575      |
| Total general fund appropriation | \$3,636,241" |

On page 3 of the engrossed bill, after line 28, insert the following section:

"SECTION 6. INTENT.) It is the intent of the Legislative Assembly that payments for state aid to junior colleges by made in accordance with provisions of section 15-18-07 of the North Dakota Century Code relating to pro rata distribution of state aid to junior colleges and which states: "If the funds appropriated for the purpose of carrying out the provisions of this section should prove to be insufficient based on the number of students in attendance at a junior college or educational center as provided in this section, the amounts to be paid to such junior colleges or educational centers shall be reduced in such a manner so that the payments for each student in attendance at a junior college or educational center will be made on a pro rata basis." "

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to appropriate state aid to junior colleges for each separate junior college rather than to appropriate a lump sum for all junior colleges.

SENATOR LIPS, Chairman

House Bill No. 1005 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1014 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the words "; and declaring an emergency"

On page 2 of the engrossed bill, line 1, delete the underscored numerals "10,000" and insert in lieu thereof the numerals "10,000"

On page 2 of the engrossed bill, after line 1, insert the following line item:

|                      |          |
|----------------------|----------|
| "Soil survey program | 100,000" |
|----------------------|----------|

On page 2 of the engrossed bill, line 2, delete the numerals "232,960" and insert in lieu thereof the numerals "332,960"

On page 3 of the engrossed bill, line 8, delete the words "STATE

OUTDOOR RECREATION AGENCY" and insert in lieu thereof the words "NORTH DAKOTA PARKS AND RECREATION DEPARTMENT"

On page 3 of the engrossed bill, line 9, delete the numerals "142,285" and insert in lieu thereof the numerals "1,606,970"

On page 3 of the engrossed bill, line 10, delete the numerals "40,004" and insert in lieu thereof the numerals "342,783"

On page 3 of the engrossed bill, line 11, delete the numerals "30,533" and insert in lieu thereof the numerals "294,892"

On page 3 of the engrossed bill, line 12, delete the numerals "10,850" and insert in lieu thereof the numerals "278,988"

On page 3 of the engrossed bill, after line 13, insert the following line: "Land, structures, and major improvements 478,300"

On page 3 of the engrossed bill, lines 15, delete the numerals "8,542,097" and insert in lieu thereof the numerals "11,320,358"

On page 3 of the engrossed bill, line 16, delete the numerals "7,500,000" and insert in lieu thereof the numerals "7,903,000"

On page 3 of the engrossed bill, line 17, delete the numerals "1,042,097" and insert in lieu thereof the numerals "3,417,358"

On page 3 of the engrossed bill, delete lines 18 through 27

On page 3 of the engrossed bill, line 28, delete the numeral "7" and insert in lieu thereof the numeral "6"

On page 3 of the engrossed bill, line 34, delete the numerals "6,000,000" and insert in lieu thereof the numerals "6,684,580"

On page 3 of the engrossed bill, line 35, delete the numerals "6,104,118" and insert in lieu thereof the numerals "6,788,698"

On page 4 of the engrossed bill, line 1, delete the numeral "8" and insert in lieu thereof the numeral "7"

On page 4 of the engrossed bill, line 11, delete the numerals "8,395,455" and insert in lieu thereof the numerals "8,521,640"

On page 4 of the engrossed bill, line 12, delete the numerals "21,376,080" and insert in lieu thereof the numerals "22,090,660"

On page 4 of the engrossed bill, line 13, delete the numerals "29,771,535" and insert in lieu thereof the numerals "30,612,300"

On page 5 of the engrossed bill, after line 3, insert the following section: "SECTION 5. EMERGENCY.) The line item entitled "grants, benefits, and claims" in the appropriation to the coal development impact office in subdivision 6 of section 1 of this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

#### Statement of Purpose of Amendment:

This amendment is in addition to the amendment on pages 759-761 of the House Journal.

The purpose of this amendment is to add \$100,000 to the Soil Conservation Committee appropriation for a soil survey program.

This amendment combines the appropriations for the State Outdoor Recreation Agency and the State Park Service into a single appropriation for the North Dakota Parks and Recreation Department. This amendment adds \$30,000 of Youth Conservation Corps funds to the Parks and Recreation Department salary and wage line item for summer employment. Also, \$26,185 from the general fund is added to salaries and

wages for an assistant recreation planner.

This amendment adds \$684,580 to the grants line item for the Coal Development Impact Office for the following grants which have been committed but may not be expended prior to June 30, 1977:

|                         |                  |  |
|-------------------------|------------------|--|
| Center Public School    | \$275,000        | School building  |
| Underwood Public School | 170,580          | Remodeling of junior-senior high school building             |
| City of Beulah          | 100,000          | Water treatment plant  |
| City of Center          | 100,000          | Water storage and treatment; and sewage disposal facility    |
| City of Underwood       | 15,000           | Extension of water lines for school building fire protection |
| City of Zap             | 24,000           | Paving of main street  |
|                         | <u>\$684,580</u> |  |

The emergency clause is attached to the grants line item for the Coal Development Impact Office for the above grants.

SENATOR LIPS, Chairman

House Bill No. 1014 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1280 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following:

"for an Act to provide an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions and to repeal sections 1 and 4 of chapter 23 of the 1975 Session Laws of the state of North Dakota.

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

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury the sum of \$15,737,500.00, or so much thereof as may be necessary, to the state agencies, departments, and institutions listed herein for the construction or addition to, remodeling, and equipping of buildings and facilities within the limitations hereafter stated in this section during the biennium beginning July 1, 1977, and ending June 30, 1979:

| Name of agency,<br>department, or<br>institution | Type of facility                          | State funds         |
|--|---|---------------------|
| North Dakota heritage<br>commission              | Heritage center<br>building               | \$4,000,000         |
| North Dakota state<br>university                 | Library facility                          | 2,500,000           |
| University of North<br>Dakota                    | Office facilities and<br>class laboratory | 3,500,000           |
| Minot state college                              | Physical education,<br>activities center  | 3,500,000           |
| Dickinson state college                          | Multipurpose arena                        | 312,500             |
| State hospital                                   | Maximum security unit                     | 1,250,000           |
| School for the deaf                              | Instructional media<br>center             | 325,000             |
| State school of science                          | Swimming pool                             | 350,000             |
|  |   | <u>\$15,737,500</u> |

In addition to the appropriations and authorizations set forth in this Act, there is hereby appropriated to the state agencies, departments, and institutions listed herein, any moneys available from private, federal, or other sources to construct or remodel facilities set forth in this Act. In no event shall any facility listed in this section, except the heritage center, exceed the cost indicated in the column "State funds" except to the extent funds may be received from federal and private sources.

SECTION 2. APPROPRIATION.) There is hereby appropriated to the North Dakota heritage commission the sum of \$2,000,000.00, or such greater amounts arising from legislative appropriations private and other sources and interest thereon as may be on deposit with the heritage commission, toward the construction of a heritage center on the state capitol grounds. The appropriations in this Act are in lieu of the appropriations contained in chapter 44 of the 1975 Session Laws of the state of North Dakota.

SECTION 3. AVAILABILITY OF FUNDS.) The heritage commission may invest amounts received pursuant to the appropriation from the general fund in certificates of deposit in the Bank of North Dakota. Such amounts and interest earned on such amounts shall not become available for construction of the heritage center unless the heritage commission has certified that not less than \$1,500,000.00 in contributions, donations, federal grants, or other sources, not received through appropriations from the state general fund, is available.

SECTION 4.) The appropriations for facilities in this Act are in lieu of appropriations for those facilities, contained in chapter 23 of the 1975 Session Laws of the state of North Dakota, for which funds for their construction would have been transferred to the state capitol construction fund on July 1, 1977, and July 1, 1978.

SECTION 5. APPROPRIATION.) In addition to the other appropriations and authorizations in this Act, there is hereby appropriated any federal, private, or other funds, that may be available, to North Dakota state university for the purpose of constructing a music building during the biennium beginning July 1, 1977, and ending June 30, 1979.

SECTION 6.) The state hospital and the health department are hereby authorized to conduct a study of the feasibility of entering into a joint project with Stutsman County and the city of Jamestown for the construction of a security unit to be used by the state hospital, Stutsman County, and the city of Jamestown. The funds herein appropriated to the state hospital for the state share of construction costs of a maximum security unit may be expended together with funds from other sources for constructing a maximum security unit for use of the state hospital.

SECTION 7. REPEAL.) Sections 1 and 4 of chapter 23 of the 1975 Session Laws of the state of North Dakota are hereby repealed."

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1280 was placed on the 6th order of business on the calendar for the succeeding legislative day.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2053

Senate Bill No. 2058

Senate Bill No. 2059

Senate Bill No. 2101  
 Senate Bill No. 2132  
 Senate Bill No. 2150  
 Senate Bill No. 2167  
 Senate Bill No. 2170  
 Senate Bill No. 2207  
 Senate Bill No. 2225  
 Senate Bill No. 2231  
 Senate Bill No. 2316  
 Senate Bill No. 2337  
 Senate Bill No. 2376  
 Senate Bill No. 2389  
 Senate Bill No. 2416  
 Senate Bill No. 2447

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2053  
 Senate Bill No. 2058  
 Senate Bill No. 2059  
 Senate Bill No. 2101  
 Senate Bill No. 2132  
 Senate Bill No. 2150  
 Senate Bill No. 2167  
 Senate Bill No. 2170  
 Senate Bill No. 2207  
 Senate Bill No. 2225  
 Senate Bill No. 2231  
 Senate Bill No. 2316  
 Senate Bill No. 2337  
 Senate Bill No. 2376  
 Senate Bill No. 2389  
 Senate Bill No. 2416  
 Senate Bill No. 2447

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

LEO LEIDHOLM, Secretary

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1042  
 House Bill No. 1079  
 House Bill No. 1085  
 House Bill No. 1128  
 House Bill No. 1141  
 House Bill No. 1186  
 House Bill No. 1215  
 House Bill No. 1218  
 House Bill No. 1228  
 House Bill No. 1243  
 House Bill No. 1253  
 House Bill No. 1256  
 House Bill No. 1261

House Bill No. 1266  
House Bill No. 1287  
House Bill No. 1297  
House Bill No. 1302  
House Bill No. 1343  
House Bill No. 1359  
House Bill No. 1437  
House Bill No. 1438  
House Bill No. 1459  
House Bill No. 1482

And the President signed the same in the presence of the Senate.

MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1042  
House Bill No. 1079  
House Bill No. 1085  
House Bill No. 1128  
House Bill No. 1141  
House Bill No. 1186  
House Bill No. 1215  
House Bill No. 1218  
House Bill No. 1228  
House Bill No. 1243  
House Bill No. 1253  
House Bill No. 1256  
House Bill No. 1261  
House Bill No. 1266  
House Bill No. 1287  
House Bill No. 1297  
House Bill No. 1302  
House Bill No. 1343  
House Bill No. 1359  
House Bill No. 1437  
House Bill No. 1438  
House Bill No. 1459  
House Bill No. 1482

Which the President has signed.

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 Bill No. 2203  
Senate Bill No. 2205  
Senate Bill No. 2514

Refused to concur in the House amendment to:

Senate Bill No. 2177  
Senate Bill No. 2308  
Senate Bill No. 2408  
Senate Bill No. 2471

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

Senate Bill No. 2177:

Senator Farrington  
 Senator Reiten  
 Senator Mau  
 Senate Bill No. 2308:  
 Senator Lodoen  
 Senator Holmberg  
 Senator Shablow  
 Senate Bill No. 2408:  
 Senator Lodoen  
 Senator Fritzell  
 Senator Pietron  
 Senate Bill No. 2471:  
 Senator Lodoen  
 Senator Fritzell  
 Senator Krauter

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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

Senate Bill No. 2053  
 Senate Bill No. 2058  
 Senate Bill No. 2059  
 Senate Bill No. 2101  
 Senate Bill No. 2132  
 Senate Bill No. 2150  
 Senate Bill No. 2167  
 Senate Bill No. 2170  
 Senate Bill No. 2207  
 Senate Bill No. 2225  
 Senate Bill No. 2231  
 Senate Bill No. 2316  
 Senate Bill No. 2337  
 Senate Bill No. 2376  
 Senate Bill No. 2389  
 Senate Bill No. 2416  
 Senate Bill No. 2447

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2550

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1009  
 House Bill No. 1011  
 House Bill No. 1310  
 House Bill No. 1372  
 House Bill No. 1419  
 House Bill No. 1420

House Bill No. 1559  
House Bill No. 1567

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

- Senate Bill No. 2053
- Senate Bill No. 2058
- Senate Bill No. 2059
- Senate Bill No. 2101
- Senate Bill No. 2132
- Senate Bill No. 2150
- Senate Bill No. 2167
- Senate Bill No. 2170
- Senate Bill No. 2207
- Senate Bill No. 2225
- Senate Bill No. 2231
- Senate Bill No. 2316
- Senate Bill No. 2337
- Senate Bill No. 2376
- Senate Bill No. 2389
- Senate Bill No. 2416
- Senate Bill No. 2447

Were delivered to the Governor for his approval on March 16, 1977.

SENATOR STRAND, Chairman

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. 1346
- House Bill No. 1484
- House Bill No. 1523

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. 1430

LEO LEIDHOLM, Secretary

Senate Chamber

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

- House Bill No. 1013:
  - Senator Thane
  - Senator Hanson
  - Senator Erdman
- House Bill No. 1028:
  - Senator Wright
  - Senator Goodman
  - Senator Redlin

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

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



concurrent in the Senate amendment to:

House Bill No. 1008  
 House Bill No. 1096  
 House Bill No. 1259  
 House Bill No. 1291  
 House Bill No. 1299  
 House Bill No. 1468  
 House Bill No. 1503  
 House Bill No. 1520  
 House Bill No. 1536  
 House Bill No. 1542

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. 3105

ROY GILBREATH, Chief Clerk

#### MESSAGES TO THE SENATE

House Chamber

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

Senate Bill No. 2025  
 Senate Bill No. 2141  
 Senate Bill No. 2209  
 Senate Bill No. 2331  
 Senate Bill No. 2500

ROY GILBREATH, Chief Clerk

#### HOUSE AMENDMENTS TO SENATE BILL No. 2025

On page 2, line 11, of the engrossed bill, after the period insert the following words: "Notification shall be made by the placement agency. Where the parent or parents of the child were residents of the district at the time of placement under subsections one through three of this section, but such parent or both parents subsequently gain residence in another school district, so that there is no parent residing in said residence district, then the tuition and excess cost due the admitting district shall be paid by the new district of residence in which the parent or parents reside."

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2141

On page 1, line 23 of the engrossed bill, after the word "subsection" and before the period insert the following: ", except that as to intangible personal property the decedent may specify the county or counties of situs within the state of North Dakota in his will" and also on line 23 delete the following: "How-"

On page 1, delete line 24

On page 2, delete lines 1 through 3

On page 2, line 14, delete the words "The location certificate" and insert in lieu thereof the following: "If the decedent specified the county or counties of situs within the state of North Dakota for intangible personal property in his will as provided in subsection 6 of section 57-37.1-01, the certificate of location for that property shall be in accordance with the decedent's wishes."

On page 2, delete lines 15 through 17

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2209

On page 1, line 24, after the word "prosecutor" insert the words "defense counsel"

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2331

On page 1, line 2 of the engrossed bill, delete the following: "with respect to holding company"

On page 1, line 3, delete the word "banks"

On page 3, line 15, delete the following: ", and such busi."

On page 3, line 16, delete the following: "ness as is incidental thereto"

On page 3, line 17, following the word "not" insert the words "exercise any of the powers provided in subsection 8 of section 6-03-02, nor"

On page 3, line 21, following the word "state" insert the words "in the same building" and also on line 21, delete the words "within the corporate limits of any city"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2500

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following:

"for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; to provide for a state coal development impact commission and a county coal development impact commission to approve or disapprove impact grants; and to amend and reenact sections 57-60-02, 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the coal conversion facilities privilege tax and the allocation of revenues therefrom.

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

SECTION 1. DEFINITIONS.) As used in this Act:

1. The "board" or "state board" means the state board of equalization.
2. The "fair market value of the coal" means, in the case of each individual sales contract for coal, a price per ton for coal which has been sold under an arms-length contract and which includes all costs as herein provided. Such costs must include but are not limited to the following:
  - a. Market value of the rights of the coal mine operator in the coal before severance or, when the unsevered coal is owned wholly or partly by the user, the market value of the owner's rights therein.
  - b. Any rents, royalties, or bonuses paid with respect to the coal.
  - c. All mining costs, including the costs of extraction of the coal from the earth, costs of loading and hauling such coal from the place of extraction to the various points of processing and loading for shipment, costs of coal treatment processes such as crushing, sizing, and oiling, costs of loading the coal onto transportation equipment for shipment, and costs of reclamation of mined land, all of which costs shall include, but shall not be limited to, the following:
    - (1) Labor and management costs, including but not limited to salaries

and wages, payroll and other taxes, payments to labor union funds and retirement plans.

(2) The cost of owning and financing or of leasing equipment used for the purposes described in this subdivision and the cost of operating that equipment.

(3) The cost of electricity and fuel, or the equivalent value thereof when not purchased, required to operate all mining equipment.

Fair market value of the coal shall not, however, include the amount of severance tax imposed by this Act and shall not include transportation costs other than those described in subdivision c of this subsection.

3. "Coal development" shall mean the mining of coal and industries directly related to the processing of coal, including, but not limited to, the generation of electricity from coal or coal products, coal gasification, coal liquefaction, and the manufacture of fertilizer from coal, and shall also include the transportation of coal and products therefrom.

4. "Impacted city or other political subdivision" shall mean a city or other political subdivision which demonstrates actual or anticipated extra-ordinary expenditures caused by coal development or the growth incidental thereto.

5. "Impacted county" shall mean a county which demonstrates actual or anticipated extra-ordinary expenditures caused by coal development and the growth incidental thereto.

6. "Impacted school district" shall mean a public school district which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

7. "Coal" means a dark-colored compact and earthy organic rock with less than forty percent inorganic components, based on dry material, formed by the accumulation and decomposition of plant material. The term shall include lignite in both oxidized and nonoxidized forms as well as any coal bodies enriched in radioactive materials.

8. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular number.

9. "Fiscal year" means a twelve month period beginning on July first and ending on the following June thirtieth.

## SECTION 2. IMPOSITION OF TAX—PAYMENT OF TAX—COMPUTATION OF COAL PRICE.)

1. There is hereby imposed for the privilege of severing coal in North Dakota from the earth for sale or for industrial purposes a tax in the amount hereinafter provided. Such tax shall be in lieu of any tax imposed by law upon the sale or use of such coal in this state. Each coal mine owner or operator shall remit such tax for each calendar quarter year, within thirty days after the end of each quarter, to the state tax commissioner upon such reports and forms as the tax commissioner shall deem necessary.

2. The amount of tax imposed shall be a flat rate per ton of coal determined annually as follows: on the first Tuesday in June and each day thereafter as necessary the state board of equalization shall hold a public hearing at the state capitol at which any person interested may appear and present evidence relating to the statewide average contract price of a ton of coal, after which the state board shall, as soon as reasonably possible, determine the statewide average contract price of a

ton of coal of two thousand pounds prevailing in this state on June first of that year; the statewide average contract price per ton as so established by the board shall then be reduced by ten percent of such price as an exemption for costs of reclamation of mined land, and the rate of tax imposed for each ton of coal severed in the following fiscal year shall then be thirty-three and one-third percent of such statewide average contract price per ton as reduced by the ten percent exemption which the board shall certify to the state tax commissioner as the rate of tax for the next fiscal year. The tax rate per ton as certified by the board shall be rounded to the nearest tenth of a cent. The tax rate for any fiscal year, however, shall not be less than one dollar per ton.

3. For purposes of determining the statewide average contract price per ton of coal prevailing in the state on June first of any year the state board of equalization shall, if necessary, adjust the price of coal that is provided for in each contract so that the price represents as nearly as possible, the fair market value of the coal as defined in this Act. In any case where the coal before severance is owned, wholly or partly, by the person who will use it after severance in an energy conversion process or for any other purpose or where a person neglects or refuses to furnish to the state board any information required by it as provided in this section, the state board may determine a fair market value of such coal for use in establishing the statewide average contract price.

4. When adjusting contract sales prices to determine the fair market value of coal mined under a contract, the board may utilize the factors authorized by the federal Internal Revenue Code, 26 United States Code, section 613, or that provision as it may be labelled or amended, and the regulations thereunder, for determining gross income from mining property, or the board may utilize any other or additional criteria that are appropriate. Each coal mine owner or operator and each buyer and seller of coal shall, upon request made by the board at any time, furnish to the board copies of the contracts under which it is then buying or selling coal and any other information deemed necessary by the board for the performance of its duties. The board may also take into consideration the reports or other information filed by any coal mine owner or operator or any buyer or seller of coal with any other agency of government, federal, state or local which such agency is not prohibited by law from disclosing to the board.

5. In establishing the statewide average contract price per ton of coal as of June first of any year the state board shall take into account the fair market value of coal under contracts which provide for the production of more than twenty-five thousand tons of coal per year and shall use the weighted arithmetic mean price of such coal, except that no contract for the production of that type of coal known as leonardite shall be taken into account for the purposes of this subsection.

6. The board's certification of the annual tax rate to the state tax commissioner shall be prima facie evidence of its correctness. The tax rate provided for in this section shall be applicable for all coal mined on or after July 1, 1977.

7. The state board of equalization is hereby authorized and empowered to prescribe and promulgate rules and regulations in accordance with the procedure provided in chapter 28-32 of the North Dakota Century Code that are necessary and advisable for the administration of its duties under this section.

8. An appeal from the determination of the annual tax rate by the state board may be taken to the district court of Burleigh county within thirty days after the certification of that tax rate by the state board to the state tax commissioner. The appeal shall be heard and determined de novo by the district court.

SECTION 3. WHEN TAX DUE—WHEN DELINQUENT.) The severance tax as provided in this Act shall be due within thirty days after the end of each quarter year period, and if not received by the thirtieth day shall become delinquent and shall be collected as herein provided. The tax commissioner, upon request and proper showing of the necessity therefor, may grant an extension of time, not to exceed fifteen days, for paying the tax, and when such request is granted, the tax shall not be delinquent until the extended period has expired. The tax commissioner shall require a report to be filed quarterly by each owner or operator of a coal mine, in such form as the tax commissioner may specify, to list a full description of the mine, the number of tons of coal severed, the amount of tax due and remitted, and any other information deemed necessary by the tax commissioner for the proper administration of this Act.

SECTION 4. POWERS OF STATE TAX COMMISSIONER.) The state tax commissioner shall have power to require any person engaged in the mining of coal, and the agent or employee of such person, or purchaser of such coal, or the owner of any royalty interest therein, to furnish any additional information deemed by him to be necessary for the purpose of correctly computing the amount of tax due, and to examine the books, records, and files of such person, and shall have power to conduct hearings and compel the attendance of witnesses, the production of books, records, and papers of any person, and full authority to make any investigation or hold any inquest deemed necessary to a full and complete disclosure of the true facts as to the amount of production from any coal mine or of any company or other producer thereof, and as to the rendition thereof for taxing purposes. In case of refusal by a person to comply with a requirement of the state tax commissioner to furnish information or to produce books, records or files for examination, the tax commissioner may invoke the aid of any court of competent jurisdiction and such court may issue an order requiring the person to appear before the tax commissioner and give evidence or produce books, records and files, as the case may be, and any failure to obey such order of the court may be punished by the court as contempt thereof.

SECTION 5. TAX COMMISSIONER TO COMPUTE TAX ON INCORRECT RETURNS.) The state tax commissioner shall have the power and authority to ascertain and determine whether or not any report or remittance filed with him is correct, and if the owner or operator has made an untrue or incorrect report or remittance, the commissioner shall ascertain the correct amount of taxes due, and give immediate notice to the owner or operator filing the incorrect return or remittance. Any coal mine operator or owner receiving notice from the tax commissioner that he has filed an incorrect return or remittance shall remit the tax assessed by the commissioner within fifteen days of such notice. Any owner or operator aggrieved by a decision of the tax commissioner may make application in writing within fifteen days of notification for a hearing which shall be granted not later than fifteen days after receipt of the application. The tax commissioner may grant or reject, in whole or in part, the contentions of the owner or operator and upon conclusion of the

hearings shall proceed to make a final determination of taxes due. Such taxes assessed by the commissioner shall become delinquent five days after the conclusion of the hearing, except in such cases where an owner or operator shall appeal such assessment to the district court of Burleigh county, in which case they shall become delinquent five days following final judicial determination.

**SECTION 6. PENALTY ON DELINQUENCY—FAILURE TO FILE REPORTS.)** Where the severance tax provided for in this Act shall become delinquent, the tax commissioner shall, as a penalty for such delinquency, add to the amount of severance taxes due five percent of the delinquent amount plus interest at the rate of one percent per month. If the quarterly report is not filed within thirty days after the end of any quarter year period and taxes due paid, the tax commissioner shall notify the delinquent owner or operator of such delinquency, and if such report and remittance are not filed within an additional fifteen days, the tax commissioner shall notify the public service commission, which shall forthwith suspend such owner's or operator's license or permit until such time as payment is received, or the issues settled to the satisfaction of the tax commissioner; provided that if the quarterly report and a claim that no tax due is filed with the tax commissioner within fifteen days after the notice from the tax commissioner, the tax commissioner shall then proceed in accordance with section 5 if he believes tax is due.

**SECTION 7. LIEN FOR TAX.)** The severance tax herein imposed shall, at all times, be and constitute a first and paramount lien on the coal mine owner's or operator's property, as the case may be, both real and personal. In all cases where such tax is not paid, it may be recovered at the suit of the state, upon relation of the state tax commissioner, in the district court of the county where any such property, assets, and effects are located.

**SECTION 8. APPEAL FROM DECISION OF TAX COMMISSIONER.)** Any person aggrieved because of any action or decision of the tax commissioner under the provisions of this Act may appeal therefrom to the district court of Burleigh county.

**SECTION 9. RULES AND REGULATIONS—BOND.)** The tax commissioner is hereby authorized and empowered to prescribe and promulgate all necessary rules and regulations for the purpose of making and filing of all reports required hereunder to be filed with him and otherwise necessary to the enforcement of the provisions of this Act, and may, at his option and discretion, require a sufficient bond from any coal mine operator or owner charged with the making and filing of reports and the payment of the taxes herein imposed, and said bond shall run to the state of North Dakota and shall be conditioned upon the making and filing of reports as required by law or regulation, and for the prompt payment, by the principal therein, of all taxes justly due the state by virtue of the provisions of this Act.

**SECTION 10. DISPOSITION OF REVENUES.)** All moneys collected by the tax commissioner pursuant to this Act shall be turned over by him as soon as practicable to the state treasurer for deposit in the state treasury to the credit of the coal development fund.

**SECTION 11. ALLOCATION OF MONEYS IN COAL DEVELOPMENT FUND.)**

1. Moneys deposited in the coal development fund that are from coal mined prior to January 1, 1984, shall be apportioned quarterly by the state

treasurer as follows:

a. Thirty-five percent shall be credited to a special fund in the state treasury for distribution through grants by the coal development impact office to impacted cities, counties, school districts, and other taxing districts.

b. Fifteen percent shall be credited to a special fund in the state treasury to be held in trust to be administered by the board of university and school lands, which shall have full authority to invest such funds and may consult with the state investment board as provided by law. The income from such trust fund shall be deposited in a special account within the trust fund which shall be known as the "environmental protection research and alternative energy development fund", and income earned by such special account shall also be deposited in that account. Expenditures from such fund may be made, as the legislative assembly directs, for the following purposes:

(1) Research to identify and determine the extent of environmental problems related to coal development in North Dakota;

(2) Research to determine methods of alleviating such problems and for assistance in their alleviations; and

(3) Research and development of other energy sources that are viable alternatives to obtaining energy from fossil fuels and nuclear fission. Such trust fund, but not the income therefrom, shall be perpetual and held in trust as a replacement for depleted natural resources.

c. Fifteen percent shall be allocated to the coal-producing counties and shall be distributed among such counties in such proportion as the number of tons of coal severed in each county bears to the total number of tons of coal severed in the state during such quarterly period. Two-thirds of each such distribution to a county shall be allocated to the county coal development impact commission for the making of grants as provided in section 15 of this Act. One-third of each such distribution to a county shall be promptly distributed within a county as follows:

(1) Forty percent shall be credited to the county general fund and may be expended for county general fund purposes or may be, by resolution of the board of county commissioners, transferred to other county funds for expenditures authorized by law in such amounts as the board deems necessary.

(2) Thirty percent shall be distributed and credited to the general fund of the cities in the county on the basis of the per capita population of all the incorporated cities situated within the county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

(3) Thirty percent shall be distributed and credited to the school districts within the county on the basis of the average daily membership as certified to the county treasurer by the county superintendent of schools.

d. In addition to the amounts allocated pursuant to subdivision c of this subsection, ten percent shall be allocated to a special fund in the state treasury for distribution, as hereinafter provided, within those counties in which the coal was mined. Any county in which coal is mined or any city or school district in such county which upon application to the coal development impact office establishes to the satisfaction of that office, subject to the approval of the coal development impact commission, a

need for funds that is in addition to those provided in subdivision c of this subsection shall receive such percent, but not exceeding a total of ten percent for the county and the cities and school districts therein, of the severance tax revenue from coal mined in that county during such period of time as the coal development impact office and the coal development impact commission shall approve. Any funds allocated pursuant to this subdivision but not distributed as herein provided within one year after their deposit in the coal development fund shall be allocated and credited to the special fund established by subdivision a of this subsection for distribution as provided in that subdivision.

e. Twenty-five percent shall be deposited in the state's general fund.

2. Moneys deposited in the coal development fund that are from coal mined after December 31, 1983, shall be apportioned quarterly by the state treasurer as follows:

a. Twenty-five percent shall be credited to a special fund in the state treasury for distribution through grants by the coal development impact office to impacted cities, counties, school districts, and other taxing districts.

b. Thirty-five percent shall be credited to a special fund in the state treasury to be held in trust to be administered by the board of university and school lands, which shall have full authority to invest such funds and may consult with the state investment board as provided by law. The income from such trust fund shall be deposited in the special account established by subdivision b of subsection 1 of this section and expended and used as therein provided, or expanded and used to alleviate other problems created by coal development as may be determined by the legislature. Such trust fund, but not the income therefrom, shall be perpetual and held in trust as a replacement for depleted natural resources.

c. Fifteen percent shall be allocated to the coal-producing counties and shall be distributed among such counties in such proportion as the number of tons of coal severed in each county bears to the total number of tons of coal severed in the state during such quarterly period. Two-thirds of each such distribution to a county shall be allocated to the county coal development impact commission for the making of grants as provided in section 15 of this Act. One third of each such distribution to a county shall be promptly distributed within a county as follows:

(1) Forty percent shall be credited to the county general fund and may be expended for county general fund purposes or may be, by resolution of the board of county commissioners, transferred to other county funds for expenditures authorized by law in such amounts as the board deems necessary.

(2) Thirty percent shall be distributed and credited to the general fund of the cities in the county on the basis of the per capita population of all of the incorporated cities situated within the county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

(3) Thirty percent shall be distributed and credited to the school districts within the county on the basis of the average daily membership as certified to the county treasurer by the county superintendent of schools.

d. Twenty-five percent shall be deposited in the state's general fund.



**SECTION 12. COAL DEVELOPMENT IMPACT OFFICE—APPOINTMENT OF DIRECTOR.)** There is hereby created in the office of the governor a coal development impact office. The director shall be appointed by and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within the limits of legislative appropriations. The director may employ such other persons as may be necessary and may fix their compensation within the appropriation made for such purpose.

**SECTION 13. POWERS AND DUTIES OF COAL DEVELOPMENT IMPACT OFFICE.)** The coal development impact office shall:

1. Develop a plan for the assistance, through financial grants for services and facilities, of counties, cities, school districts, and other political subdivisions that demonstrate actual or anticipated extraordinary expenditures because of coal development.

2. Advise, study, recommend, and report to the governor and the legislative assembly on the impact to the state and the political subdivisions of the state resulting from coal development.

3. Establish procedures and provide proper forms to political subdivisions for use in making application for funds for impact assistance as provided in this Act.

4. Make grants to counties, cities, school districts, and other political subdivisions, subject to approval of the coal development impact commission, as provided in this Act. In determining the amount of impact grants for which political subdivisions are eligible, the amount of revenue to which such political subdivisions will be entitled from taxes upon the real property of coal development plants and from other taxes or fund distribution formulas provided by law shall be considered.

**SECTION 14. COAL DEVELOPMENT IMPACT COMMISSION.)** The coal development impact commission shall consist of five members. One member shall be the director of the coal development impact office and four members shall be appointed by the governor. Of the four appointees of the governor, one shall represent cities and shall be appointed from a list submitted by the North Dakota league of cities; one shall represent counties and shall be appointed from a list submitted by the North Dakota county commissioners association; one shall represent school districts and shall be appointed from a list submitted by the North Dakota school boards association; and one shall represent the citizenry at large. The director of the coal development impact office shall be the chairman of the commission. The term for an appointed member shall be two years, but a member may be reappointed to the commission. It shall be the duty and responsibility of the commission to review and approve or disapprove, in whole or in part, the decisions on grants made by the coal development impact office. The appointed members of the commission shall receive the same compensation per day and shall be reimbursed for expenses in the same amounts as provided for in section 54-35-10 for members of the legislative council while attending meetings of the commission or otherwise engaged in the official business of the commission.

**SECTION 15. COUNTY COAL DEVELOPMENT IMPACT COMMISSION—MEMBERSHIP—COMPENSATION—POWERS AND DUTIES.)**

1. A coal development impact commission consisting of five members shall be created in each county in which coal is produced. The board of

county commissioners shall select one of their members to serve on the commission, and the county commissioner so selected shall serve as chairman. The members of all school boards of public school districts maintaining a school in the county shall select one of their members and the governing bodies of all cities in the county shall select one of their members to serve on the commission. The three members of the commission so selected shall name the other two members, who shall be residents of the county. Each member shall serve a term of two years, shall serve until his successor is selected, and shall be eligible for reappointment. The county auditor shall serve as secretary and the county treasurer shall serve as treasurer of the commission, but such officials shall have no vote. The members of the commission who are not full-time employees of the county or another taxing district shall receive the same compensation per day as provided for in section 54-35-10 for members of the legislative council, and all members of the commission shall be reimbursed for expenses incurred in the amounts provided by law for state officers for attending meetings of the commission or otherwise attending to official business of the commission. Such compensation and expenses shall be paid out of funds allocated by section 11 of this Act to the county coal development impact commission.

2. Each county coal development impact commission shall meet within thirty days after funds are allocated to it pursuant to section 11 of this Act, and shall meet at such other times as called by the chairman. The commission shall exchange information and shall cooperate with the state coal development impact office. The commission shall establish procedures for political subdivisions to make application for impact grants and shall establish procedures for hearings on such applications. The commission shall make grants from funds allocated to it to the county and to cities, school districts, and other taxing districts within the county for actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto. The commission shall report all grants approved to the state coal development impact office for the use of that office in determining eligibility for grants by that office. All disbursements from funds allocated to the county coal development impact commission, pursuant to section 11, including the administrative costs of the commission, shall be made by the county treasurer only upon order of the county auditor after approval of such disbursements by the commission.

**SECTION 16. REFUND OF ERRONEOUSLY OR ILLEGALLY COLLECTED TAXES.)** In the event that any tax, penalty or interest imposed by this Act shall have been erroneously or illegally collected from any person, the state tax commissioner shall present a voucher to the department of accounts and purchases for payment to that person of the amount erroneously or illegally collected.

**SECTION 17. PENALTY.)** Any person intentionally violating any of the provisions of this Act is guilty of a class A misdemeanor.

**SECTION 18. SAVINGS CLAUSE.)** If any section of sections 1 through 17 of this Act or any subsection, subdivision, sentence or clause thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

**SECTION 19. AMENDMENT.)** Section 57-60-02 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-60-02. IMPOSITION OF TAXES.)** Each coal conversion facility shall pay an annual tax for the privilege of producing products of such coal conversion facility. The rate of the tax shall be computed as follows:

1. For all coal conversion facilities, other than electrical generating plants and coal gasification plants as provided in subsections 2 and 3 of this section, the tax shall be measured by the gross receipts derived from such facility for the preceding calendar year and shall be in the amount of two and one-half percent of such gross receipts;

2. For electrical generating plants, the tax shall be at a rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale, including any exchange thereof; and

3. For coal gasification plants, the tax shall be either the amount provided in subsection 1 or ten cents on each one thousand cubic feet of synthetic natural gas produced for the purpose of sale, including any exchange thereof, whichever is greater.

**SECTION 20. AMENDMENT.)** Section 57-60-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-60-14. ALLOCATION OF REVENUE.)** The state treasurer, on or before July fifteenth of each year, shall allocate all moneys received from all coal conversion facilities in each county pursuant to the provisions of this chapter and moneys received for those taxes for which a credit is allowed pursuant to section 57-60-06, notwithstanding the provisions of section 57-33.1-08, (((in the following manner:

1. The first one hundred thousand dollars of annual revenue received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated one hundred))) forty percent to the counties (((

2. The second one hundred thousand dollars of annual revenue received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated fifty percent to the county))) and (((fifty))) sixty percent to the state general fund.

(((3. All annual revenue in excess of two hundred thousand dollars but not in excess of five hundred thousand dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated twenty-five percent to the county and seventy-five percent to the state general fund.

4. All annual revenue in excess of five hundred thousand dollars but not in excess of one million dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated fifteen percent to the county and eighty-five percent to the state general fund. All annual revenue in excess of one million dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated ten percent to the county and ninety percent to the state general fund.)))

**SECTION 21. AMENDMENT.)** Section 57-60-15 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-60-15. DUTY OF COUNTY TREASURER—ALLOCATION TO POLITICAL SUBDIVISIONS.)** Moneys received by counties under the provisions of section 57-60-14 shall be apportioned as follows:

1. (((Fifteen))) Thirty-five percent of all revenues allocated to any county shall be paid by the county treasurer to the incorporated cities of

the county based upon the population of each incorporated city according to the last official (((decennial))) regular or special federal census (((;))) or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

2. (((Forty))) Thirty-five percent of the révenues allocated to any county shall be deposited by the county treasurer in the county general fund to be used for general governmental purposes (((; and))).

3. (((Forty-five))) Thirty percent of all revenues allocated to any county shall be apportioned by the county treasurer to school districts within the county on the average daily (((attendance distribution))) membership basis, as certified to him by the county superintendent of schools."

#### House Chamber

Mr. Resident: 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. 2148  
 Senate Bill No. 2184  
 Senate Bill No. 2221  
 Senate Bill No. 2222  
 Senate Bill No. 2202  
 Senate Bill No. 2233  
 Senate Bill No. 2148:  
 Rep. Timm  
 Rep. Scofield  
 Rep. Richter  
 Senate Bill No. 2184:  
 Rep. Timm  
 Rep. Scofield  
 Rep. Richter  
 Senate Bill No. 2221:  
 Rep. Rued  
 Rep. Gackle  
 Rep. O'Shea  
 Senate Bill No. 2222:  
 Rep. Rued  
 Rep. Gackle  
 Rep. O'Shea  
 Senate Bill No. 2202:  
 Rep. Wentz  
 Rep. Knudson  
 Rep. Riehl  
 Senate Bill No. 2233:  
 Rep. Conmy  
 Rep. Black  
 Rep. Berger

ROY GILBREATH, Chief Clerk

Senator Nething moved that after reading House Bills 1003, 1010, 1018, 1043, 1047, 1056, 1320, 1384 and 1423, the Senate recess until Thursday, March 17, 1977, at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



**FIFTY-FIRST DAY AFTER RECESS AND  
FIFTY-SECOND DAY**

Bismarck, March 17, 1977

The Senate convened at 9:00 A.M., pursuant to recess taken, President Sanstead presiding.

**MOTION**

Senator Lips moved that House Bill No. 1003 be placed at the foot of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1010. Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota; and declaring an emergency.**

Which has been read.

Senator Jones moved to amend House Bill 1010 as follows: The amendments to engrossed House Bill No. 1010 as printed on page 1128 of the Senate Journal, line 54, and on page 1129 of the Senate Journal, lines 7, 9, 11, 15, 17, and 19 are hereby amended as follows:

In the amendments to engrossed House Bill No. 1010 as printed on page 1128 of the Senate Journal, line 54, delete the numerals "235,000" and insert in lieu thereof the numerals "385,000"

In the amendments to engrossed House Bill No. 1010 as printed on page 1129 of the Senate Journal, line 7, delete the numerals "2,413,713" and insert in lieu thereof the numerals "2,563,713"

In the amendments to engrossed House Bill No. 1010 as printed on page 1129 of the Senate Journal, line 9, delete the numerals "1,270,864" and insert in lieu thereof the numerals "1,345,864"

In the amendments to engrossed House Bill No. 1010 as printed on page 1129 of the Senate Journal, line 11, delete the numerals "1,142,849" and insert in lieu thereof the numerals "1,217,849"

In the amendments to engrossed House Bill No. 1010 as printed on page 1129 of the Senate Journal, line 15, delete the numerals "1,522,708" and insert in lieu thereof the numerals "1,597,708"

In the amendments to engrossed House Bill No. 1010 as printed on page 1129 of the Senate Journal, line 17, delete the numerals "2,733,734" and insert in lieu thereof the numerals "2,808,734"

In the amendments to engrossed House Bill No. 1010 as printed on page 1129 of the Senate Journal, line 19, delete the numerals "4,256,442" and insert in lieu thereof the numerals "4,406,442"

Statement of Purpose of Amendment:

The purpose of this amendment is to restore \$150,000 of which \$75,000 is from federal funds and \$75,000 is from the general fund for maintenance of the Fort Totten historic site.

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

Senator Jones moved that the rules be suspended, that House Bill 1010 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**House Bill No. 1010.** Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, 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, (SJ pages 1128-1130) the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS           | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI    |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG      |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND       |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN     |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON   |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS     |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE        |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER       |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH        |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM     |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | •    | • WRIGHT       |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     |      |                |     |      |

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

Senator Nething moved that the vote by which House Bill No. 1010 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1018.** A Bill for an Act to provide for community water facility loans through the Bank of North Dakota in conjunction with federal moneys; defining community water facility; and providing for a transfer of funds to a revolving fund, loan application approval, fund supervision and administration, fund purposes, loan terms, loan eligibility, project service area alternatives, rules and regulations, and powers of the Bank of North Dakota in relation to loans.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1130) the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS   |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE      |     |      |
| • FRITZELL          |     | •    | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH      |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM   |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT     |     |      |

|            |          |            |               |
|------------|----------|------------|---------------|
| • HOLMBERG | • MILLER | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1018 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTION

Senator Christensen moved that House Bills 1043 and 1047 be placed immediately behind House Bill 1387 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1056. A Bill for an Act to create and enact a new section of the North Dakota Century Code, relating to the establishment of an office of state juvenile services coordinator.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1135) the roll was called and there were ayes, 37; nays, 10; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1056 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1320. A Bill for an Act to provide for landlord and tenant obligations to maintain residential dwelling units; and to repeal section 47-16-12 of the North Dakota Century Code, relating to the obligations of a lessor to repair dwelling units.

Which has been read.

Senator Tennefos requested he be excused from voting on this bill due to a conflict of interest.

Senator Nething moved that Senator Tennefos be permitted to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1135, 1136) the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES    |     |      | • NELSON |     |      | • SOLBERG        |     |      |



|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1320 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1384. A Bill for an Act to amend and reenact subsections 2, 4 and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

Which has been read.

Senator Mau moved that House Bill 1384 be amended as follows:

On page 3, line 18, insert ((( in front of the word "by".

On page 3, line 19, insert ))) after the word "salary".

Senator Mau moved that the amendments be adopted, and requested a roll call vote, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments the roll was called and there were 22 ayes; 25 nays; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

The amendments to House Bill 1384 lost.

ROLL CALL

The question being on the final passage of House Bill 1384, as amended, (SJ pages 1136, 1137) the roll was called and there were ayes, 47; nays, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nothing moved that the vote by which House Bill No. 1384 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

**House Bill No. 1423.** A Bill for an Act relating to the promotion, advertising, research, and development of sunflowers, creating a state sunflower council and prescribing its powers, duties, and authority, prescribing a tax on sunflower production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1137) the roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRÄUTER    |     |      | ● NOTHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         | ●   |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     | ●    | ● SHABLOW  |     |      |                  |     |      |

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

Senator Nothing moved that the vote by which House Bill No. 1423 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

**House Bill No. 1175.** A Bill for an Act to authorize the administrative committee of veterans affairs to obtain a loan from the Bank of North Dakota to match federal funds available for an addition to the soldiers' home, and to provide an appropriation.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRÄUTER    |     |      | ● NOTHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         | ●   |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**House Bill No. 1181.** A Bill for an Act to continue the Devils Lake basin advisory committee, and providing an appropriation.



|            |   |   |          |   |            |   |               |   |
|------------|---|---|----------|---|------------|---|---------------|---|
| FRITZELL   | • | • | LODOEN   |   | REDLIN     | • | VOSPER        | • |
| • GOODMAN  |   |   | MAHER    | • | REITEN     | • | WALSH         | • |
| • HANSON   |   |   | MAU      | • | • SANDNESS |   | • WENSTROM    |   |
| • HOFFNER  | • |   | MELLAND  | • | • SANDS    |   | • WRIGHT      |   |
| • HOLMBERG |   |   | • MILLER | • | SCHIRADO   | • | MR. PRESIDENT |   |
| • ISZLER   |   |   | • MORGAN |   | SHABLOW    | • |               |   |

The motion to place House Bill 1262 at the foot of the calendar prevailed.

**House Bill No. 1294.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, requiring the game and fish department to plant trees for wildlife purposes on not less than five percent of each one hundred sixty acre or larger tract of land owned by the department.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 3; nays, 41; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |              |     | •    |            |     | •    |                  |     | •    |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

House Bill No. 1294 was declared lost.

**House Bill No. 1315.** A Bill for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the closing or limiting of hunting in counties by the action of the board of county commissioners.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 12; nays, 36; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    |              |     | •    |            |     | •    |                  |     | •    |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

House Bill No. 1315 was declared lost.

**House Bill No. 1317.** A Bill for an Act relating to adverse possession of severed mineral interests which have not been developed or are not subject to a lease.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 18; nays, 28; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | JACOBSON   | •   |      | NAADEN   | •   |      | SMYKOWSKI        | •   |      |
| •                   |     |      | JONES      | •   |      | NELSON   | •   |      | SOLBERG          | •   |      |
| •                   |     |      | KRAUTER    | •   |      | NETHING  | •   |      | STRAND           | •   |      |
| •                   |     | •    | LARSON     | •   |      | ORANGE   | •   |      | STRINDEN         | •   |      |
| •                   |     |      | LASHKOWITZ | •   |      | PETERSON | •   |      | TALLACKSON       | •   |      |
| •                   |     | •    | LEE        | •   |      | PIETRON  | •   |      | TENNEFOS         | •   |      |
| •                   |     |      | LIPS       | •   |      | RAIT     | •   |      | THANE            | •   |      |
| •                   |     | •    | LODOEN     | •   |      | REDLIN   | •   |      | VOSPER           | •   |      |
| •                   |     | •    | MAHER      | •   |      | REITEN   | •   |      | WALSH            | •   |      |
| •                   |     | •    | MAU        | •   |      | SANDNESS | •   |      | WENSTROM         | •   |      |
| •                   |     |      | MELLAND    | •   |      | SANDS    | •   |      | WRIGHT           | •   |      |
| •                   |     | •    | MILLER     | •   |      | SCHIRADO | •   |      | MR. PRESIDENT    | •   |      |
| •                   |     |      | MORGAN     | •   |      | SHABLOW  | •   |      |                  |     |      |

House Bill No. 1317 was declared lost.

MOTION

Senator Lips moved that House Bill 1344 be placed directly below SCR 4086 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1364. A Bill for an Act to amend and reenact sections 12-53-11 and 12-53-15 of the North Dakota Century Code, relating to probation and costs incurred in proceedings for revocation; providing an appropriation; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 9; nays, 35; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | JACOBSON   | •   |      | NAADEN   | •   |      | SMYKOWSKI        | •   |      |
| •                   |     | •    | JONES      | •   |      | NELSON   | •   |      | SOLBERG          | •   |      |
| •                   |     | •    | KRAUTER    | •   |      | NETHING  | •   |      | STRAND           | •   |      |
| •                   |     | •    | LARSON     | •   |      | ORANGE   | •   |      | STRINDEN         | •   |      |
| •                   |     | •    | LASHKOWITZ | •   |      | PETERSON | •   |      | TALLACKSON       | •   |      |
| •                   |     | •    | LEE        | •   |      | PIETRON  | •   |      | TENNEFOS         | •   |      |
| •                   |     | •    | LIPS       | •   |      | RAIT     | •   |      | THANE            | •   |      |
| •                   |     | •    | LODOEN     | •   |      | REDLIN   | •   |      | VOSPER           | •   |      |
| •                   |     | •    | MAHER      | •   |      | REITEN   | •   |      | WALSH            | •   |      |
| •                   |     | •    | MAU        | •   |      | SANDNESS | •   |      | WENSTROM         | •   |      |
| •                   |     | •    | MELLAND    | •   |      | SANDS    | •   |      | WRIGHT           | •   |      |
| •                   |     | •    | MILLER     | •   |      | SCHIRADO | •   |      | MR. PRESIDENT    | •   |      |
| •                   |     | •    | MORGAN     | •   |      | SHABLOW  | •   |      |                  |     |      |

House Bill 1364 was declared lptst.

House Bill No. 1381. A Bill for an Act to amend and reenact sections 54-03-20 and 54-03-20.1 of the North Dakota Century Code, relating to the allowance for living and other expenses for members of the legislative assembly, and round trips allowed during the session; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 35; absent and not voting, 8.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |               |   |
|                     |     | •    | JACOBSON   | •   | •    | NAADEN           | •   | •    | SMYKOWSKI     | • |
| •                   |     |      | JONES      | •   | •    | NELSON           | •   | •    | SOLBERG       | • |
|                     |     | •    | KRAUTER    | •   | •    | NETHING          | •   | •    | STRAND        | • |
|                     |     | •    | LARSON     | •   | •    | ORANGE           | •   | •    | STRINDEN      | • |
|                     |     | •    | LASHKOWITZ | •   | •    | PETERSON         | •   | •    | TALLACKSON    | • |
|                     |     | •    | LEE        | •   | •    | PIETRON          | •   | •    | TENNEFOS      | • |
|                     |     | •    | LIPS       | •   | •    | RAIT             | •   | •    | THANE         | • |
|                     |     | •    | LODOEN     | •   | •    | REDLIN           | •   | •    | VOSPER        | • |
|                     |     | •    | MAHER      | •   | •    | REITEN           | •   | •    | WALSH         | • |
|                     |     | •    | MAU        | •   | •    | SANDNESS         | •   | •    | WENSTROM      | • |
|                     |     | •    | MELLAND    | •   | •    | SANDS            | •   | •    | WRIGHT        | • |
|                     |     | •    | MILLER     | •   | •    | SCHIRADO         | •   | •    | MR. PRESIDENT | • |
|                     |     | •    | MORGAN     | •   | •    | SHABLOW          | •   | •    |               |   |

House Bill 1381 was declared lost.

House Bill No. 1387. A Bill for an Act to amend and reenact subsections 1, 2, 3, 9, and 14 of section 38-14-05, and subsection 1 of section 38-14-05.1 of the North Dakota Century Code, relating to duties of surface mine operators to reclaim surface mined land in a manner that the gentlest topography of the land consistent with other lands is obtained, save and segregate at least five feet of suitable plant growth material by layer, establish natural drainage compatible with the topography on all reclaimed land, and revegetate reclaimed land according to certain criteria, to protect the domestic or livestock water supply of the surface owner or adjoining surface owners, to provide for recovery of damages by the surface owner for contamination or interruption of the water supply, to prohibit surface mining in certain areas based on certain special, exceptional, critical, or unique characteristics such as biological productivity, ecological fragility, ecological importance, and scenic, historic, archaeological, ethnologic, cultural, or recreational significance and to require the public service commission to delete those areas from surface mining.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 5; nays, 40; absent and not voting, 5.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |               |   |
|                     |     | •    | JACOBSON   | •   | •    | NAADEN           | •   | •    | SMYKOWSKI     | • |
| •                   |     |      | JONES      | •   | •    | NELSON           | •   | •    | SOLBERG       | • |
|                     |     | •    | KRAUTER    | •   | •    | NETHING          | •   | •    | STRAND        | • |
|                     |     | •    | LARSON     | •   | •    | ORANGE           | •   | •    | STRINDEN      | • |
|                     |     | •    | LASHKOWITZ | •   | •    | PETERSON         | •   | •    | TALLACKSON    | • |
|                     |     | •    | LEE        | •   | •    | PIETRON          | •   | •    | TENNEFOS      | • |
|                     |     | •    | LIPS       | •   | •    | RAIT             | •   | •    | THANE         | • |
|                     |     | •    | LODOEN     | •   | •    | REDLIN           | •   | •    | VOSPER        | • |
|                     |     | •    | MAHER      | •   | •    | REITEN           | •   | •    | WALSH         | • |
|                     |     | •    | MAU        | •   | •    | SANDNESS         | •   | •    | WENSTROM      | • |
|                     |     | •    | MELLAND    | •   | •    | SANDS            | •   | •    | WRIGHT        | • |
|                     |     | •    | MILLER     | •   | •    | SCHIRADO         | •   | •    | MR. PRESIDENT | • |
|                     |     | •    | MORGAN     | •   | •    | SHABLOW          | •   | •    |               |   |

House Bill 1387 was declared lost.

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. 1012

House Bill No. 1037

House Bill No. 1071

House Bill No. 1163  
 House Bill No. 1178  
 House Bill No. 1240  
 House Bill No. 1284  
 House Bill No. 1361  
 House Bill No. 1383  
 House Bill No. 1441  
 House Bill No. 1442  
 House Bill No. 1478  
 House Bill No. 1525  
 House Bill No. 1532  
 House Bill No. 1548  
 House Bill No. 1563  
 House Bill No. 1565  
 House Bill No. 1583  
 House Bill No. 1597  
 House Concurrent Resolution No. 3039

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 Bill No. 2401 refused to concur in the House amendment to Senate Bill No. 2051 - 2277 - 2342 - 2378 and the President has appointed as a conference committee to act with a like committee from the House:

Senate Bill No. 2051  
 Senator Holmberg  
 Senator Freed  
 Senator Schirado  
 Senate Bill No. 2277  
 Senator Freed  
 Senator Christensen  
 Senator Schirado  
 Senate Bill No. 2342  
 Senator Jones  
 Senator Morgan  
 Senator Rait  
 Senate Bill No. 2378  
 Senator Iszler  
 Senator Holmberg  
 Senator Lashkowitz

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1041

Senator Fritzell  
 Senator Lodoen  
 Senator Krauter  
 House Bill No. 1264  
 Senator Freed  
 Senator Sands  
 Senator Schirado

LEO LEIDHOLM, Secretary

## MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on Senate Bill No. 2408-2471

Senate Bill No. 2408

Rep. Gerl

Rep. Richter

Rep. Metz

Senate Bill No. 2471

Rep. Maixner

Rep. Lokken

Rep. Kloubec

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. 2177-2308

Senate Bill No. 2177

Rep. Kretschmar

Rep. Metz

Rep. Gerl

Senate Bill No. 2308

Rep. G. Larson

Rep. Conmy

Rep. Nordby

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1009-1011-1419-1567 and the Speaker has appointed as a conference committee to act with a like committee from the Senate, Representatives:

House Bill No. 1009

Rep. Tweten

Rep. Thorsgard

Rep. Johnson

House Bill No. 1011

Rep. L. Hausauer

Rep. Tweten

Rep. Opedahl

House Bill No. 1419

Rep. Marsden

Rep. Christensen

Rep. Mertens

House Bill No. 1567

Rep. Langley

Rep. Kloubec

Rep. Lokken

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. 2013



Senate Bill No. 2045  
 Senate Bill No. 2062  
 Senate Bill No. 2063  
 Senate Bill No. 2111  
 Senate Bill No. 2164  
 Senate Bill No. 2224  
 Senate Bill No. 2239  
 Senate Bill No. 2297  
 Senate Bill No. 2323  
 Senate Bill No. 2347  
 Senate Bill No. 2364  
 Senate Bill No. 2381  
 Senate Bill No. 2395  
 Senate Bill No. 2417  
 Senate Bill No. 2428  
 Senate Bill No. 2463  
 Senate Bill No. 2487  
 Senate Bill No. 2513  
 Senate Bill No. 2515

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2013

On page 1 of the engrossed bill, line 23, delete the numerals "2,513,473" and insert in lieu thereof the numerals "2,547,525"

On page 2 of the engrossed bill, line 1, delete the numerals "132,000" and insert in lieu thereof the numerals "157,000"

On page 2 of the engrossed bill, line 5, delete the numerals "40,000" and insert in lieu thereof the numerals "75,000"

On page 2 of the engrossed bill, line 6, delete the numerals "600,000" and insert in lieu thereof the numerals "610,000"

On page 2 of the engrossed bill, line 8, delete the numerals "5,184,854" and insert in lieu thereof the numerals "5,288,906"

On page 2 of the engrossed bill, line 19, delete the numerals "13,036,284" and insert in lieu thereof the numerals "13,140,336"

On page 2 of the engrossed bill, line 20, delete the numerals "13,053,934" and insert in lieu thereof the numerals "13,157,986"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to add \$20,352 for an administrative officer position and \$13,700 for a clerk typist II position to salaries and wages; to add \$25,000 to supplies and materials to cover volume increases; to add \$35,000 to the contingency fund for possible postal increases; and to add \$10,000 to land, structures, and improvements for sufficient funds to purchase land for a parking lot and for interior renovation of the Bank building for razing of buildings on land purchased for the parking lot as follows:

|   |                  |
|---|------------------|
| Purchase of land for parking lot            | \$150,000        |
| Interior renovation and razing of buildings | 460,000          |
| Total                                       | <u>\$610,000</u> |

HOUSE AMENDMENTS TO SENATE BILL No. 2045

On page 6 of the engrossed bill, after line 4, insert the following new subsection:

"4. An employer to establish bona fide employment policies relating to

the hiring or retention of spouses of existing employees. As used in this subsection, "existing employees" include employees whose marriage is subsequent to their employment by the employer in question."

On page 6, line 14, after the word "differences" insert the following: "are not the result of an intention to discriminate because of race, color, religion, national origin, sex, age, or marital status, and that such differences"

On page 6, line 17, delete the comma and words " , nor is it" and insert the following in lieu thereof: ". It is not"

On page 16, line 5, delete the word "a" and insert in lieu thereof the words and period "an infraction."

On page 16, delete line 6

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

#### HOUSE AMENDMENTS TO SENATE BILL No. 2062

On page 9, line 1 of the engrossed bill, delete the word "determing" and insert in lieu thereof the word "determining"

On page 9, line 22, after the period insert the following: "Provided, however, the commission may by its rules and regulations reserve unto itself final approval authority over any or over certain categories of water permit applications."

#### HOUSE AMENDMENTS TO SENATE BILL No. 2063

On page 2, line 10, delete the word "The"

On page 2, delete lines 11 through 14

On page 3, line 25, delete the words "No sale, lease, or exchange of state-owned"

On page 3, delete lines 26 through 32

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2111

On page 2, line 1 of the engrossed bill, delete the words "either in or upon the soil of" and insert in lieu thereof the word "within"

On page 2, line 3, after the word "gas" insert the words " , topsoil, or surface rocks" and also on line 3, delete the ending triple parentheses after the word "coal"

On page 2, line 4, delete the beginning triple parentheses before the word "uranium"

On page 2, line 5, delete the ending triple parentheses after the word "or" and also on line 5, delete the word "other"

On page 2, line 6, delete the triple parentheses around the word "coal"

On page 2, line 7, delete the words "oil and gas"

On page 2, line 8, insert ending triple parentheses after the word "lease"

On page 4, line 27, delete the beginning triple parentheses before the word "The"

On page 4, line 33, insert beginning triple parentheses before the word "Bidding"

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2164

On page 2 of the engrossed bill, line 4, after the word "means" insert the words and commas " , except where otherwise indicated, "; and delete the words "justice court or county"

On page 2 of the engrossed bill, line 6, delete the words "except where otherwise" and insert in lieu thereof the words "or of the county closest

geographically thereto as determined by the petitioner if no county court of increased jurisdiction is established therein."

On page 2 of the engrossed bill, delete line 7

On page 2 of the engrossed bill, after line 7, insert the following new subsection:

**"3. "Department" means the state department of health pursuant to chapter 23-01 of the North Dakota Century Code."**

On page 2 of the engrossed bill, after line 9, insert the following new subsection:

**"5. "District" means the geographical area composed of those counties without county courts of increased jurisdiction surrounding, adjacent to, or geographically closest to a county court of increased jurisdiction, as determined by the petitioner. It does not refer to any established judicial, administrative, or executive district within the state."**

On page 2 of the engrossed bill, line 16, delete the words "county justice" and insert in lieu thereof the word "appropriate"

On page 2 of the engrossed bill, line 17, delete the words "court or"

On page 2 of the engrossed bill, delete lines 19 and 20

On page 2 of the engrossed bill, line 21, delete the letter "b" before the word "A" and insert in lieu thereof the letter "a"

On page 2 of the engrossed bill, line 22, delete the letter "c" before the word "A" and insert in lieu thereof the letter "b"; following the second word "a" insert the word "master's"; and delete the words "from an accredited" and insert in lieu thereof the words "in social work from an accredited program."

On page 2 of the engrossed bill, delete lines 23 through 26

On page 2 of the engrossed bill, line 27, delete the letter "d" before the word "A" and insert in lieu thereof the letter "c"

On page 2 of the engrossed bill, line 31, delete the letter "e" before the word "An" and insert in lieu thereof the letter "d"

On page 3 of the engrossed bill, delete lines 28 through 34

On page 4 of the engrossed bill, after line 2, insert the following new subsections:

**"13. "Private treatment facility" means any facility established pursuant to chapters 10-19 through 10-24 and licensed pursuant to chapter 23-16 or 23-17.1 of the North Dakota Century Code.**

**"14. "Public treatment facility" means any treatment facility not falling under the definition of a private treatment facility."**

On page 4 of the engrossed bill, line 14, after the period delete the remainder of the line

On page 4 of the engrossed bill, delete lines 15 through 20

On page 4 of the engrossed bill, line 21, delete the words "county justice courts or"

On page 5 of the engrossed bill, line 18, following the word "a" insert the words "physician, psychiatrist, or"

On page 5 of the engrossed bill, line 35, after the word "county" insert the words "or district"

On page 6 of the engrossed bill, line 17, after the word "residence" insert the words ", or of the court within the district"

On page 7 of the engrossed bill, line 32, delete the word "county's"

On page 7 of the engrossed bill, line 33, after the word "expense" insert the words "of the county which is the respondent's place of residence"

On page 8 of the engrossed bill, line 34, after the word "county" insert the words "which is the respondent's place of residence"

On page 11 of the engrossed bill, line 3, after the word "funds" insert the words "of the county which is the respondent's place of residence"

On page 11 of the engrossed bill, line 11, after the word "counsel" insert the words and comma ", or whenever any criminal charge is pending or contemplated arising from an act of the respondent"

On page 13 of the engrossed bill, line 9, after the word "county" insert the words "of residence of the respondent"

On page 13 of the engrossed bill, line 12, after the word "county" insert the words "or district"

On page 13 of the engrossed bill, line 13, after the word "county" insert the words "or district"

On page 13 of the engrossed bill, line 18, after the word "attorney" insert the words and comma ", private counsel, or counsel designated by the court"

On page 13 of the engrossed bill, line 32, delete the word "evidence" and insert in lieu thereof the word "proof"

On page 15 of the engrossed bill, line 10, delete the word "hospital" and insert in lieu thereof the words "treatment facility"

On page 17 of the engrossed bill, line 1, after the second comma insert the word and comma "psychiatrist,"

On page 17 of the engrossed bill, line 8, after the second comma insert the word and comma "psychiatrist,"

On page 17 of the engrossed bill, line 11, following the numeral "3" insert the words and comma ", and subject to section 26 of this Act"

On page 18 of the engrossed bill, line 17, after the comma insert the word and comma "psychiatrist,"

On page 19 of the engrossed bill, line 6, after the word "county" insert the words "or district"

On page 20 of the engrossed bill, line 18, after the word "charge" insert the words and comma ", with the expense thereof borne by the county of residence of the respondent"

On page 21 of the engrossed bill, line 11, delete the word "hospital" and insert in lieu thereof the words "treatment facility"

On page 21 of the engrossed bill, line 22, after the word "a" insert the word "hospitalized"; and delete the words "hospitalized by"

On page 21 of the engrossed bill, line 23, delete the words "court order"

On page 21 of the engrossed bill, line 30, after the period add the following language: "With the individual's consent, the superintendent or director shall notify the appropriate community agencies and/or persons of his release and of the suggested release plan. Community agencies include regional mental health centers, state and local counseling services, public and private associations whose function is to assist the mentally ill, alcoholic or drug addict, and the individual's physician. The agencies and persons notified of the individual's release shall report to the state hospital that initial contact with the individual has been accomplished."

On page 26 of the engrossed bill, line 31, delete the word "STATE" and insert in lieu thereof the word "DEPARTMENT"

On page 26 of the engrossed bill, line 32, delete the words "MENTAL HEALTH AND RETARDATION DIVISION"

On page 26 of the engrossed bill, line 33, delete the words "state mental" and insert in lieu thereof the word "department"

On page 26 of the engrossed bill, line 34, delete the words "health and

retardation division" and after the word "admissions" insert the words "under this Act"

On page 27 of the engrossed bill, line 1, delete the words "state mental" and insert in lieu thereof the word "department"

On page 27 of the engrossed bill, line 2, delete the words "health and retardation division"

On page 27 of the engrossed bill, line 5, after the word "patient" insert a period and delete the remainder of the line

On page 27 of the engrossed bill, delete lines 6 through 12

On page 27 of the engrossed bill, line 16, delete the words "state mental" and insert in lieu thereof the word "department"

On page 27 of the engrossed bill, line 17, delete the words "health and retardation division"

On page 27 of the engrossed bill, line 35, delete the numeral "42" and insert in lieu thereof the numeral "41"

On page 28 of the engrossed bill, line 13, delete the words "or excessive"

On page 28 of the engrossed bill, line 16, after the word "research" insert the words "without the express and informed written consent of the patient or of the patient's guardian"

On page 28 of the engrossed bill, line 18, after the word "conditioning" insert the words and comma ", without the express and informed written consent of the patient or of the patient's guardian"

On page 28 of the engrossed bill, line 21, after the word "by" delete the remainder of the line and insert in lieu thereof the words "the treating physician or psychiatrist, if in his medical judgment to do so would be in the best interests of the patient and the rights are restricted or limited in the manner authorized by the rules and regulations promulgated pursuant to section 46"

On page 28 of the engrossed bill, delete lines 22 through 25

On page 28 of the engrossed bill, line 26, delete the word "personnel"

On page 28 of the engrossed bill, line 27, delete the word "formulation" and insert in lieu thereof the word "treatment"; and delete the words "patient's treatment plan" and insert in lieu thereof the word "patient"

On page 28 of the engrossed bill, line 30, following the word "be" insert the words "signed by the physician or psychiatrist and"

On page 28 of the engrossed bill, line 31, delete the words "treatment plan" and insert in lieu thereof the words "patient's chart"; and after the period delete the remainder of the line and insert in lieu thereof the following: "These restrictions shall be reviewed at intervals of not more than fourteen days and may be renewed by following the procedure set out in this section."

On page 28 of the engrossed bill, delete lines 32 and 33

On page 29 of the engrossed bill, line 6, after the word "professional" insert the words and comma ", employee of a treatment facility,"

On page 29 of the engrossed bill, line 11, delete the words "with gross negligence" and insert in lieu thereof the words "in a negligent manner"

On page 30 of the engrossed bill, line 34, after the word "The" delete the remainder of the line and insert in lieu thereof the word "department"

On page 30 of the engrossed bill, line 35, delete the words "the state department of health"

On page 31 of the engrossed bill, line 2, delete the words "state mental health and" and insert in lieu thereof the word "department"

On page 31 of the engrossed bill, line 3, delete the words "retardation division and the judicial council"

On page 31 of the engrossed bill, line 12, delete the words "justice courts or county"

And renumber the lines, subsections, subdivisions, and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2224

On page 1, line 1, after the word "Act" insert the following words "to create and enact a new subsection to section 51-18-01, and"

On page 1, line 16, after the word "of" insert the following word "consumer"

On page 2, after line 17, insert the following new section: "SECTION 2.) A new subsection to section 51-18-01 of the North Dakota Century Code is hereby created and enacted to read as follows: "Consumer goods or services" means good or services purchased, leased, or rented primarily for personal, family, or household purposes, including courses of instruction or training regardless of the purpose for which they are taken."

And renumber the lines, pages and sections accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2239

On page 1, line 23 delete the ending triple parentheses after the comma

On page 1, line 24 delete the beginning triple parentheses before the word "forty" and also on line 24 delete the word "two"

On page 2, delete line 1 and insert in lieu thereof the following: "the penalty shall be a fee and a point assessment against the driver's license as follows:

| Speed (mph) | Fee (\$)                            | Points |
|-------------|-------------------------------------|--------|
| 56-65       | \$5                                 | 0      |
| 66-70       | \$5 plus \$1/each mph over 65 mph   | 1      |
| 71-80       | \$15 plus \$2/ each mph over 70 mph | 2      |
| 81-90       | \$35 plus \$3/each mph over 80 mph  | 3      |
| 91-95       | \$35 plus \$3/each mph over 80 mph  | 6      |
| 96-100      | \$35 plus \$4/each mph over 80 mph  | 12     |
| 101-105     | \$35 plus \$4/each mph over 80 mph  | 14     |
| 106-110     | \$35 plus \$4/each mph over 80 mph  | 16     |
| 111 +       | \$35 plus \$4/each mph over 80 mph  | 18     |

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2297

On page 1, line 10 of the engrossed bill, delete the second word "and" and insert in lieu thereof a comma and also on line 10, after the number "2" insert the following ", and 3"

On page 1, line 17, delete the word "and" and also on line 17, after the third comma insert the following "and 49-22-23."

On page 2, line 14, delete the beginning triple parentheses before the word "two" and also on line 14, delete the ending triple parentheses after the word "hundred"

On page 2, line 15, delete "sixty-nine"

On page 2, line 16, delete the beginning triple parentheses before the word "An"

On page 2, line 20, place beginning triple parentheses before the semicolon

On page 2, line 21, place ending triple parentheses after the word "or" and insert in lieu thereof "."

On page 2, line 22, delete the ending triple parentheses after the letter "c."

On page 2, line 27, following the period insert the following: **"The provision of this subdivision shall not apply to any person operating an oil or gas pipeline gathering system."**

On page 13, line 16, following the second word "the" insert the word "general"

On page 13, line 17, delete the words "provided for in subsection 3 of section 49-22-22"

On page 13, line 26, delete the word "and" and insert in lieu thereof a comma and also on line 26, after the number "2" insert ", and 3"

On page 14, following line 32, insert the following: **"3. All fees collected under the provisions of this chapter shall be deposited in the ((state treasury and credited to a special account to be designated as the energy conversion and transmission facility siting fund. This fund shall be available to the commission, and, subject to legislative appropriation, may be expended for the administration and enforcement of this chapter and in processing applications for certificates or permits in accordance with the provisions of this chapter))) general fund."**

On page 14, line 34, delete the word "and" and also on line 34, after "49-22-12" insert ", and 49-22-23"

And renumber the lines, subdivisions and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2323

On page 1, line 23 delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "of" insert the word "engrossed"

On page 2, line 15 delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "of" insert the word "engrossed"

On page 3, line 15 delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "of" insert the word "engrossed"

On page 5, line 19 after the period insert the following new sentence: **"The advisory committee on elections, as provided for in section 16.1-01-01 of the North Dakota Century Code as created by subsection 5 of section 1 of engrossed House Bill No. 1049 as approved by the forty-fifth legislative assembly, shall approve any electronic voting system prior to acquisition."**

On page 8, line 22 after the period insert the following: **"The automatic tabulating equipment shall also be sealed in a manner which will ensure that it cannot be tampered with prior to the counting of ballots."**

On page 8, line 35 delete the words "district chairman" and insert in lieu thereof the words "legislative district chairmen"

On page 10, line 7 delete the numeral "6" and insert in lieu thereof the numeral "5" and after the word "of" insert the word "engrossed"

On page 10, line 13 after the word "by" insert the word "the" and also place triple parentheses around the word "officials" and insert in lieu thereof the word "judges" and also insert beginning triple parentheses before the word "If"

On page 10, line 15 insert ending triple parentheses after the word "interests."

On page 10, line 16 place beginning triple parentheses before the word "in" and place ending triple parentheses after the word "secrecy" and also place triple parentheses around the word "officials" and insert in lieu thereof the word "judges"

On page 10, line 21 delete the words "in secrecy" and also delete the

word "officials" and insert in lieu thereof the word "judges"

On page 10, line 31 delete the numeral "10" and insert in lieu thereof the numeral "8"

On page 10, line 32 after the word "of" insert the word "engrossed"

On page 11, line 21 delete the numeral "10" and insert in lieu thereof the numeral "8"

On page 11, line 22 after the word "of" insert the word "engrossed"

On page 12, line 15 delete the numeral "12" and insert in lieu thereof the numeral "10" and also after the word "of" insert the word "engrossed"

On page 14, line 4 delete the numeral "12" and insert in lieu thereof the numeral "10" and also after the word "of" insert the word "engrossed"

On page 14, line 25 delete the numeral "14" and insert in lieu thereof the numeral "12" and also after the word "of" insert the word "engrossed"

On page 15, line 21 delete the numeral "14" and insert in lieu thereof the numeral "12" and also after the word "of" insert the word "engrossed"

On page 15, line 31 after the word "counted" delete ", and all" and insert in lieu thereof a period and the following language: "An election board and officials shall be appointed from the legislative district in which the counting center is located, as provided for in section 16.1-05-01 of the North Dakota Century Code as created by section 3 of engrossed House Bill No. 1049 as approved by the forty-fifth legislative assembly, to supervise the counting of ballots. All"

On page 16, line 10 after the word "by" insert the words "the two" and delete the words "officials of opposed interests" and insert in lieu thereof the word "judges"

On page 16, line 22 delete the words "by an alternate method" and insert in lieu thereof the words "according to section 16.1-15-03 of the North Dakota Century Code as created by section 12 of engrossed House Bill No. 1049, as approved by the forty-fifth legislative assembly"

On page 16, line 24 delete the numeral "15" and insert in lieu thereof the numeral "13"

On page 16, line 25 after the word "of" insert the word "engrossed"

On page 17, line 8 delete the numeral "15" and insert in lieu thereof the numeral "13" and also after the word "of" insert the word "engrossed"

On page 22, line 2 after the period insert the following: "The automatic tabulating equipment shall also be sealed in a manner which will ensure that it cannot be tampered with prior to the counting of ballots."

On page 22, line 28 after the word "counted" delete ", and all" and insert in lieu thereof a period and the following language: "An election board and officials shall be appointed from the legislative district in which the counting center is located, as provided for in section 16.1-05-01 of the North Dakota Century Code as created by section 3 of engrossed House Bill No. 1049 as approved by the forty-fifth legislative assembly, to supervise the counting of ballots. All"

Page 23, line 7 after the word "by" insert the words "the two" and delete the words "officials of opposed interest" and insert in lieu thereof the word "judges"

On page 23, line 17 delete the words "by an alternate method" and insert in lieu thereof the words "according to section 16.1-15-03 of the North Dakota Century Code as created by section 12 of



engrossed House Bill No. 1049, as approved by the forty-fifth legislative assembly”

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2347

On page 1, line 16, insert beginning triple parentheses before the word “up”

On page 1, line 18, insert ending triple parentheses after the comma  
And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2347

On page 1, line 16, delete the beginning triple parentheses before the word “twenty”

On page 1, line 17, delete the ending triple parentheses after the word “dollars” and delete the following: “five thousand dollars”

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2364

On page 1, line 15 of the engrossed bill delete the word “eighteen” and insert in lieu thereof the word “twenty-one”

On page 1, line 17 delete the word “nineteen” and insert in lieu thereof the word “twenty-one” and also delete the word “two” and insert in lieu thereof the word “five”

On page 1, line 20 delete the word “two” and insert in lieu thereof the word “four” and also delete the word “eight” and insert the word “five”

On page 1, line 23 delete the word “seven” and insert in lieu thereof the word “eight” and also delete the word “six” and insert in lieu thereof the word “five”

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SENATE BILL No. 2381

On page 3, line 24, of the engrossed bill delete the words “by not” and insert in lieu thereof the words “by a majority of the qualified electors of the city voting on the question”

On page 3, delete all of lines 25 through 33

On page 3, line 34, delete the words “gubernatorial election”

On page 4, line 2, delete the words “and approved”

On page 4, delete all of lines 3 and 4

On page 4, line 5, delete the words “gubernatorial election”

On page 5, line 21, delete the words “by executing an agency agreement authorized by” and insert in lieu thereof the following: “in the manner provided in this section. The governing bodies of the respective cities shall be resolution establish the form of an agency agreement, which shall be submitted to the electors of each city for approval at a regular or special municipal election. The agreement shall contain provisions respecting all of the matters specified below, except that the names of city representatives and members of the board of directors of the proposed municipal power agency may be omitted. The governing body of each city shall be authorized to complete and enter into the agreement when and if it is approved by a majority of the qualified electors of the city voting on the question. The question submitted shall be in substantially the following form: “Shall the city enter into an agreement with the cities of \_\_\_\_\_, or any of them, for the formation of a municipal power agency, substantially in accordance with the form of agency agreement which is now on file and open to inspection in the office of the city auditor?” The governing body of each city, upon approval of the agreement by its electors, shall be authorized, but not required, to complete and provide

for the execution of the agreement with one or more of the cities named therein, whether or not approved by the electors of all of the cities named therein"

On page 5, delete all of lines 22 through 24

On page 5, line 25, delete the words "previous gubernatorial election"

On page 5, line 26, after the word "agreement" insert the words ", when completed,"

On page 6, line 16, delete the word "shall" and insert in lieu thereof the word "may"

On page 6, delete all of line 17 and insert in lieu thereof the words "the representatives of the member cities from time to time shall be and constitute the"

On page 7, line 23, delete the words "The agency agreement or the"

On page 7, delete all of lines 24 through 26

On page 8, line 29, delete the words "Any vacancy occurring"

On page 8, delete all of lines 30 through 32

On page 10, line 4, delete the word "and"

On page 10, delete all of lines 5 and 6

On page 10, line 7, delete the words "previous gubernatorial election"

On page 14, line 30, delete the words "approved by not less than sixty percent of"

On page 14, delete all of line 31

On page 14, line 32, delete the words "voted in the previous gubernatorial election and"

On page 17, line 11, delete the word "( provided"

On page 17, delete all of lines 12 through 15

On page 18, line 16, delete the words ", subject to approval by not less"

On page 18, delete all of lines 17 and 18

On page 18, line 19, delete the words "gubernatorial election,"

On page 22, line 1, delete the words ", subject to approval by not less than"

On page 22, delete all of line 2

On page 22, line 3, delete the words "cities who voted in the previous gubernatorial election,"

On page 23, line 35, delete the words "shall not" and insert in lieu thereof the word "may"

On page 24, line 4, delete the words "shall not" and insert in lieu thereof the word "may"

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2395

On page 2, line 13, after the word "area" and before the period insert the following: "provided that written notice thereof is mailed to such royalty owners by the operator of a unit not more than forty days nor less than thirty days prior to the commission hearing. The notice shall describe the plan for the unit amendment or enlargement together with the participation factor to be given each tract in the unit area and in the proposed area and shall contain the time and place of commission hearing. An affidavit of mailing verifying such notice shall be filed with the commission. Said notice shall further provide that in the event ten percent of the royalty interests or working interests in the existing unit area file with the commission at least ten days prior to commission proceeding an objection to the plan of enlargement, the commission shall require that the unit amendment or enlargement be approved by eighty

percent of all royalty interests and working interests in the existing and proposed areas"

**HOUSE AMENDMENTS TO SENATE BILL No. 2417**

On page 1, line 12 after the word "class" delete the letter "A" and insert in lieu thereof the letter "B"

On page 1, line 16 delete the words "any motion picture, or"

On page 1, line 18 before the word "cover" insert the word "exposed" and also in line 18 before the word "content" insert the word "available"

On page 1, line 20 delete the words "illicit sex or"

On page 1, delete all of line 21

On page 1, line 22 delete the words "pictures, of"

On page 2, delete all of lines 2 through 10

On page 2, line 11 delete the subsection letter "b." and insert in lieu thereof the subsection letter "a."

On page 2, line 20 delete the subsection letter "c." and insert in lieu thereof the letter "b."

And renumber the lines and pages accordingly.

**HOUSE AMENDMENTS TO SENATE BILL No. 2428**

On page 1, line 4, after the word "operations" insert the following: "; and to repeal subsection 5 of section 38-18-06 of the North Dakota Century Code, relating to district court actions when a surface owner does not consent to strip mining by an owner of a severed mineral interest"

On page 1, line 17, delete the triple parentheses around the word "ten"

On page 1, line 18, delete the word "three"

On page 2, line 7, delete the triple parentheses around the word "ten" and also on line 7, delete the word "three"

On page 2, line 10, delete the triple parentheses around the word "ten" and also on line 10, delete the word "three"

On page 2, following line 15, insert the following new section: "SECTION 3. REPEAL.) Subsection 5 of section 38-18-06 of the 1975 Supplement to the North Dakota Century Code is hereby repealed."

And renumber the lines and pages accordingly.

On page 1, line 4, after the word "operations" delete the following: "; and to repeal subsection 5 of section 38-18-06 of the North Dakota Century Code, relating to district court actions when a surface owner does not consent to strip mining by an owner of a severed mineral interest"

On page 2, delete everything following the words "subject to the provisions of this chapter."

And renumber the lines and pages accordingly.

**HOUSE AMENDMENTS TO SENATE BILL No. 2463**

On page 2, line 2, of the engrossed bill insert beginning triple parentheses before the word "whether"

On page 2, line 4, insert ending triple parentheses after the word "municipality" and insert in lieu thereof the following: "provided that the property acquired for the project shall be located wholly within the boundaries of the municipality acquiring it unless a contract or agreement between that municipality and any other municipality in which part or all of the property is located is entered into as authorized by subsection 8 of this section"

On page 2, line 12, insert beginning and ending triple parentheses around the comma and insert the words "or nonprofit corporation" and also on line 12, delete the words "whether or not organized on a nonprofit basis,"

On page 5, line 33, after the word "expense," insert the words "any bond reserves"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2487

On page 1, line 4 of the engrossed bill delete the word "the" and also on line 4 delete the words "fee for buses used for" and insert in lieu thereof the word "fees"

On page 1, line 5 delete the words "religious or charitable purposes"

On page 2, line 6 place triple parentheses around the word "three" and insert in lieu thereof the word "five"

On page 2, line 13 place beginning triple parentheses before the numeral "1999"

On page 2, line 25 place ending triple parentheses after the numeral "86.00" and insert in lieu thereof the following:

|                |         |         |         |         |
|----------------|---------|---------|---------|---------|
| "1,999 or less | \$32.00 | \$25.00 | \$19.00 | \$15.00 |
| 2,000 - 2,399  | 34.00   | 27.00   | 20.00   | 15.00   |
| 2,400 - 2,799  | 36.00   | 29.00   | 22.00   | 15.00   |
| 2,800 - 3,199  | 38.00   | 30.00   | 23.00   | 16.00   |
| 3,200 - 3,599  | 42.00   | 33.00   | 25.00   | 17.00   |
| 3,600 - 3,999  | 46.00   | 37.00   | 28.00   | 19.00   |
| 4,000 - 4,499  | 56.00   | 45.00   | 34.00   | 23.00   |
| 4,500 - 4,999  | 72.00   | 57.00   | 43.00   | 29.00   |
| 5,000 - 5,999  | 100.00  | 80.00   | 60.00   | 40.00   |
| 6,000 - 6,999  | 130.00  | 104.00  | 78.00   | 52.00   |
| 7,000 - 7,999  | 160.00  | 128.00  | 96.00   | 64.00   |
| 8,000 - 8,999  | 190.00  | 152.00  | 114.00  | 76.00   |
| 9,000 & over   | 220.00  | 176.00  | 132.00  | 88.00"  |

On page 2, line 30 place triple parentheses around the word "nine" and insert in lieu thereof the word "twelve"

On page 2, line 34 delete the words "buses owned and operated by religious,"

On page 2, delete line 35

On page 3, delete line 1

On page 3, line 2, delete the words "public nonprofit purposes,"

On page 3, line 11 place beginning triple parentheses before the numeral "0"

On page 3, line 21 place ending triple parentheses after the numeral "25.00" and insert in lieu thereof the following:

|                 |         |         |         |         |
|-----------------|---------|---------|---------|---------|
| " 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"  |

On page 3, line 26 place beginning triple parentheses before the numeral "24,001"

On page 4, line 19 place ending triple parentheses after the numeral "795.00" and insert in lieu thereof the following:

|                 |          |          |          |
|-----------------|----------|----------|----------|
| 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   |

On page 4, line 21 place triple parentheses around the word "five" and insert in lieu thereof the word "six"

On page 4, line 22 place triple parentheses around the word "eight" and insert in lieu thereof the word "ten"

On page 4, line 25 place beginning triple parentheses before the word "section" and also on line 25 place ending triple parentheses after the numeral "19" and before the comma and insert in lieu thereof the following: "subsection 2b"

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2513

On page 1, line 18, of the engrossed bill after the word "weeks" delete the ending triple parentheses

On page 2, line 6, after the word "resolutions" insert the words "or any amendments thereto"

On page 2, line 7, after the word "resolutions" insert the words "or any amendments thereto" and also on line 7, delete the word "hereunder"

On page 3, line 6, after the word "published" insert the words "once a week"

On page 3, line 24, delete the word "proposed"

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2515

On page 2, line 9 delete the word "utilitze" and insert in lieu thereof the word "utilize"

MOTION

Senator Nething moved that the Senate recess for lunch, which motion prevailed.

The Senate convened, the President presiding.

SECOND READING OF HOUSE BILLS

House Bill No. 1043. A Bill for an Act to limit professional liability of qualifying health care providers to patients electing to be bound, to create a trust fund for the benefit of patients suffering damage caused by negligence of the health care provider, and to establish a commission on medical competency.

Which has been read.

Senator Redlin moved to amend House Bill 1043 as follows:

On page 6 of the engrossed bill, delete lines 9 through 15

Senator Redlin moved that the amendment be adopted, which motion lost on a division vote.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1130, 1131) the roll was called and there were ayes, 29; nays, 19; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     | ●    | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     | ●    | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     | ●    | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     | ●    | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     | ●    | ● LODDEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     | ●    | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     | ●    | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     | ●    | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     | ●    | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

FIFTY-SECOND DAY

Bismarck, March 17, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Rev. Albert Soderberg, Church of God, Bismarck.

"Dear Heavenly Father, we ask you to bless and guide this Senate session. Give each member wisdom and understanding to act in all matters in accordance with your divine will. We thank you for this great State, which allows personal freedom and liberty. We say with the Psalmist, "Blessed is the nation whose God is Jehovah!" Give us strength to worship and serve you, that your blessing may continue upon us. May we never forsake you and face punishment and judgment, like the nations of Israel and Judah in Old Testament history. We need your help in the governing of the State of North Dakota, just as we need your aid in our individual homes. Prepare us, as a nation, for the soon return of the Lord from heaven. We ask these favors in the name of Jesus Christ, the Son of God, and our risen Savior, Amen!"

The roll was called and all Senators were present except Senator Vosper.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

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

On page 1157, delete lines 46 and 47

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1002 as recommended by the Committee on Appropriations as printed on pages 1175-1176 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1005 as recommended by the Committee on Appropriations as printed on page 1176 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1014 as recommended by the Committee on Appropriations as printed on pages 1176-1178 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the amendments to House Bill No. 1049 as recommended by the Committee on Judiciary as printed on pages 1131-1135 of the Senate Journal be adopted, which motion prevailed.

Senator Lashkowitz offered further amendments to House Bill 1049 as follows:

On page 18 of the engrossed bill, delete lines 6 through 8

On page 18 of the engrossed bill, line 9, delete the words and period "election inspector." and insert in lieu thereof the following:

"1. The election board shall supervise the conduct of election at the polling place, and shall assign duties to include equally and fairly both political parties represented on the election board."

On page 27 of the engrossed bill, line 3, after the period insert the following new sentence: "Before political subdivisions shall procure voting machines, the state supervisor of elections shall assure that the machines are adequate to set forth the candidates and issues in a lucid and intelligent manner and that said machines are the most practical and effective devices available."

On page 27 of the engrossed bill, line 10, after the period insert the following new sentences: "In precincts where voting machines are used, paper ballots shall be made available to voters upon request, in accordance with provisions of title 16.1 governing the use of paper ballots. Any governing body providing voting machines for more than one voting precinct in its jurisdiction shall apportion the machines to the voting precincts within its jurisdiction on the basis of the most recent official population figures."

On page 35 of the engrossed bill, line 1, delete the words and comma "only after" and insert in lieu thereof the words "or his agent"

On page 35 of the engrossed bill, delete line 2

On page 35 of the engrossed bill, line 3, delete the words "reasonable under the law" and insert after the period the following new sentences:

"The agent may not at that time be a candidate for any office to be voted upon by the absent voter. The agent shall deposit with the auditor or clerk, as the case may be, authorization in writing from the applicant to receive such ballot or according to requirements hereinafter set forth for signature by mark. Agents shall not seek to influence the casting of votes by absentee voters and shall be subject to the penalties provided in 16.1-07-14 if found guilty of doing so."

On page 55 of the engrossed bill, after line 30, insert the following new sentence: "Sample ballots with inverted columns must be printed twice in each issue of the newspaper and in such a manner as to assure that the column of each political party shall be displayed once in each issue in an upright position."

On page 71 of the engrossed bill, line 11, delete the words and comma ", and the precinct committeemen"

On page 71 of the engrossed bill, delete line 12

On page 71 of the engrossed bill, line 13, delete the words "required number of delegates to such convention" and insert in lieu thereof the words "In accordance with the party's modes of procedure"

On page 75 of the engrossed bill, line 29, after the period insert the following new sentence: "If a voter is obliged to stand in line more than thirty minutes to vote on a voting machine, he may request to vote by paper ballot which shall be made available by the county auditor."

And renumber the lines and pages accordingly.

Senator Lashkowitz moved that the amendments be adopted.

Senator Hoffner moved that the question be divided, that the following section be voted upon separately:

On page 55 of the engrossed bill, after line 30, insert the following new sentence: "Sample ballots with inverted columns must be printed twice in each issue of the newspaper and in such a manner as to assure that the column of each political party shall be displayed once in each issue in an upright position."

The motion prevailed, and the amendment was adopted.

Senator Redlin moved that the question be divided, that the following sections be voted upon separately:

On page 35 of the engrossed bill, line 1, delete the words and comma ", only after" and insert in lieu thereof the words "or his agent"

On page 35 of the engrossed bill, delete line 2

On page 35 of the engrossed bill, line 3, delete the words "reasonable under the law" and insert after the period the following new sentences: "The agent may not at that time be a candidate for any office to be voted upon by the absent voter. The agent shall deposit with the auditor or clerk, as the case may be, authorization in writing from the applicant to receive such ballot or according to requirements hereinafter set forth for signature by mark. Agents shall not seek to influence the casting of votes by absentee voters and shall be subject to the penalties provided in 16.1-07-14 if found guilty of doing so."

Senator Mau requested a roll call vote on the motion of Senator Redlin to divide the question and adopt the above amendments, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the section of the amendments referred to by Senator Redlin, the roll was called and there were ayes, 19; nays, 29; absent and not voting, 2.





section, they shall be kept in separate piles and then repiled by taking one ballot from each pile and placing it upon the new pile so that every other ballot in the new pile has the first two political party columns in different positions. This repiling for political party column rotation shall be done in conjunction with the required rotation of names within the political party columns. After the repiling is completed, the ballots shall be cut and packaged for the various election precincts.

4. In presidential election years the names of presidential electors presented in one certificate of nomination, shall be arranged in a group enclosed in brackets to the right and opposite the center of which shall be printed in bold type the surname of the presidential candidate represented. To the right and in a line with such surname, near the margin, shall be placed a single square, and a mark within such square shall be designated a vote for all the electors, and such group shall be placed at the head of the column under the party designated or represented in such certificate.

5. In precincts in which voting machines are used, the rotation of political party columns required by this section shall be performed in the same manner as provided for the primary election ballot."

And renumber the lines and pages accordingly.

Senator Hoffner moved that the amendments be adopted.

Senator Krauter requested a roll call vote on the motion to adopt Senator Hoffner's proposed amendments, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments proposed by Senator Hoffner, the roll was called and there were ayes, 22; nays, 25; absent and not voting, 3.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |               |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|---------------|------|------------------|-----|------|
| ROLL CALL       |     |      |                     |               |      |                  |     |      |
| YEAS            | N-V | NAYS | YEAS                | N-V           | NAYS | YEAS             | N-V | NAYS |
| •               |     |      | •                   | JACOBSON      |      | •                |     | •    |
| •               |     |      | •                   | JONES         |      | •                |     | •    |
| •               |     |      | •                   | KRAUTER       |      | •                |     | •    |
| •               |     |      | •                   | LARSON        |      | •                |     | •    |
| •               |     |      | •                   | LASHKOWITZ    |      | •                |     | •    |
| •               |     |      | •                   | LEE           |      | •                |     | •    |
| •               |     |      | •                   | LIPS          |      | •                |     | •    |
| •               |     |      | •                   | LODOEN        |      | •                |     | •    |
| •               |     |      | •                   | MAHER         |      | •                |     | •    |
| •               |     |      | •                   | MAJ           |      | •                |     | •    |
| •               |     |      | •                   | MELLAND       |      | •                |     | •    |
| •               |     |      | •                   | MILLER        |      | •                |     | •    |
| •               |     |      | •                   | MORGAN        |      | •                |     | •    |
| •               |     |      | •                   | NAADEN        |      | •                |     | •    |
| •               |     |      | •                   | NELSON        |      | •                |     | •    |
| •               |     |      | •                   | NETHING       |      | •                |     | •    |
| •               |     |      | •                   | ORANGE        |      | •                |     | •    |
| •               |     |      | •                   | PETERSON      |      | •                |     | •    |
| •               |     |      | •                   | PIETRON       |      | •                |     | •    |
| •               |     |      | •                   | RAIT          |      | •                |     | •    |
| •               |     |      | •                   | REDLIN        |      | •                |     | •    |
| •               |     |      | •                   | REITEN        |      | •                |     | •    |
| •               |     |      | •                   | SANDNESS      |      | •                |     | •    |
| •               |     |      | •                   | SANDS         |      | •                |     | •    |
| •               |     |      | •                   | SCHIRADO      |      | •                |     | •    |
| •               |     |      | •                   | SHABLOW       |      | •                |     | •    |
| •               |     |      | •                   | SMYKOWSKI     |      | •                |     | •    |
| •               |     |      | •                   | SOLBERG       |      | •                |     | •    |
| •               |     |      | •                   | STRAND        |      | •                |     | •    |
| •               |     |      | •                   | STRINDEN      |      | •                |     | •    |
| •               |     |      | •                   | TALLACKSON    |      | •                |     | •    |
| •               |     |      | •                   | TENNEFOS      |      | •                |     | •    |
| •               |     |      | •                   | THANE         |      | •                |     | •    |
| •               |     |      | •                   | VOSPER        |      | •                |     | •    |
| •               |     |      | •                   | WALSH         |      | •                |     | •    |
| •               |     |      | •                   | WENSTROM      |      | •                |     | •    |
| •               |     |      | •                   | WRIGHT        |      | •                |     | •    |
| •               |     |      | •                   | MR. PRESIDENT |      | •                |     | •    |

The amendments proposed by Senator Hoffner lost.

**CONSIDERATION OF AMENDMENTS**

Senator Lips moved that the amendments to House Bill No. 1280 as recommended by the Committee on Appropriations as printed on pages 1178 and 1179 of the Senate Journal be adopted, which motion prevailed.

Senator Erdman offered the following amendments to House Bill 1280 as follows:

The amendments to engrossed House Bill No. 1280 as printed on page 1178 of the Senate Journal on lines 34, 42, and 55 are hereby amended as follows:

In the amendments to engrossed House Bill No. 1280 as printed on page 1178 of the Senate Journal, line 34, delete the numerals "15,737,500.00" and insert in lieu thereof the numerals "17,737,500.00"

In the amendments to engrossed House Bill No. 1280 as printed on page

1178 of the Senate Journal, line 42, delete the numerals "4,000,000" and insert in lieu thereof the numerals "6,000,000"

In the amendments to engrossed House Bill No. 1280 as printed on page 1178 of the Senate Journal, line 55, delete the numerals "15,737,500" and insert in lieu thereof the numerals "17,737,500"

Statement of Purpose of Amendment:

The purpose of this amendment is to increase the funding for the construction of a Heritage Center from \$4,000,000 to \$6,000,000.

Senator Erdman moved that the amendments be adopted.

Senator Barth requested a roll call vote on the motion to adopt the amendments proposed by Senator Erdman, which request was granted.

#### ROLL CALL

The question being on the motion to adopt Senator Erdman's proposed amendments to House Bill 1280, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |      |            |      |                  |          |      |      |     |               |   |
|---------------------|-------------|------|------|------------|------|------------------|----------|------|------|-----|---------------|---|
| REGULAR SESSION     |             |      |      |            |      | 1977 LEGISLATURE |          |      |      |     |               |   |
| ROLL CALL           |             |      |      |            |      |                  |          |      |      |     |               |   |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS          |   |
|                     |             | •    |      |            | •    |                  |          | •    |      |     | •             |   |
| •                   | ALBERS      |      |      | JACOBSON   | •    |                  | NAADEN   | •    |      |     | SMYKOWSKI     | • |
| •                   | BARTH       |      |      | JONES      | •    |                  | NELSON   | •    |      |     | SOLBERG       | • |
| •                   | BERUBE      |      | •    | KRAUTER    | •    |                  | NETHING  | •    |      |     | STRAND        | • |
|                     | CHRISTENSEN | •    |      | LARSON     | •    |                  | ORANGE   | •    |      |     | STRINDEN      | • |
| •                   | ERDMAN      |      | •    | LASHKOWITZ | •    |                  | PETERSON | •    |      | •   | TALLACKSON    | • |
|                     | FARRINGTON  | •    |      | LEE        | •    |                  | PIETRON  | •    |      |     | TENNEFOS      | • |
|                     | FRED        | •    |      | LIPS       | •    |                  | RAIT     | •    |      |     | THANE         | • |
|                     | FRITZELL    | •    |      | LOODEN     | •    |                  | REDJIN   | •    |      |     | VOSPER        | • |
|                     | GOODMAN     | •    |      | MAHER      | •    |                  | REITEN   | •    |      |     | WALSH         | • |
|                     | HANSON      | •    |      | MAU        | •    |                  | SANDNESS | •    |      |     | WENSTROM      | • |
| •                   | HOFFNER     |      |      | MELAND     | •    |                  | SANDS    | •    |      |     | WRIGHT        | • |
|                     | HOLMBERG    | •    |      | MILLER     | •    |                  | SCHIRADO | •    |      |     | MR. PRESIDENT | • |
|                     | ISZLER      | •    |      | MORGAN     | •    |                  | SHABLOW  | •    |      |     |               |   |

The amendments proposed by Senator Erdman lost.

Senator Mau offered the following amendments to House Bill 1431 as follows:

On page 1 of the engrossed bill, line 20, delete the word "maximum".

On page 4 of the engrossed bill, line 19, delete the words "or a public".

On page 4 of the engrossed bill, line 20, delete the words "housing authority".

On page 4 of the engrossed bill, line 28, delete the word "thirty-five", and insert in lieu thereof the word "twenty-five".

On page 4 of the engrossed bill, line 30, delete the word "determined", and insert in lieu thereof the word "ascertained".

On page 4 of the engrossed bill, line 32, delete the word "six" and insert in lieu thereof the word "three".

On page 5 of the engrossed bill, line 17, delete the word "five", and insert in lieu thereof the word "two".

On page 5 of the engrossed bill, line 20, after the word "income" and before the period, insert the following words: "under regulatory agreements prohibiting occupancy of more than twenty-five percent of the units by persons or families whose income, at the time of initial rental, is above the level referred to in subsection 12, until and unless the agency determines that such restriction will jeopardize the security of bonds or notes issued to finance the housing".

On page 6 of the engrossed bill, line 26, delete the words "four dwelling units" and insert in lieu thereof the words "one dwelling unit".

On page 6 of the engrossed bill, line 29, delete the words "corporation or public", and insert in lieu thereof the words "or corporation".

On page 6 of the engrossed bill, delete line 30.

On page 6 of the engrossed bill, delete line 31 and insert in lieu thereof the words "applying for".

On page 8 of the engrossed bill, line 7, after the period, insert the words: "The commission shall submit to the legislature at the commencement of each session a report as to the activities of the agency for the previous two years, including financial statements for all fiscal years then ended, prepared in accordance with accepted accounting standards and certified by a certified public accountant, and information as to bonds and notes issued and paid and loans outstanding in connection with each financing program."

On page 8 of the engrossed bill, line 32, after the word "purposes" and before the period insert the following words: ", subject to such limitations, if any, as may be provided".

On page 10 of the engrossed bill, line 8, after "35-22" and before the period insert the following words "; but not to acquire title to any real property except for the purpose of protecting its interest in the property as security for a loan".

On page 10 of the engrossed bill, line 10, delete the words "public housing agency,".

On page 11 of the engrossed bill, line 14, after the word "as" and before the word "agency", delete the word "the" and insert in lieu thereof the word "an".

On page 11 of the engrossed bill, line 23, delete the word "reserach" and insert in lieu thereof the word "research".

On page 12 of the engrossed bill, line 7, after the period delete the words "The agency may".

On page 12 of the engrossed bill, delete lines 8 through 13.

On page 12 of the engrossed bill, line 14, delete the words "pursuant to a purchase commitment offered by the agency." and insert in lieu thereof: "Upon purchasing any mortgage loan for single family housing the agency shall secure a certificate from the mortgage lender that the mortgagor is credit worthy for a mortgage loan in the principal amount proposed at the interest rate provided in the agency's commitment, but that such loan cannot be made at prevailing market rates as confirmed in writing by at least one other qualified lender. The agency may make a direct loan to a mortgagor only upon failure of a lender to make a loan within the time provided in a commitment previously made to the agency."

On page 12 of the engrossed bill, delete lines 31 through 35.

On page 13 of the engrossed bill, delete lines 1 through 9.

On page 14 of the engrossed bill, line 23, after the word "lender" and before the period, insert the following words: "with respect to such loan".

On page 14 of the engrossed bill, line 25, delete the words "on the loan".

And renumber the lines, sections, and pages accordingly.

Senator Mau moved that the amendments be adopted.

Senator Lashkowitz moved that the rules be suspended, that Senator Shablou be permitted to read his communication, which motion lost.

#### ROLL CALL

Senator Orange requested a roll call vote on the motion to adopt Senator Mau's proposed amendments to House Bill 1431, which request was granted. The roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| • BERUBE            |     |      | KRAUTER    |     | •    | NETHIC   |     | •    | STRAND           |     | •    |
| • CHRISTENSEN       |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| • ERDMAN            |     |      | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LODOEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| • HOFFNER           |     |      | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     | •    |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

The motion to adopt Senator Mau's proposed amendments lost.

Senator Sands moved that the amendments to House Bill No. 1431 as recommended by the Committee on Political Subdivisions as printed on page 1137-1139 of the Senate Journal be adopted, and recommends that House Bill 1431 be Indefinitely Postponed, which motion prevailed.

#### MOTION

Senator Christensen moved that the Senate reconsider its action by which House Bill No. 1172 was passed, which motion prevailed.

Senator Christensen moved that House Bill No. 1172 be amended as follows:

On page 1, line 13 of the engrossed bill, delete the numeral "50-09-21" and insert in lieu thereof the numeral "50-09-20"

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

Senator Christensen moved that the rules be suspended, that House Bill No. 1172 be placed on the calendar for second reading and final passage as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1172.** A Bill for an Act to create and enact a new section to chapter 50-09, a new subsection to section 50-09-02, a new subsection to section 50-09-03, and a new subsection to section 50-09-08 of the North Dakota Century Code, relating to partial reimbursement of county social service board costs in administering the child support enforcement program, duties of the state social service board regarding the child support enforcement program, duties of the county social service boards regarding administration of the child support enforcement program, and the furnishing of information regarding absent parents by state and local agencies for the administration of the child support enforcement program; to amend and reenact section 50-09-06, section 50-09-07, and section 50-09-21 of the North Dakota Century Code, relating to the assignment of rights to support upon application for aid to dependent children, notification of deserting parent to state's attorney by the county social service board, and the appropriation of county social service board funds for the administration of the child support enforcement program.

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, 40; nays, 8; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     | •    | • SMYKOWSKI      |     | •    |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Christensen moved that the Senate reconsider its action by which House Bill No. 1239 was passed, which motion prevailed.

Senator Christensen moved that House Bill No. 1239 be amended as follows:

On page 1, line 13, delete the word "billard" and insert in lieu thereof "billiard" and also on line 13, following the ending triple parentheses insert the following: "theater,"

On page 1, line 19 following the word "city" delete the following: "or village"

On page 2, line 13 following the comma and before the ending parentheses insert the word "and"

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

Senator Christensen moved that the rules be suspended, that House Bill No. 1239 be placed on the calendar for second reading and final passage as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1239.** A Bill for an Act to amend and reenact sections 53-06-01 and 53-06-08 of the North Dakota Century Code, relating to the licensing of dance halls, and halls owned privately and used for public purposes.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Reiten moved that the Senate reconsider its action by which House Bill No. 1242 was passed, which motion prevailed.

Senator Reiten moved that House Bill No. 1242 be amended as follows:

On page 1, line 12 delete the word "person" and insert in lieu thereof the word "licensee"

On page 1, line 13 following the word "such" insert the word "a"



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 |  |  |            |  |  |      |  |  | 1977 LEGISLATURE |  |  |     |  |  |      |  |  |
|-----------------|--|--|-----|--|--|--------------|--|--|---------------------|--|--|------------|--|--|------|--|--|------------------|--|--|-----|--|--|------|--|--|
| YEAS            |  |  | N-V |  |  | NAYS         |  |  | YEAS                |  |  | N-V        |  |  | NAYS |  |  | YEAS             |  |  | N-V |  |  | NAYS |  |  |
| • ALBERS        |  |  | •   |  |  | • JACOBSON   |  |  | •                   |  |  | • NAADEN   |  |  | •    |  |  | • SMYKOWSKI      |  |  | •   |  |  | •    |  |  |
| • BARTH         |  |  | •   |  |  | • JONES      |  |  | •                   |  |  | • NELSON   |  |  | •    |  |  | • SOLBERG        |  |  | •   |  |  | •    |  |  |
| • BERUBE        |  |  | •   |  |  | • KRAUTER    |  |  | •                   |  |  | • NETHING  |  |  | •    |  |  | • STRAND         |  |  | •   |  |  | •    |  |  |
| • CHRISTENSEN   |  |  | •   |  |  | • LARSON     |  |  | •                   |  |  | • ORANGE   |  |  | •    |  |  | • STRINDEN       |  |  | •   |  |  | •    |  |  |
| • ERDMAN        |  |  | •   |  |  | • LASHKOWITZ |  |  | •                   |  |  | • PETERSON |  |  | •    |  |  | • TALLACKSON     |  |  | •   |  |  | •    |  |  |
| • FARRINGTON    |  |  | •   |  |  | • LEE        |  |  | •                   |  |  | • PIETRON  |  |  | •    |  |  | • TENNEFOS       |  |  | •   |  |  | •    |  |  |
| • FREED         |  |  | •   |  |  | • LIPS       |  |  | •                   |  |  | • RAIT     |  |  | •    |  |  | • THANE          |  |  | •   |  |  | •    |  |  |
| • FRITZELL      |  |  | •   |  |  | • LODOEN     |  |  | •                   |  |  | • REDLIN   |  |  | •    |  |  | • VOSPER         |  |  | •   |  |  | •    |  |  |
| • GOODMAN       |  |  | •   |  |  | • MAHER      |  |  | •                   |  |  | • REITEN   |  |  | •    |  |  | • WALSH          |  |  | •   |  |  | •    |  |  |
| • HANSON        |  |  | •   |  |  | • MAU        |  |  | •                   |  |  | • SANDNESS |  |  | •    |  |  | • WENSTROM       |  |  | •   |  |  | •    |  |  |
| • HOFFNER       |  |  | •   |  |  | • MELLAND    |  |  | •                   |  |  | • SANDS    |  |  | •    |  |  | • WRIGHT         |  |  | •   |  |  | •    |  |  |
| • HOLMBERG      |  |  | •   |  |  | • MILLER     |  |  | •                   |  |  | • SCHIRADO |  |  | •    |  |  | • MR. PRESIDENT  |  |  | •   |  |  | •    |  |  |
| • ISZLER        |  |  | •   |  |  | • MORGAN     |  |  | •                   |  |  | • SHABLOW  |  |  | •    |  |  |                  |  |  | •   |  |  | •    |  |  |

So the bill passed and the title was agreed to.

MOTION

Senator Lips moved that House Bill 1541 be placed at the head of the calendar, which motion prevailed on a division vote.

SEGOND READING OF HOUSE BILLS

House Bill No. 1541. A Bill for an Act to require inclusion of chiropractic service under group accident and health policies, hospital service contracts and medical service contracts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 24; nays, 25; absent and not voting, 1.

| REGULAR SESSION |  |  |     |  |  |              |  |  | NORTH DAKOTA SENATE |  |  |            |  |  |      |  |  | 1977 LEGISLATURE |  |  |     |  |  |      |  |  |
|-----------------|--|--|-----|--|--|--------------|--|--|---------------------|--|--|------------|--|--|------|--|--|------------------|--|--|-----|--|--|------|--|--|
| YEAS            |  |  | N-V |  |  | NAYS         |  |  | YEAS                |  |  | N-V        |  |  | NAYS |  |  | YEAS             |  |  | N-V |  |  | NAYS |  |  |
| • ALBERS        |  |  | •   |  |  | JACOBSON     |  |  | •                   |  |  | • NAADEN   |  |  | •    |  |  | • SMYKOWSKI      |  |  | •   |  |  | •    |  |  |
| • BARTH         |  |  | •   |  |  | • JONES      |  |  | •                   |  |  | • NELSON   |  |  | •    |  |  | • SOLBERG        |  |  | •   |  |  | •    |  |  |
| • BERUBE        |  |  | •   |  |  | • KRAUTER    |  |  | •                   |  |  | • NETHING  |  |  | •    |  |  | • STRAND         |  |  | •   |  |  | •    |  |  |
| • CHRISTENSEN   |  |  | •   |  |  | • LARSON     |  |  | •                   |  |  | • ORANGE   |  |  | •    |  |  | • STRINDEN       |  |  | •   |  |  | •    |  |  |
| • ERDMAN        |  |  | •   |  |  | • LASHKOWITZ |  |  | •                   |  |  | • PETERSON |  |  | •    |  |  | • TALLACKSON     |  |  | •   |  |  | •    |  |  |
| • FARRINGTON    |  |  | •   |  |  | • LEE        |  |  | •                   |  |  | • PIETRON  |  |  | •    |  |  | • TENNEFOS       |  |  | •   |  |  | •    |  |  |
| • FREED         |  |  | •   |  |  | • LIPS       |  |  | •                   |  |  | • RAIT     |  |  | •    |  |  | • THANE          |  |  | •   |  |  | •    |  |  |
| • FRITZELL      |  |  | •   |  |  | • LODOEN     |  |  | •                   |  |  | • REDLIN   |  |  | •    |  |  | • VOSPER         |  |  | •   |  |  | •    |  |  |
| • GOODMAN       |  |  | •   |  |  | • MAHER      |  |  | •                   |  |  | • REITEN   |  |  | •    |  |  | • WALSH          |  |  | •   |  |  | •    |  |  |
| • HANSON        |  |  | •   |  |  | • MAU        |  |  | •                   |  |  | • SANDNESS |  |  | •    |  |  | • WENSTROM       |  |  | •   |  |  | •    |  |  |
| • HOFFNER       |  |  | •   |  |  | • MELLAND    |  |  | •                   |  |  | • SANDS    |  |  | •    |  |  | • WRIGHT         |  |  | •   |  |  | •    |  |  |
| • HOLMBERG      |  |  | •   |  |  | • MILLER     |  |  | •                   |  |  | • SCHIRADO |  |  | •    |  |  | • MR. PRESIDENT  |  |  | •   |  |  | •    |  |  |
| • ISZLER        |  |  | •   |  |  | • MORGAN     |  |  | •                   |  |  | • SHABLOW  |  |  | •    |  |  |                  |  |  | •   |  |  | •    |  |  |

House Bill No. 1541 was declared lost.

Senator Lips moved that the vote by which House Bill 1541 lost be reconsidered and the motion to reconsider be laid on the table.

Senator Mau requested a roll call vote on the motion to clincher House Bill 1541, which request was granted.

ROLL CALL

The question being on motion by Senator Lips to clincher House Bill 1541, the roll was called and there were ayes, 23; nays, 26; absent and not voting, 1.

| REGULAR SESSION |  |  |     |  |  |           |  |  | NORTH DAKOTA SENATE |  |  |           |  |  |      |  |  | 1977 LEGISLATURE |  |  |     |  |  |      |  |  |
|-----------------|--|--|-----|--|--|-----------|--|--|---------------------|--|--|-----------|--|--|------|--|--|------------------|--|--|-----|--|--|------|--|--|
| YEAS            |  |  | N-V |  |  | NAYS      |  |  | YEAS                |  |  | N-V       |  |  | NAYS |  |  | YEAS             |  |  | N-V |  |  | NAYS |  |  |
| • ALBERS        |  |  | •   |  |  | JACOBSON  |  |  | •                   |  |  | • NAADEN  |  |  | •    |  |  | • SMYKOWSKI      |  |  | •   |  |  | •    |  |  |
| • BARTH         |  |  | •   |  |  | • JONES   |  |  | •                   |  |  | • NELSON  |  |  | •    |  |  | • SOLBERG        |  |  | •   |  |  | •    |  |  |
| • BERUBE        |  |  | •   |  |  | • KRAUTER |  |  | •                   |  |  | • NETHING |  |  | •    |  |  | • STRAND         |  |  | •   |  |  | •    |  |  |
| • CHRISTENSEN   |  |  | •   |  |  | • LARSON  |  |  | •                   |  |  | • ORANGE  |  |  | •    |  |  | • STRINDEN       |  |  | •   |  |  | •    |  |  |



## JOURNAL OF THE SENATE

|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL   | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH         |
| • HANSON     | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |                 |

The clincher motion to House Bill 1541 lost.

Senator Jones moved that the Senate reconsider its action by which it refused to concur in the House amendments to Senate Bill 2342, and now concurs in the House amendments to Senate Bill 2342, which motion prevailed.

Senator Jones moved that the rules be suspended, that Senate Bill No. 2342 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Jones requested the President to discharge the Conference Committee on Senate Bill 2342, which request was granted.

## SECOND READING OF SENATE BILLS

**Senate Bill No. 2342.** A Bill for an Act to amend and reenact sections 12-48-03.1 and 12-48-06 of the North Dakota Century Code, relating to the director of institutions establishing and engaging in new prison industries and the sale of prison products; and to repeal sections 12-48-12, 12-48-13, and 12-48-23 of the North Dakota Century Code, relating to the manufacture and sale of license plates and road signs, and employment of penitentiary inmates in book salvage.

Which has been read.

## ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

## MOTION

Senator Smykowski moved that House Concurrent Resolution No. 3052 that is on the 14th order be re-referred to the Legislative Council Resolutions Committee, which motion prevailed.

## FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills Introduced:

**Senate Resolution No. 15.** A resolution welcoming the National Outstanding Young Farmer Awards Congress to North Dakota and proclaiming the week of March 20-26, 1977, as Outstanding Young Farmer Week in North Dakota.

Was read the first time.

Senator Mau moved that the rules be suspended, that Senate Resolution No. 15 not be printed as a bill, not referred to a committee, but 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. 15**

Introduced by Committee on Delayed Bills.

A resolution welcoming the National Outstanding Young Farmer Awards Congress to North Dakota and proclaiming the week of March 20-26, 1977, as Outstanding Young Farmer Week in North Dakota.

WHEREAS, the civic and service organizations of North Dakota, as well as the state's governmental units, recognize the great service rendered to the state by the North Dakota Jaycees in general, and the Bismarck Jaycees in particular; and

WHEREAS, the United States Jaycees have set aside the week of March 20-26, 1977, to focus their attention on the contributions of this nation's agricultural industry, and to commemorate such contributions by recognizing outstanding young farmers in the United States; and

WHEREAS, this national program recognizes these outstanding young farmers for their commitment to excellence in agriculture; and

WHEREAS, agriculture is the backbone of North Dakota's economy since it is one of the most agricultural states in the nation; and

WHEREAS, five North Dakotans—John Beckstrandt, Warwick; Keith Bjerke, Northwood; Milton Hertz, Mott; Steve Reimers, Carrington; and Cecil Zahnow, Raub—have previously won National Outstanding Young Farmer awards; and

WHEREAS, the Bismarck Jaycees are hosting the National Outstanding Young Farmer Awards Congress March 20-22, 1977;

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

That the Senate of North Dakota's Forty-fifth Legislative Assembly extend a hearty and sincere North Dakota welcome to the Jaycees' National Outstanding Young Farmer Awards Congress meeting in Bismarck March 20-22, and that the week of March 20-26, 1977, be hereby declared Outstanding Young Farmer Week in North Dakota;

**BE IT FURTHER RESOLVED**, that the Secretary of State send copies of this resolution to the President of the National Jaycees, to the chairman of the National Outstanding Young Farmers Award Congress, and to the presidents of the North Dakota and Bismarck Jaycees.

**SECOND READING OF SENATE RESOLUTIONS**

**Senate Resolution No. 15.** A resolution welcoming the National Outstanding Young Farmer Awards Congress to North Dakota and proclaiming the week of March 20-26, 1977, as Outstanding Young Farmer Week in North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Resolution No. 15 was declared adopted on a voice vote.

**FIRST READING OF SENATE RESOLUTIONS**

Committee on Delayed Bills Introduced:

**Senate Resolution No. 16.** A resolution noting the accomplishments of the Custer Memorial 7th Cavalry and urging the Pasadena Tournament of Roses Association and its Equestrian Committee to give strong consideration to inviting the Custer Memorial 7th Cavalry to ride in the 1978 Rose Bowl Parade.

Was read the first time.

Senator Melland moved that the rules be suspended, that Senate Resolution No. 16 not be printed as a bill, not referred to a committee, but 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. 16**

Introduced by Committee on Delayed Bills.

A resolution noting the accomplishments of the Custer Memorial 7th Cavalry and urging the Pasadena Tournament of Roses Association and its Equestrian Committee to give strong consideration to inviting the Custer Memorial 7th Cavalry to ride in the 1978 Rose Bowl Parade.

WHEREAS, the Custer Memorial 7th Cavalry began in 1968 with just a few riders and has now grown to more than 100 members in nine different North Dakota cities; and

WHEREAS, the 7th Cavalry attempts to portray as authentically as possible the cavalry period of the late 1800's, a period that played an important role not only in North Dakota history, but also in the history of the United States; and

WHEREAS, the 7th Cavalry riders, with their colorful uniforms and well-groomed mounts, have provided entertainment to thousands of persons in this area at various parades and other functions; and

WHEREAS, the appearance of 7th Cavalry riders at a parade or other function is educational as well as entertaining;

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

That the Senate of the Forty-fifth Legislative Assembly of North Dakota urge the Pasadena Tournament of Roses Association and its Equestrian Committee to give strong consideration to inviting the Custer Memorial 7th Cavalry to ride in the 1978 Rose Bowl Parade not only as representatives of North Dakota, but also as representatives of a unique and special era in United States history that would be appreciated by the millions of parade viewers from coast to coast;

BE IT FURTHER RESOLVED, that the Secretary of the Senate send enrolled copies of this resolution to Mr. Harrison R. Baker, Jr., President; Mr. William G. Lawson, Executive Secretary and Manager; Mr. E. Milton Wilson, a Director and Chairman of the Equestrian Committee, Pasadena Tournament of Roses Association, 391 South Orange Grove Boulevard, Pasadena, California 91105; and Mr. Stanley E. Schultz, Regimental Commander, Custer Memorial 7th Cavalry, Lisbon, North Dakota.

**SECOND READING OF SENATE RESOLUTIONS**

**Senate Resolution No. 16.** A resolution noting the accomplishments of the Custer Memorial 7th Cavalry and urging the Pasadena Tournament of Roses Association and its Equestrian Committee to give strong consideration to inviting the Custer Memorial 7th Cavalry to ride in the 1978 Rose Bowl Parade.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Resolution No. 16 was declared adopted on a voice vote.

**MOTION**

Senator Tennesfos moved on behalf of the freshmen senators, that the Senate reconsider the action whereby House Bill 1381 lost.

Senator Farrington requested a roll call vote on the motion to reconsider House Bill No. 1381, which request was granted.

ROLL CALL

The question being on the motion to reconsider House Bill No. 1381, the roll was called and there were ayes, 24; nays, 25; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |   |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|---|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |               |   |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |   |
| • ALBERS            |     |      | JACOBSON   | •   |      | NAADEN           | •   | SMYKOWSKI     | • |
| • BARTH             |     |      | • JONES    |     |      | • NELSON         |     | SOLBERG       | • |
| • BERUBE            |     |      | • KRAUTER  |     |      | • NETHING        |     | STRAND        | • |
| CHRISTENSEN         | •   |      | • LARSON   |     |      | • ORANGE         |     | STRINDEN      | • |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       |     | TALLACKSON    | • |
| • FARRINGTON        |     |      | LEE        | •   |      | • PIETRON        |     | TENNEFOS      | • |
| FREED               | •   |      | LIPS       | •   |      | • RAIT           |     | THANE         | • |
| FRITZELL            | •   |      | LUDDOEN    | •   |      | • REDLIN         |     | VOSPER        | • |
| GOODMAN             | •   |      | MAHER      | •   |      | • REITEN         |     | WALSH         | • |
| HANSON              | •   |      | MAU        | •   |      | • SANDNESS       |     | WENSTROM      | • |
| • HOFFNER           |     |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        | • |
| • HOLMBERG          |     |      | • MILLER   |     |      | • SCHIRADO       |     | MR. PRESIDENT | • |
| ISZLER              | •   |      | MORGAN     | •   |      | • SHABLOW        |     |               |   |

The motion to reconsider House Bill No. 1381 lost.

MOTIONS

Senator Sandness moved that the Senate do not concur in the House amendments to Senate Bill No. 2025 as printed on page 1184 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on:

Senate Bill No. 2025:

- Senator Strand
- Senator Nelson
- Senator Orange

Senator Goodman moved that the Senate do not concur in the House amendments to Senate Bill No. 2141 as printed on pages 1184 and 1185 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on:

Senate Bill No. 2141:

- Senator Farrington
- Senator Goodman
- Senator Shablow

Senator Reiten moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1567, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1567:

- Senator Tennefos
- Senator Reiten
- Senator Krauter

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Jones moved that the Senate do concur in the House amendments to Senate Bill No. 2209, as printed on page 1185 of the Senate Journal, which motion prevailed.

Senator Jones moved that the rules be suspended, that Senate Bill No. 2209 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2209. A Bill for an Act to amend and reenact section 19-01-10 of the North Dakota Century Code, relating to examination or analysis of products, articles or things by state laboratories department chemists submitted by prosecutors or law enforcement officers.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         | •   |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Sandness moved that the Senate do concur in the House amendments to Senate Bill No. 2359, which motion prevailed.

Senator Sandness moved that the rules be suspended, that Senate Bill No. 2359 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2359. A Bill for an Act to establish the right of teachers to review materials placed in the teacher's personnel file.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes. 41; nays, 8; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         | •   |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

MESSAGES FROM THE HOUSE

House Chamber

Mr. President:

I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendments to House Bill No. 1011, and discharged the Conference Committee appointed, and

now concurs in the Senate amendments to House Bill No. 1011.

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1148

House Bill No. 1174

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2353

Senate Bill No. 2360

Senate Bill No. 2397

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1310

House Bill No. 1346

House Bill No. 1372

House Bill No. 1420

House Bill No. 1484

House Bill No. 1523

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1021

House Bill No. 1221

House Bill No. 1224

House Bill No. 1251

House Bill No. 1314

House Bill No. 1327

House Bill No. 1369

House Bill No. 1409

House Bill No. 1463

House Bill No. 1464

House Bill No. 1469

House Bill No. 1474

House Bill No. 1481

House Bill No. 1510

House Bill No. 1519

House Bill No. 1529

House Bill No. 1530

House Bill No. 1545

House Bill No. 1555

House Bill No. 1557

House Bill No. 1575

House Bill No. 1578

House Bill No. 1591

House Bill No. 1594

House Concurrent Resolution No. 3033

House Concurrent Resolution No. 3041

House Concurrent Resolution No. 3054  
Which the Speaker has signed and your signature is respectfully  
requested.

ROY GILBREATH, Chief Clerk

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. 1010  
House Bill No. 1018  
House Bill No. 1056  
House Bill No. 1320  
House Bill No. 1384  
House Bill No. 1423

LEO LEIDHOLM, Secretary  
Senate Chamber

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

House Bill No. 1175  
House Bill No. 1181  
House Bill No. 1223

LEO LEIDHOLM, Secretary

REPORTS OF PROCEDURAL COMMITTEE

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

Senate Bill No. 2020  
Senate Bill No. 2029  
Senate Bill No. 2035  
Senate Bill No. 2091  
Senate Bill No. 2120  
Senate Bill No. 2152  
Senate Bill No. 2196  
Senate Bill No. 2197  
Senate Bill No. 2198  
Senate Bill No. 2206  
Senate Bill No. 2211  
Senate Bill No. 2212  
Senate Bill No. 2230  
Senate Bill No. 2237  
Senate Bill No. 2281  
Senate Bill No. 2375  
Senate Bill No. 2393  
Senate Bill No. 2403  
Senate Bill No. 2412  
Senate Bill No. 2445  
Senate Bill No. 2450  
Senate Bill No. 2452  
Senate Bill No. 2453  
Senate Bill No. 2457  
Senate Bill No. 2484  
Senate Bill No. 2530  
Senate Bill No. 2531  
Senate Memorial Resolution No. 2

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

**SIGNING OF BILLS**

The Secretary announced that the President was about to sign:

Senate Resolution No. 2

And the President signed the same in the presence of the Senate.

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

Senate Memorial Resolution No. 2

Was delivered to the Secretary of State on March 17, 1977.

SENATOR STRAND, Chairman

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

Senate Bill No. 2151

Senate Bill No. 2210

Senate Bill No. 2223

Senate Bill No. 2228

Senate Bill No. 2370

Senate Bill No. 2429

And find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

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

Senator Nething moved that the Senate recess until Friday, March 18, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary





FIFTY-SECOND DAY AFTER RECESS AND  
FIFTY-THIRD DAY

Bismarck, March 18, 1977

The Senate convened at 9:00 A.M., pursuant to recess taken, President Sanstead presiding.

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has reconsidered its action by which it refused to concur in the House amendments to Senate Bill No. 2342, and discharged the Conference Committee appointed, and now concurs in the House amendments to Senate Bill No. 2342.

LEO LEIDHOLM, Secretary

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2020  
Senate Bill No. 2029  
Senate Bill No. 2035  
Senate Bill No. 2091  
Senate Bill No. 2120  
Senate Bill No. 2151  
Senate Bill No. 2152  
Senate Bill No. 2196  
Senate Bill No. 2197  
Senate Bill No. 2198  
Senate Bill No. 2206  
Senate Bill No. 2210  
Senate Bill No. 2211  
Senate Bill No. 2212  
Senate Bill No. 2223  
Senate Bill No. 2228  
Senate Bill No. 2230  
Senate Bill No. 2237  
Senate Bill No. 2281  
Senate Bill No. 2370  
Senate Bill No. 2375  
Senate Bill No. 2393  
Senate Bill No. 2403  
Senate Bill No. 2412  
Senate Bill No. 2429  
Senate Bill No. 2445  
Senate Bill No. 2450

Senate Bill No. 2452  
 Senate Bill No. 2453  
 Senate Bill No. 2457  
 Senate Bill No. 2484  
 Senate Bill No. 2530  
 Senate Bill No. 2531

And the President signed the same in the presence of the Senate.

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2020  
 Senate Bill No. 2029  
 Senate Bill No. 2035  
 Senate Bill No. 2091  
 Senate Bill No. 2120  
 Senate Bill No. 2151  
 Senate Bill No. 2152  
 Senate Bill No. 2196  
 Senate Bill No. 2197  
 Senate Bill No. 2198  
 Senate Bill No. 2206  
 Senate Bill No. 2210  
 Senate Bill No. 2211  
 Senate Bill No. 2212  
 Senate Bill No. 2223  
 Senate Bill No. 2228  
 Senate Bill No. 2230  
 Senate Bill No. 2237  
 Senate Bill No. 2281  
 Senate Bill No. 2370  
 Senate Bill No. 2375  
 Senate Bill No. 2393  
 Senate Bill No. 2403  
 Senate Bill No. 2412  
 Senate Bill No. 2429  
 Senate Bill No. 2445  
 Senate Bill No. 2450  
 Senate Bill No. 2452  
 Senate Bill No. 2453  
 Senate Bill No. 2457  
 Senate Bill No. 2484  
 Senate Bill No. 2530  
 Senate Bill No. 2531

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

LEO LEIDHOLM, Secretary

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1021  
 House Bill No. 1221  
 House Bill No. 1224  
 House Bill No. 1251  
 House Bill No. 1314

House Bill No. 1327  
House Bill No. 1369  
House Bill No. 1409  
House Bill No. 1463  
House Bill No. 1464  
House Bill No. 1469  
House Bill No. 1474  
House Bill No. 1481  
House Bill No. 1510  
House Bill No. 1519  
House Bill No. 1529  
House Bill No. 1530  
House Bill No. 1545  
House Bill No. 1555  
House Bill No. 1557  
House Bill No. 1575  
House Bill No. 1578  
House Bill No. 1591  
House Bill No. 1594  
House Concurrent Resolution No. 3033  
House Concurrent Resolution No. 3041  
House Concurrent Resolution No. 3054

And the President signed the same in the presence of the Senate.

MESSAGES TO THE HOUSE

Senate Chamber

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

House Bill No. 1021  
House Bill No. 1221  
House Bill No. 1224  
House Bill No. 1251  
House Bill No. 1314  
House Bill No. 1327  
House Bill No. 1369  
House Bill No. 1409  
House Bill No. 1463  
House Bill No. 1464  
House Bill No. 1469  
House Bill No. 1474  
House Bill No. 1481  
House Bill No. 1510  
House Bill No. 1519  
House Bill No. 1529  
House Bill No. 1530  
House Bill No. 1545  
House Bill No. 1555  
House Bill No. 1557  
House Bill No. 1575  
House Bill No. 1578  
House Bill No. 1591  
House Bill No. 1594  
House Concurrent Resolution No. 3033  
House Concurrent Resolution No. 3041  
House Concurrent Resolution No. 3054

Which the President has signed.

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 Bill No. 2209-2359, refused to concur in the House amendment to Senate Bill No. 2025-2141 and the President has appointed as a conference committee to act with a like committee from the House:

- Senate Bill No. 2025
  - Senator Strand
  - Senator Nelson
  - Senator Orange
- Senate Bill No. 2141
  - Senator Farrington
  - Senator Goodman
  - Senator Shablow

LEO LEIDHOLM, Secretary  
Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1567.

- Senator Tennefos
- Senator Reiten
- Senator Krauter

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

House Bill No. 1005. BUDGETS — Board of Higher Education — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof 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, (SJ page 1176) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |               |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |               |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |               |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |               |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |               |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |               |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |               |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |               |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |               |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |               |
| • HOPFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |               |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      |                  |     |               |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |               |
|                     |     |      |              |     |      |            |     |      |                  |     | MR. PRESIDENT |

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

Senator Nething moved that the vote by which House Bill No. 1005 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1014. Budgets — Recreation and Natural Resources — A



duties of the panel, and to authorize the panel to make a report which shall be admissible into evidence in any subsequent action based on a medical malpractice claim.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1131) the roll was called and there were ayes, 34; nays, 12; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1047 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

**MOTION**

Senator Lips moved that the Senate reconsider its action whereby it failed to pass House Bill 1045, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1045.** A Bill for an Act to provide for reporting and review of medical malpractice claims, settlements, and final judgments.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1045 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

**MOTION**

Senator Solberg moved that House Bill 1573 be placed below House Bill 1308 on the calendar, which motion prevailed.

Senator Nething moved that the Senate recess for fifteen minutes, which motion prevailed.

The Senate reconvened, the President presiding.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1308.** A Bill for an Act relating to the promotion, advertising, research and development of edible beans, creating a state edible bean council and prescribing its powers, duties, and authority, prescribing a tax on edible bean production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

Which has been read.

Senator Naaden offered the following amendments to House Bill 1308: On page 6 of the engrossed bill, delete lines 33 through 35

On page 7 of the engrossed bill, delete lines 1 through 13 and insert in lieu thereof the following: "Any grower subject to the assessment provided in this chapter may, within sixty days following such assessment or final settlement, make application by personal letter to the edible bean council for a refund application blank. Upon the return of said blank, properly executed by the grower, accompanied by a record of the assessment by the designated handler, the grower shall be refunded the net amount of the assessment collected. If no request for refund shall have been made within the period prescribed above then the grower shall be presumed to have agreed to such assessment. However, a grower, for any reason, having paid the tax more than once on the same edible beans, upon furnishing proof of this to the council, shall be entitled to a refund of the overpayment.

The council, to inform the grower, shall develop and disseminate information and instructions relating to the purpose of the edible bean tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of edible beans."

And renumber the lines and pages accordingly.

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

Senator Naaden moved that the rules be suspended, that House Bill 1308 be placed on the calendar for second reading and final passage as amended, which motion prevailed:

**House Bill No. 1308.** A Bill for an Act relating to the promotion, advertising, research and development of edible beans, creating a state edible bean council and prescribing its powers, duties, and authority, prescribing a tax on edible bean production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1073, 1074) the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |          |      |                  |         |      |           |
|---------------------|-----|------|-----------|----------|------|------------------|---------|------|-----------|
| REGULAR SESSION     |     |      | ROLL-CALL |          |      | 1977 LEGISLATURE |         |      |           |
| YEAS                | N-V | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V     | NAYS |           |
| •                   |     |      | •         | JACOBSON |      | •                | NAADEN  | •    | SMYKOWSKI |
| •                   |     |      | •         | JONES    |      | •                | NELSON  | •    | SOLBERG   |
| •                   |     |      | •         | KRAUTER  |      | •                | NETHING | •    | STRAND    |



|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZEL     | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

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

Senator Nething moved that the vote by which House Bill No. 1308 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1573. A Bill for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund and to the apportionment and distribution of such fund to counties and cities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 19; nays, 29; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     |      | • SHYKOWSKI      |     | •    |
| • BARTH             |     |      | JONES      | •   |      | • NELSON         |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | KRAUTER    | •   |      | • NETHING        |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       | •   |      | LARSON     | •   |      | • ORANGE         |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        | •   |      | LEE        | •   |      | • PIETRON        |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | LIPS       | •   |      | • RAIT           |     | •    | • THANE          |     | •    |
| • FRITZEL           |     |      | LODDEN     | •   |      | • REDLIN         |     | •    | • VOSPER         |     | •    |
| • GOODMAN           | •   |      | MAHER      | •   |      | • REITEN         |     |      | • WALSH          |     | •    |
| • HANSON            | •   |      | MAU        | •   |      | • SANDNESS       |     | •    | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | MELLAND    | •   |      | • SANDS          |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          | •   |      | MILLER     | •   |      | • SCHIRADO       |     | •    | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | MORGAN     | •   |      | • SHABLOW        |     |      |                  |     |      |

House Bill No. 1573 was declared lost.

Senator Melland moved that the vote by which House Bill No. 1573 was lost, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1392. A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and section 57-37.1-04 of the North Dakota Century Code, relating to estate tax definitions and providing that the rate of the estate tax shall equal the maximum federal estate tax credit for state death taxes; and providing an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 11; nays, 33; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | JACOBSON   | •   |      | • NAADEN         |     |      | • SHYKOWSKI      |     | •    |
| • BARTH             |     |      | JONES      | •   |      | • NELSON         |     |      | • SOLBERG        |     | •    |
| • BERUBE            |     |      | KRAUTER    | •   |      | • NETHING        |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       | •   |      | LARSON     | •   |      | • ORANGE         |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | LASHKOWITZ | •   |      | • PETERSON       |     | •    | • TALLACKSON     |     | •    |
| • FARRINGTON        | •   |      | LEE        | •   |      | • PIETRON        |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | LIPS       | •   |      | • RAIT           |     | •    | • THANE          |     | •    |
| • FRITZEL           |     |      | LODDEN     | •   |      | • REDLIN         |     | •    | • VOSPER         |     | •    |
| • GOODMAN           | •   |      | MAHER      | •   |      | • REITEN         |     |      | • WALSH          |     | •    |
| • HANSON            | •   |      | MAU        | •   |      | • SANDNESS       |     | •    | • WENSTROM       |     | •    |

|            |           |            |                |
|------------|-----------|------------|----------------|
| HOFFNER ●  | MELLAND ● | SANDS ●    | WRIGHT ●       |
| HOLMBERG ● | MILLER ●  | SCHIRADO ● | MR PRESIDENT ● |
| ISZLER ●   | MORGAN ●  | SHABLOW ●  |                |

House Bill No. 1392 was declared lost.

House Bill No. 1393. A Bill for an Act to amend and reenact section 4-22-04 of the North Dakota Century Code, relating to state soil conservation committee meetings and compensation, and providing for additional meetings as called by the chairman, for special meetings upon written request, and increasing daily compensation from twenty-five to forty-five dollars.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      |             | NORTH DAKOTA SENATE |     |      |            | 1977 LEGISLATURE |     |      |          |   |  |  |              |
|-----------------|-----|------|-------------|---------------------|-----|------|------------|------------------|-----|------|----------|---|--|--|--------------|
| ROLL-CALL       |     |      |             |                     |     |      |            |                  |     |      |          |   |  |  |              |
| YEAS            | N-V | NAYS |             | YEAS                | N-V | NAYS |            | YEAS             | N-V | NAYS |          |   |  |  |              |
| ●               |     |      | ALBERS      | ●                   |     |      | JACOBSON   | ●                |     |      | NAADEN   | ● |  |  | SMYKOWSKI    |
| ●               |     |      | BARTH       | ●                   |     |      | JONES      | ●                |     |      | NELSON   | ● |  |  | SOLBERG      |
| ●               |     |      | BERUBE      | ●                   |     |      | KRAUTER    | ●                |     |      | NETHING  | ● |  |  | STRAND       |
| ●               |     |      | CHRISTENSEN | ●                   |     |      | LARSON     | ●                |     |      | ORANGE   | ● |  |  | STRINDEN     |
| ●               |     |      | ERDMAN      | ●                   |     |      | LASHKOWITZ | ●                |     |      | PETERSON | ● |  |  | TALLACKSON   |
| ●               |     |      | FARRINGTON  | ●                   |     |      | LEE        | ●                |     |      | PIETRON  | ● |  |  | TENNEFOS     |
| ●               |     |      | FREED       | ●                   |     |      | LIPS       | ●                |     |      | RAIT     | ● |  |  | THANE        |
| ●               |     |      | FRITZEL     | ●                   |     |      | LODDEN     | ●                |     |      | REDLIN   | ● |  |  | VOSPER       |
| ●               |     |      | GOODMAN     | ●                   |     |      | MAHER      | ●                |     |      | REITEN   | ● |  |  | WALSH        |
| ●               |     |      | HANSON      | ●                   |     |      | MAU        | ●                |     |      | SANDNESS | ● |  |  | WENSTROM     |
| ●               |     |      | HOFFNER     | ●                   |     |      | MELLAND    | ●                |     |      | SANDS    | ● |  |  | WRIGHT       |
| ●               |     |      | HOLMBERG    | ●                   |     |      | MILLER     | ●                |     |      | SCHIRADO | ● |  |  | MR PRESIDENT |
| ●               |     |      | ISZLER      | ●                   |     |      | MORGAN     | ●                |     |      | SHABLOW  |   |  |  |              |

So the bill passed and the title was agreed to.

**MOTIONS**

Senator Nething moved that the vote by which House Bill No. 1043 was passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senator Reiten moved that the Senate do not concur in the House amendments to Senate Bill No. 2218 as printed on page 1152 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2218:

- Senator Fritzel
- Senator Reiten
- Senator Pietron

Senator Solberg moved that the Senate do not concur in the House amendments to Senate Bill No. 2239 as printed on page 1213 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2239:

- Senator Tennefos
- Senator Solberg
- Senator Schirado

Senator Reiten moved that the Senate do not concur in the House amendments to Senate Bill No. 2331 as printed on page 1185 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

### APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2331:

Senator Lodoen  
 Senator Tennesfos  
 Senator Krauter

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2331 as printed on pages 1216 and 1217 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

### APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2381:

Senator Lodoen  
 Senator Reiten  
 Sdnator Shablow

Senator Solberg moved that the Senate do not concur in the House amendments to Senate Bill No. 2487 as printed on pages 1219 and 1220 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

### APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2487:

Senator Tennesfos  
 Senator Solberg  
 Senator Schirado

### CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Morgan moved that the Senate do concur in the House amendments to Senate Bill No. 2515, as printed on page 1220 of the Senate Journal, which motion prevailed.

Senator Morgan moved that the rules be suspended, that Senate Bill No. 2515 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2515. A Bill for an Act to create and enact a new section to chapter 61-16 and to chapter 61-21 of the North Dakota Century Code, to allow a water management board and a drainage board to accept bids to supply culverts and pipe arches for a period of one year; and to amend and reenact subsection 1 of section 61-21-01 and sections 61-21-25, 61-21-45, and 61-21-46 of the North Dakota Century Code, relating to definitions of a drain, to situations where no acceptable bids are received, to allowing drain boards to contract with the county or private contractors to construct drains, to contracts for constructing or maintaining water management projects, and to the contracts and maximum levy for cleaning and repairing drains.

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 |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS     | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| •                   |     |      | •        |     |      | •         |     |      | •                |     |      |
| ALBERS              |     |      | JACOBSON |     |      | NAADEN    |     |      | SMYKOWSKI        |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FRED        | • LIPS       | • RAIT     | • THANE         |
| • FRITZEL     | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

S6 the bill passed and the title was agreed to.

**MOTIONS**

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1009, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1009:

- Senator Thane
- Senator Smykowski
- Senator Larson

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1419, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1419:

- Senator Strinden
- Senator Hanson
- Senator Maher

**MOTION**

Senator Nothing moved that the House amendments to Senate Bill 2500 be laid on the table.

Senator Orange requested a roll call vote on the motion to lay the House amendments to Senate Bill 2500 on the table, which request was granted.

**ROLL CALL**

The question being on the motion to lay the House amendments to Senate Bill 2500 on the table, the roll was called and there were 31 ayes; 18 nays; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | •    | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | •    | • TENNEFOS      |     |      |
| • FRED              |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZEL           |     | •    | • LODOEN     |     |      | • REDLIN         |     | •    | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     |      | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                 |     |      |

The motion to lay the House amendments to Senate Bill No. 2500 on the table prevailed.

**MOTION**

Senator Freed moved that House Bill 1569 be moved to the head of the calendar, which motion prevailed.

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

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary  
FIFTY-THIRD DAY

Bismarck, March 18, 1977

The Senate convened at 2:00 P.M., President Sanstead presiding.

The prayer was offered by Msgr. Robert A. Feehan, Pastor, St. Mary's Church, Bismarck.

ALMIGHTY and Everlasting God, who dost preside over all things in heaven and on earth, come and preside over these deliberations too, that those who frame its decisions may ever be guided by Thy wisdom, who livest and reignest, God forever and ever. Amen

Direct O Lord our actions by Thy holy inspiration. Carry them along by Thy most gracious assistance so that every word and work of Ours will began with Thee. By Thee be happily ended. Glory to God in the highest, and peace to His people on earth.

#### 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-first day after recess and Fifty-second day and recommends that the same be corrected as follows:

On page 1198, line 32 after the word "to" insert "and the emergency clause carried".

On page 1202, line 55, delete the "0" and insert in lieu thereof "1"

On page 1234, line 53, delete the word "motion" and insert in lieu thereof the word "vote"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

The roll was called and all Senators were present except Senators Lee and Morgan. Senator Lee is representing the N.D. Senate at the Western Conference Committee on Energy and Resources at Salt Lake City.

A quorum was declared by the President.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1569.** A Bill for an Act to amend and reenact subsections 9 and 10 of section 38-18-05 of the North Dakota Century Code, relating to the definitions of surface estate and surface owner.

Which has been read.

Senator Barth offered the following amendments to House Bill 1569:

On page 1 of the engrossed bill, line 1, after the word "Act" insert the words "to create and enact a new subsection to section 38-18-05 of the North Dakota Century Code, relating to the definition of an easement for electric power line; to amend and reenact section 38-18-03 of the North Dakota Century Code, relating to the purpose of the chapter; and"

On page 1 of the engrossed bill, after line 7, insert the following two sections:

"SECTION 1.) A new subsection to section 38-18-05 of the North Dakota Century Code is hereby created and enacted to read as follows: "Easement for electric power line" shall mean an easement for an electric distribution or transmission line and associated facilities with a design of one hundred fifteen kilovolts or less, but shall not include an easement for an electric transmission line and associated facilities with a

design of more than one hundred fifteen kilovolts.

SECTION 2. AMENDMENT.) Section 38-18-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-18-03. PURPOSE AND INTERPRETATION.) It is the purpose of this chapter to provide the maximum amount of constitutionally permissible protection to surface owners from the undesirable effects of development, without their consent, of minerals underlying their surface. It is also the purpose of this chapter to encourage full cooperation in the public interest between coal mining companies and electric and telephone utilities in planning, constructing, and relocating electric and telephone lines in coal mining areas. This chapter is to be interpreted in light of the legislative intent expressed herein. The provisions of this chapter shall be interpreted to benefit surface owners, regardless of how the mineral estate was separated from the surface estate and regardless of who executed the document which gave the mineral developer the right to conduct mining operations on the land."

On page 1 of the engrossed bill, line 14, delete the word "transmission"

On page 1 of the engrossed bill, line 21, delete the word "transmission"

And renumber the lines, sections, and pages accordingly.

Senator Barth moved that the amendments be adopted, which motion lost on a division vote.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 7; nays, 42; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |      |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |      |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS | N-V | NAYS          |
| •                   |     | •    |            |     |      |                  |     |      |      |     |               |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     |      |      |     | SMYKOWSKI     |
| •                   |     |      | JONES      |     |      | NELSON           |     |      |      |     | SOLBERG       |
|                     |     |      | KRAUTER    |     |      | NETHING          |     |      |      |     | STRAND        |
|                     |     |      | LARSON     |     |      | ORANGE           |     |      |      |     | STRINDEN      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     |      |      |     | TALLACKSON    |
|                     |     |      | LEE        |     |      | PIETRON          |     |      |      |     | TENNEFOS      |
|                     |     |      | LIPS       |     |      | RAIT             |     |      |      |     | THANE         |
|                     |     |      | LODOEN     |     |      | REDLIN           |     |      |      |     | VOSPER        |
|                     |     |      | MAHER      |     |      | REITEN           |     |      |      |     | WALSH         |
|                     |     |      | MAU        |     |      | SANDNESS         |     |      |      |     | WENSTROM      |
|                     |     |      | MELLAND    |     |      | SANDS            |     |      |      |     | WRIGHT        |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     |      |      |     | MR. PRESIDENT |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |      |      |     |               |
|                     |     |      |            |     |      |                  |     |      |      |     |               |

House Bill No. 1569 was declared lost.

#### POINT OF PERSONAL PRIVILEGE

SENATOR ALBERS: Mr. President, ladies and gentlemen of the Senate, I rise on a point of personal privilege, and ask that my remarks be printed in the journal.

Mr. President, ladies and gentlemen, today we indefinitely postponed House Bill 1569, which was intended to provide a vehicle by which distribution cooperatives might receive some relief in situations where lines may have to be moved so that coal mining may occur.

The bill in its original form went beyond my understanding of the intent, at least so far as my own local coops are concerned, because it included all transmission lines. Senator Barth offered amendments, and did so sincerely, but apparently those amendments, which I believe he was requested to offer, perhaps did not solve all of the problems involved in the bill.

Mr. President, ladies and gentlemen, there was one aspect of Senator

Barth's proposed amendments which I believe we, as a legislative body, should endorse in spirit and intent, and I wish to address that aspect in my remarks.

The last paragraph of Senator Barth's amendments dealt with the promotion and encouragement of communication and cooperation between the distribution cooperatives and the mining companies, relative to planning, construction, and so forth.

Mr. President, ladies and gentlemen of the Senate, it may not be good law to "encourage" or "promote" this type of cooperation. But I say that we as a body should, in some way, do just that. If it were earlier in the session, I would introduce a resolution which would encourage such cooperation and communication. I feel confident Senator Barth would join me in sponsoring that type of resolution.

Because of the lateness in this session, Mr. President, ladies and gentlemen, I am taking this opportunity to hopefully send a message to the managers of the cooperatives in mining areas as well as to management of the mining companies, and I hope each of you in some way would join me in getting the message across.

The message is: "Over the next two years, your cooperative managers and mining company managers or executives open lines of communications with each other; let each other know where you will have mines and lines in the future; try to work out routing which will minimize probability of moves on one hand, and on the other, let the other side know where you intend to mine.

"More importantly, try sincerely to arrive at some rule of thumb involving compensation for line relocation which is acceptable to each side."

Mr. President, ladies and gentlemen, there may be no need to enact laws to address this particular question or potential problem. It is my belief that if the two sides involved in this potential problem will, over the next two years, attempt to resolve what now seem to be anticipated problems, there may never be a need for legislation such as House Bill No. 1569.

In the absence of the cooperation and communication I suggest, I would remind the parties involved that there will be a legislative session in 1979, and they may rest assured that legislation to correct problems, if they exist at that time, will again be introduced.

#### MOTION

Senator Hoffner moved that House Bill No. 1262 be moved to the head of the calendar.

Senator Barth requested a roll call vote on the motion, which request was granted.

#### ROLL CALL

The question being on the motion to place House Bill No. 1262 to the head of the calendar, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |      |      |           |      |            |      |      |      |                  |      |            |   |
|---------------------|------|------|-----------|------|------------|------|------|------|------------------|------|------------|---|
| REGULAR SESSION     |      |      | ROLL CALL |      |            |      |      |      | 1977 LEGISLATURE |      |            |   |
| YEAS                | N.V. | NAYS | YEAS      | N.V. | NAYS       | YEAS | N.V. | NAYS | YEAS             | N.V. | NAYS       |   |
| • ALBERS            |      | •    |           |      | JACOBSON   | •    |      |      | •                |      | SMYKOWSKI  | • |
| • BARTH             |      |      |           |      | JONES      | •    |      |      | •                |      | SOLBERG    | • |
| • BERUBE            |      |      |           |      | KRAUTER    | •    |      |      | •                |      | STRAND     | • |
| • CHRISTENSEN       |      | •    |           |      | LARSON     | •    |      |      | •                |      | STRINDEN   | • |
| • ERDMAN            |      |      |           |      | LASHKOWITZ | •    |      |      | •                |      | TALLACKSON | • |
| • FARRINGTON        |      | •    |           |      | LEE        | •    |      |      | •                |      | TENNEFOS   | • |
|                     |      |      |           |      |            |      |      |      | •                |      | PIETRON    | • |

|           |         |          |               |
|-----------|---------|----------|---------------|
| FREED     | LIPS    | RAIT     | THANE         |
| FRIITZELL | LODOEN  | REDLIN   | VOSPER        |
| GOODMAN   | MAHER   | REITEN   | WALSH         |
| HANSON    | MAU     | SANDNESS | WENSTROM      |
| HOFFNER   | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG  | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER    | MORGAN  | SHABLOW  |               |

The motion lost.

**REPORT  
of the  
1977 SELECT SENATE COMMITTEE  
on  
THE BANK OF NORTH DAKOTA**

Senator Theron Strinden, Chairman  
 Senator Francis Barth  
 Senator Bonnie Miller  
 Senator Curtis Peterson  
 Senator Rolland Redlin  
 Senator Chester Reiten  
 Senator Gilman Strand  
 Senator Kent Vosper

**REPORT OF THE 1977  
SELECT SENATE COMMITTEE ON  
THE BANK OF NORTH DAKOTA**

The 1977 Select Senate Committee on the Bank of North Dakota was created pursuant to Senate Resolution No. 2 to study and review the administration and operation of the Bank of North Dakota and legislative proposals for use of the Bank. The members of the committee were Senators Theron Strinden, Chairman, Francis Barth, Bonnie Miller, Curtis Peterson, Rolland Redlin, Chester Reiten, Gilman Strand, and Kent Vosper.

The committee held eight meetings over its 45-day period of study. The committee toured the Bank facilities and received testimony from Bank officials, the Department of Banking and Financial Institutions, and representatives of banking organizations.

As a result of testimony received at its meetings, the committee made the following findings:

1. As of December 30, 1976, the total resources of the Bank of North Dakota exceeded \$448,572,780.

2. In 1976 the loan activity of the Bank substantially increased: agricultural overline loans increased approximately \$10,113,100; farm real estate loans increased approximately \$2,320,180; Small Business Administration participation loans increased approximately \$2,157,130; and Bank participation loans increased approximately \$20,519,660.

3. The Bank of North Dakota follows a specific, clearly defined operating policy establishing lending limits for personnel in the Bank, the investment committee, the advisory board of directors to the Bank of North Dakota and the Industrial Commission. Loan officers may make or commit loans up to \$100,000. The investment committee of the Bank may make or commit loans or industrial revenue bonds up to \$400,000. Loans or industrial revenue bond issues over \$400,000 and up to \$1,000,000 require approval of the advisory board of directors to the Bank. All loans or industrial revenue bond issues over \$1,000,000 and up to the legal lending limit (\$5,000,000) require the approval of the Industrial Commission.



4. From 1962 through 1976 there were four loans charged off by the Bank in the total amount of \$238,113.37 and there were four municipal industrial development revenue bond issues charged off in the total amount of \$443,074.15.

5. The Bank of North Dakota is involved in an extensive program (referred to as federal funds) with approximately 100 banks in North Dakota, with the Bank purchasing excess funds from 90 percent of these banks and selling excess funds to the others on a day-to-day basis.

6. The Municipal Bond Bank of the Bank of North Dakota is in the process of issuing its first bonds in the amount of \$14,000,000, which reflects approximately 97 separate municipal bond issues.

7. Eighteen bills were introduced into the 1977 Legislative Assembly concerning the authority of the Bank of North Dakota. The bills ranged from prohibiting private deposits at the Bank to using Bank profits to provide loans for various purposes.

8. The 1977 Legislative Assembly approved House Bill No. 1440 which would authorize the Bank of North Dakota to make bank stock loans to qualified state residents. The effects of the bill are unknown, especially with respect to the transfer of ownership of banks in the state.

9. The Industrial Commission, by motion, authorized the Bank of North Dakota to provide whatever services were authorized by law to assist the residents of Towner, North Dakota, during the period the Pioneer State Bank was closed and a new bank was opened.

10. The Bank of North Dakota substantially reduced the adverse effects the closing of the only bank in Towner had on the residents of the community by opening a paying and receiving station during the interim when the community had no banking institution.

11. The services provided by the Bank of North Dakota to Towner residents were limited to those authorized a paying and receiving station. The station was closed when the new State Bank of Towner opened. Towner customers opened 121 accounts with the Bank of North Dakota during its operation in Towner and the bank cashed or remitted approximately \$50,000 of business each day it was in operation.

As a result of these findings, the committee makes the following recommendations:

1. The committee recommends passage of legislation to specifically delineate the authority of the Bank of North Dakota in providing emergency services to a city which has temporarily lost its banking institution. The Industrial Commission may authorize such emergency services only when a bank is in possession of the Commissioner of Banking and Financial Institutions, the State Banking Board, a conservator, or a receiver, under state or federal law, and there is no other bank in the city where the closed bank is located. The authority of the Bank to provide banking services in the city would be limited to that authorized a paying and receiving station under state law, with the exception being that the Bank could provide up to six-month personal loans of not more than \$2,500. The emergency services provided by the Bank of North Dakota would be discontinued when the conservatorship or receivership of the closed bank is terminated, the closed bank resumes business, or another bank commences business in the city.

2. The committee recommends passage of a concurrent resolution directing the Legislative Council to conduct an interim study of the feasibility and desirability of regulating the transfer of control of banking institutions.

3. The committee recommends consideration and support of adequate staffing and personnel for the Bank of North Dakota to allow the Bank to provide the services necessary to supervise its expanding activity in providing participation loans to local financial institutions and to conduct any new activities authorized by the Legislative Assembly.

The committee extends its thanks to personnel of the Bank of North Dakota and the Department of Banking and Financial Institutions for their information and assistance provided to the committee during its study. In addition the committee extends its appreciation to representatives of banking organizations who provided the committee with information on banking activities generally.

Senator Theron Strinden  
Chairman  
1977 Select Senate Committee  
on the Bank of North Dakota

Senator Strinden moved that the report be adopted, and that the Select Committee be discharged, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1397.** A Bill for an Act to repeal subsection 5 of section 38-18-06 of the North Dakota Century Code, relating to district court actions when a surface owner does not consent to strip mining by an owner of a severed mineral interest.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 40; absent and not voting, 2.

| NORTH DAKOTA SENATE |      |      |            |      |      |          |      |      |                  |      |               |
|---------------------|------|------|------------|------|------|----------|------|------|------------------|------|---------------|
| REGULAR SESSION     |      |      | ROLL CALL  |      |      |          |      |      | 1977 LEGISLATURE |      |               |
| YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS     | N.V. | NAYS | YEAS             | N.V. | NAYS          |
|                     |      | •    |            |      | •    |          |      | •    |                  |      | •             |
| •                   |      |      | JACOBSON   |      |      | NAADEN   |      |      |                  |      | SMYKOWSKI     |
|                     |      | •    | JONES      |      |      | NELSON   |      |      |                  |      | SOLBERG       |
|                     |      | •    | KRAUTER    |      |      | NETHING  |      |      |                  |      | STRAND        |
|                     |      | •    | LARSON     |      |      | ORANGE   |      |      |                  |      | STRINDEN      |
|                     |      | •    | LASHKOWITZ |      |      | PETERSON |      |      |                  |      | TALLACKSON    |
|                     |      | •    | LEE        |      |      | PIETRON  |      |      |                  |      | TENNEFOS      |
|                     |      | •    | LIPS       |      |      | RAIT     |      |      |                  |      | THANE         |
|                     |      | •    | LODOEN     |      |      | REDLIN   |      |      |                  |      | VOSPER        |
|                     |      | •    | MAHER      |      |      | REITEN   |      |      |                  |      | WALSH         |
|                     |      | •    | MAU        |      |      | SANDNESS |      |      |                  |      | WENSTROM      |
|                     |      | •    | MELLAND    |      |      | SANDS    |      |      |                  |      | WRIGHT        |
|                     |      | •    | MILLER     |      |      | SCHIRADO |      |      |                  |      | MR. PRESIDENT |
|                     |      | •    | MORGAN     |      |      | SHABLOW  |      |      |                  |      |               |
|                     |      | •    |            |      |      |          |      |      |                  |      |               |

House Bill 1397 was declared lost.

**MESSAGE FROM THE HOUSE**

Mr. President: I have the honor to inform you that the House requests the return of Senate Bill No. 2004.

ROY GILBREATH, Chief Clerk

**MOTION**

Senator Hoffner moved that the Senate accede to the request of the House and return Senate Bill No. 2004.

Senator Nothing moved that the Senate refuse the request of the House and not return Senate Bill No. 2004.

Senator Barth requested a roll call vote, which request was granted.

**ROLL CALL**

The question being on the motion to return Senate Bill 2004 to the House, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     | •    |            |     |      |                  |     |               |
| •                   |     |      | JACOBSON   | •   |      | NAADEN           |     | SMYKOWSKI     |
| •                   |     |      | JONES      | •   |      | NELSON           | •   | SOLBERG       |
| •                   |     | •    | KRAUTER    |     |      | •                |     | STRAND        |
| •                   |     | •    | LARSON     | •   |      | ORANGE           |     | STRINDEN      |
| •                   |     | •    | LASHKOWITZ |     |      | PETERSON         | •   | TALLACKSON    |
|                     |     | •    | LEE        | •   |      | PIETERON         |     | TENNEFOS      |
|                     |     | •    | LIPS       | •   |      | RAIT             |     | THANE         |
|                     |     | •    | LODOEN     | •   |      | REILIN           |     | VOSPER        |
|                     |     | •    | MAHER      |     |      | REITEN           | •   | WALSH         |
|                     |     | •    | MAU        |     |      | SANDNESS         | •   | WENSTROM      |
| •                   |     | •    | MELLAND    | •   |      | SANDS            | •   | WRIGHT        |
|                     |     | •    | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     | •    | MORGAN     | •   |      | SHABLOW          |     |               |

The motion to return Senate Bill No. 2004 to the House lost.

#### MOTION

Senator Hoffner informed the Senate he had talked to Rep. Backes as to the reason for the request to return Senate Bill No. 2004 to the House. Rep. Backes informed Senator Hoffner the reason was for the purpose of amending Senate Bill No. 2004. Senator Hoffner moved that the Senate return Senate Bill No. 2004 to the House.

Senator Nothing moved that the Senate refuse the request.

Senator Orange requested a roll call vote on the motion, to return House Bill No. 2004, which request was granted.

#### ROLL CALL

The question being on the motion to return Senate Bill No. 2004 to the House, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     | •    |            |     |      |                  |     |               |
| •                   |     |      | JACOBSON   | •   |      | NAADEN           |     | SMYKOWSKI     |
| •                   |     |      | JONES      | •   |      | NELSON           | •   | SOLBERG       |
| •                   |     | •    | KRAUTER    |     |      | •                |     | STRAND        |
| •                   |     | •    | LARSON     | •   |      | ORANGE           |     | STRINDEN      |
| •                   |     | •    | LASHKOWITZ |     |      | PETERSON         | •   | TALLACKSON    |
|                     |     | •    | LEE        | •   |      | PIETERON         |     | TENNEFOS      |
|                     |     | •    | LIPS       | •   |      | RAIT             |     | THANE         |
|                     |     | •    | LODOEN     | •   |      | REILIN           |     | VOSPER        |
|                     |     | •    | MAHER      |     |      | REITEN           | •   | WALSH         |
|                     |     | •    | MAU        |     |      | SANDNESS         | •   | WENSTROM      |
| •                   |     | •    | MELLAND    | •   |      | SANDS            | •   | WRIGHT        |
|                     |     | •    | MILLER     |     |      | SCHIRADO         |     | MR. PRESIDENT |
|                     |     | •    | MORGAN     | •   |      | SHABLOW          |     |               |

The motion to return Senate Bill No. 2004 to the House lost.

#### POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal. I believe that it is in the interests of this assembly that we dispatch our business without undue delay. I think this is consistent with the principle of fiscal responsibility, because every day of delay is costly to the taxpayers of the State of North Dakota. I would hope that we would put partisanship aside and get on with the substantive business of the State of North Dakota.

#### MESSAGE TO THE HOUSE

##### Senate Chamber

Mr. Speaker: I have the honor to inform you that it is with regret that the return of Senate Bill No. 2004 has been denied.

LEOLEIDHOLM, Secretary

#### POINT OF PERSONAL PRIVILEGE

Senator Thane: Mr. President, ladies and gentlemen of the Senate: I

am sure all of you know that I am a farmer and I know you are also aware that I am a part of the Republican Majority. It is very rare that I use a point of personal privilege.

For the past 29 years, I have been a consumer-owner-member of RSR Electric Cooperative of Milnor and can vividly remember how happy we were when the lights came on for the first time. Therefore, I am pleased and proud to say that I believe in and support the Rural Electric Cooperative I belong to.

Obviously, I am not the only Republican who believes in and supports REC's. Over the years these REC's have been treated very well by the legislature, which by the will of the citizens of North Dakota has held Republican majorities. Many of these same citizens belong to REC's and vote Republican. But each time I read the "REC Magazine" I am disturbed by the efforts of the editor and some writers to brand Republicans as the "villains". The most recent example of such efforts appeared in the March issue of the magazine. The magazine's editor, in his column, writes about "tricking Democrats", "dirty trick politics", "playing political games", funny little games like — who gets the credit and how can I get a piece of the credit?". He also refers to a certain Senator by saying, "his problem is to get a piece of the action before his people study his record on water too closely".

Mr. President, ladies and gentlemen: Each of us was elected by the voters of our district to come to Bismarck and do the best we can for them and for the State of North Dakota and we do this regardless of whether we are Republicans or Democrats!

I do not believe that either political party has a "corner on the market" for honesty or sincerity. We have always had our differences and will continue to have them as part of the political process. Part of that process could be called "political games" and if so it is played on both sides of the political aisle. Any attempt to deny this would be less than honest. Neither party has a "corner on this market" either.

The editor of the "REC Magazine" carefully avoids direct reference to either party. He leaves that work to his lobbyist who in an article called "Legislative Observations" berates directly or indirectly all of the Republicans in the Senate by his criticism of our leadership, and by his direct reference to certain Senators.

The REC lobbyist, who is the same person who leaves little notes on our desks suggesting how we vote, refers to "civilities", "political expediency", "shenanigans" and "Watergate". He writes about how the Majority Leader... "took advantage of the Minority" and how this was done to "satisfy a personal and political power play".

Now, Mr. President, ladies and gentlemen of the Senate: I ask you: "How does this self-inspired young lobbyist think he can publicly attack Republicans and still expect us, the Majority party, to be sympathetic to the messages in his little notes?" More importantly, I ask: "When will this publication admit that both parties have helped the rural electric movement over the years and who can decide which party can take any special credit?"

Mr. President, ladies and gentlemen of the Senate: I submit to you that I believe it is time for the "REC Magazine" to become representative of all loyal REC members instead of being a forum for spouting these two men's personal political philosophies.

## MOTION

Senator Melland moved that House Bill No. 1280 be placed at the head of the calendar, which motion prevailed.

Senator Barth moved that House Bill No. 1280 be laid over one legislative day, which motion lost.

## SECOND READING OF HOUSE BILLS

**House Bill No. 1280.** A Bill for an Act to provide for a conditional transfer of funds to the state capital construction fund, and providing an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions.

Which has been read.

Senator Mau offered the following amendments to House Bill No. 1280: In the amendments to engrossed House Bill No. 1280 as found on pages 1178 and 1179 of the Senate Journal, place amendments as follows:

On page 1178 of the Senate Journal, line 34, delete the numerals "15,737,500.00" and insert in lieu thereof the numerals "16,063,000.00"

On page 1178 of the Senate Journal, after line 53, insert the following new lines:

"School for the blind            Therapeutic swimming pool            325,500"

On page 1178 of the Senate Journal, line 55, delete the numerals "15,737,500.00" and insert in lieu thereof the numerals "16,063,000.00"

And renumber the lines accordingly.

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

Senator Melland moved that the rules be suspended, that House Bill No. 1280 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Nething moved that the question be divided on House Bill 1280, to have the funds for each section voted upon separately as follows:

Heritage center building

Library facility at NDSU

Office facilities and class lab at UND

Physical education activities center at Minot state college

Multipurpose arena at Dickinson state college

Maximum security unit at State Hospital

Instructional media center at School for the deaf

Swimming pool at State school of science

Therapeutic swimming pool at School for the blind

Which motion prevailed.

**House Bill No. 1280.** A Bill for an Act to provide for a conditional transfer of funds to the state capital construction fund, and providing an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions.

Which has been read.

## ROLL CALL

The question being on the Heritage center building for North Dakota heritage commission, the roll was called and there were ayes, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

The Heritage center building section of House Bill 1280 passed.

ROLL CALL

The question being on the Library facility at NDSU, the roll was called and there were ayes, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

The Library facility at NDSU section of House Bill No. 1280 passed.

ROLL CALL

The question being on the office facilities and class lab at UND, the roll was called and there were ayes, 27; nays, 22; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     | •    | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

The office facilities and class lab at UND section of House Bill No. 1280 passed.

ROLL CALL

The question being on the physical education activities center at Minot state college, the roll was called and there were ayes, 32; nays, 17; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES    |     |      | • NELSON |     | •    | • SOLBERG        |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

The physical education activities center at Minot state college section of House Bill No. 1280 passed.

**ROLL CALL**

The question being on, the multipurpose arena at Dickinson state college, the roll was called and there were ayes, 31; nays, 18; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODDEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

The multipurpose arena at Dickinson state college section of House Bill No. 1280 passed.

**ROLL CALL**

The question being on the maximum security unit at Jamestown state hospital, the roll was called and there were ayes, 32; nays, 17; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODDEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

The maximum security unit at Jamestown state hospital section of House Bill No. 1280 passed.

**ROLL CALL**

The question being on the instructional media center at the School for the deaf, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON  |     |      | • SOLBERG        |     |      |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENEFOS     |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

The instructional media center at the School for the deaf section of House Bill No. 1280 passed.

**ROLL CALL**

The question being on the swimming pool at the State School of Science, the roll was called and there were ayes, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   | •   |      | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | JONES      |     |      | NELSON   |     | •    | SOLBERG          |     |      |
| • BERUBE            |     |      | KRAUTER    |     |      | NETHING  |     | •    | STRAND           |     |      |
| • CHRISTENSEN       |     |      | LARSON     | •   |      | ORANGE   |     | •    | STRINDEN         |     |      |
| • ERDMAN            |     |      | LASHKOWITZ |     |      | PETERSON |     | •    | TALLACKSON       |     |      |
| • FARRINGTON        |     | •    | LEE        | •   |      | PIETRON  |     | •    | TENEFOS          |     |      |
| • FREED             |     |      | LIPS       |     |      | RAIT     |     | •    | THANE            |     |      |
| • FRITZELL          |     |      | LODOEN     |     |      | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     |      | MAHER      |     |      | REITEN   |     | •    | WALSH            |     |      |
| • HANSON            |     |      | MAU        | •   |      | SANDNESS |     | •    | WENSTROM         |     |      |
| • HOFFNER           |     | •    | MELLAND    |     |      | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     |      | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER            |     | •    | MORGAN     |     |      | SHABLOW  |     |      |                  |     |      |

The swimming pool at the State School of Science section of House Bill No. 1280 passed.

**ROLL CALL**

The question being on the therapeutic swimming pool at the School for the blind, the roll was called and there were ayes, 44; nays, 5; absent, and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | JACOBSON   | •   |      | NAADEN   |     | •    | SMYKOWSKI        |     | •    |
| • BARTH             |     |      | JONES      |     |      | NELSON   |     | •    | SOLBERG          |     |      |
| • BERUBE            |     |      | KRAUTER    |     |      | NETHING  |     | •    | STRAND           |     |      |
| • CHRISTENSEN       |     |      | LARSON     | •   |      | ORANGE   |     | •    | STRINDEN         |     |      |
| • ERDMAN            |     |      | LASHKOWITZ |     |      | PETERSON |     | •    | TALLACKSON       |     |      |
| • FARRINGTON        |     | •    | LEE        | •   |      | PIETRON  |     | •    | TENEFOS          |     |      |
| • FREED             |     |      | LIPS       |     |      | RAIT     |     | •    | THANE            |     |      |
| • FRITZELL          |     |      | LODOEN     |     |      | REDLIN   |     | •    | VOSPER           |     | •    |
| • GOODMAN           |     |      | MAHER      |     |      | REITEN   |     | •    | WALSH            |     |      |
| • HANSON            |     |      | MAU        | •   |      | SANDNESS |     | •    | WENSTROM         |     |      |
| • HOFFNER           |     | •    | MELLAND    |     |      | SANDS    |     | •    | WRIGHT           |     | •    |
| • HOLMBERG          |     |      | MILLER     |     | •    | SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER            |     | •    | MORGAN     |     |      | SHABLOW  |     |      |                  |     |      |

The therapeutic swimming pool section of House Bill No. 1280 passed.

Senator Barth moved to further amend House Bill No. 1280 as follows:

In the amendments to engrossed House Bill No. 1280 as found on pages 1178 and 1179 of the Senate Journal, place amendments below Senator Mau's amendment "School for the blind Therapeutic Swimming pool \$325,500 as follows:

Main Experiment Station — Dairy Expansion Unit — \$380,000

On page 1179 of the Senate Journal, line 55, delete the numerals \$16,063,000.00 and insert in lieu thereof the numerals \$16,443,000.00"

Senator Barth moved that the amendments be adopted, and requested a roll call vote, which request was granted.





Senator Fritzell  
Senator Reiten  
Senator Pietron  
Senate Bill No. 2239  
Senator Tennefos  
Senator Solberg  
Senator Schirado  
Senate Bill No. 2331  
Senator Lodoen  
Senator Tennefos  
Senator Krauter  
Senate Bill No. 2381  
Senator Lodoen  
Senator Reiten  
Senator Shablow  
Senate Bill No. 2487  
Senator Tennefos  
Senator Schirado  
Senator Solberg

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1009:

Senator Thane  
Senator Smykowski  
Senator Larson  
Senate Bill No. 1419  
Senator Strinden  
Senator Hanson  
Senator Maher

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. 2500 and has laid the amendment on the table.

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

Senate Bill No. 2292  
Senate Bill No. 2345  
Senate Bill No. 2462  
Senate Bill No. 2419  
Senate Bill No. 2537

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2516

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. 2126

Senate Bill No. 2199

Senate Bill No. 2388

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2126

On page 1, line 7 of the engrossed bill, after the word "commissions" insert the words "; and to provide an appropriation"

On page 6, after line 32, insert the following new section:

"SECTION 8. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$400,000.00 to the state planning division for equal distribution, not less than \$50,000.00 to each regional council during the biennium beginning July 1, 1977, and ending June 30, 1979."

And renumber the lines, pages and sections accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2199

On page 1, line 3 of the engrossed bill, delete the following: "; and" and insert in lieu thereof ","

On page 1, delete all of line 4 and insert in lieu thereof the words "nonresident fur-bearer licenses"

On page 1, line 5, delete the words "is valid and declaring a date of enactment"

On page 1, line 6, after the word "fees" insert the following: "; and declaring an effective date"

On page 1, line 14, place beginning triple parentheses before the comma

On page 1, line 15, place ending triple parentheses after the comma

On page 1, line 17, place beginning triple parentheses before the first comma and also on line 17, place ending triple parentheses after the second comma

On page 1, line 22, place beginning triple parentheses before the comma

On page 2, line 1, place ending triple parentheses after the word "issue"

On page 2, line 11, delete the triple parentheses around the word "seven" and also on line 11, delete the word "three"

On page 2, line 22, delete the word "twelve" and insert in lieu thereof the word "ten"

On page 2, line 31, after the word "over" insert the following: "or a resident totally or permanently disabled"

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2388

On page 2 of the engrossed bill, line 16, delete the words "a class B mis-"

On page 2, line 17, delete the word "demeanor" and insert in lieu thereof the words "an infraction"

On page 2, line 24, after the word "telephone" insert the words ", coaxial, signaling and other" and on the same line delete the word "or"

On page 2, line 25, after the word "structures" insert the words ", or other circuits and their supporting structures which are not high voltage as defined in Section 1"

On page 2, line 26, after the word "any" insert the word "railroad" and on the same line after the word "equipment" insert the words "or vehicles"

On page 2, line 27, after the word "rails" insert the word "or railroad right-of-way"

And renumber the lines accordingly.

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. 1005  
House Bill No. 1014  
House Bill No. 1043  
House Bill No. 1047  
House Bill No. 1172  
House Bill No. 1239  
House Bill No. 1242  
House Bill No. 1308  
House Bill No. 1333

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1045  
House Bill No. 1393

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. 2033  
Senate Bill No. 2034  
Senate Bill No. 2106  
Senate Bill No. 2107  
Senate Bill No. 2163  
Senate Bill No. 2217  
Senate Bill No. 2226  
Senate Bill No. 2267  
Senate Bill No. 2343  
Senate Bill No. 2367  
Senate Bill No. 2382  
Senate Bill No. 2391  
Senate Bill No. 2392  
Senate Bill No. 2456  
Senate Bill No. 2527  
Senate Bill No. 2540  
Senate Bill No. 2541  
Senate Bill No. 2543  
Senate Bill No. 2544

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. 2007  
Senate Bill No. 2234  
Senate Bill No. 2294

Senate Bill No. 2307  
 Senate Bill No. 2338  
 Senate Bill No. 2346  
 Senate Bill No. 2439  
 Senate Bill No. 2517

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2007

On page 1 of the engrossed bill, line 18, delete the numerals "3,893,707" and insert in lieu thereof the numerals "3,827,290"

On page 2 of the engrossed bill, line 2, delete the numerals "5,194,086" and insert in lieu thereof the numerals "5,127,669"

On page 2 of the engrossed bill, line 4, delete the numerals "5,186,733" and insert in lieu thereof the numerals "5,120,316"

On page 2 of the engrossed bill, line 30, delete the numerals "5,245,752" and insert in lieu thereof the numerals "5,179,335"

On page 2 of the engrossed bill, line 32, delete the numerals "8,681,595" and insert in lieu thereof the numerals "8,615,178"

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2234

On page 1, line 3, delete the word "on" and insert in lieu thereof the word "in"

HOUSE AMENDMENTS TO SENATE BILL No. 2294

On page 3 of the engrossed bill, delete lines 13 through 23 and insert in lieu thereof the following:

|        |          |       |    |        |
|--------|----------|-------|----|--------|
| \$ 0   | \$10,000 | \$ 0  | 4  | \$ 0   |
| 10,000 | 20,000   | 400   | 6  | 10,000 |
| 20,000 | 30,000   | 1,000 | 8  | 20,000 |
| 30,000 | 40,000   | 1,800 | 10 | 30,000 |
| 40,000 | 50,000   | 2,800 | 12 | 40,000 |
| 50,000 | 60,000   | 4,000 | 14 | 50,000 |
| 60,000 | 80,000   | 5,400 | 16 | 60,000 |
| 80,000 |          | 8,600 | 18 | 80,000 |

Provided that the amount of tax imposed by this section on the transfer of any estate shall not be less than the maximum tax credit allowable for state death taxes against the federal estate tax imposed with respect to that part of the decedent's estate which has a taxable situs in this state."

And renumber the lines and pages accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2307

On page 1 of the engrossed bill, line 13, delete the words "thirty-five thousand two"

On page 1 of the engrossed bill, line 14, delete the word "hundred" and insert in lieu thereof the words "thirty-six thousand eight hundred"

On page 1 of the engrossed bill, line 22, delete the words "thirty-three thousand" and insert in lieu thereof the words "thirty-four thousand five hundred"

And renumber the lines accordingly.

HOUSE AMENDMENTS TO SENATE BILL No. 2338

On page 1, line 15, delete the word "fifteen" and insert in lieu thereof the word "eighteen"

HOUSE AMENDMENTS TO SENATE BILL No. 2346

On page 1 of the engrossed bill, line 2, after the word "credit" and before the period insert the following: "; to provide an appropriation; and to provide effective dates"

On page 1 of the engrossed bill, line 10, insert triple parentheses around the word "sixty-five" and insert thereafter the word "sixty-two"

On page 1 of the engrossed bill, line 12, insert triple parentheses around the word "sixty-five" and insert thereafter the word "sixty-two"

On page 1, line 14, delete the beginning triple parentheses before the word "permanently" and delete the ending triple parentheses after the word "and"

On page 1 of the engrossed bill, line 16, delete the word "eight" and insert in lieu thereof the word "seven" and after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 15, delete the ending triple parentheses and the word "eighty", insert ending triple parentheses after the word "five" and insert thereafter the word "eighty"

On page 2 of the engrossed bill, line 18, insert triple parentheses around the word "five" and insert thereafter the word "two"

On page 2 of the engrossed bill, line 22, delete the word "seventy-five" and insert in lieu thereof the word "sixty"

On page 2 of the engrossed bill, line 25, delete the word "three" and insert in lieu thereof the word "two" and after the word "thousand" insert the words "four hundred"

On page 2 of the engrossed bill, line 28, after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 29, delete the closing triple parentheses and the word "sixty", insert ending triple parentheses around the word "five" and insert thereafter the word "forty"

On page 2 of the engrossed bill, line 31, delete the word "two" and insert in lieu thereof the word "one", insert triple parentheses around the word "five" and insert thereafter the word "six"

On page 2 of the engrossed bill, line 35, after the word "thousand" insert the words "five hundred", delete the word "fifty" and insert in lieu thereof the word "twenty"

On page 3 of the engrossed bill, line 2, delete the words "two thousand" and insert in lieu thereof the words "eight hundred"

On page 3 of the engrossed bill, delete lines 4 through 16

On page 3 of the engrossed bill, line 24, insert triple parentheses around the word "sixty-five" and insert thereafter the word "sixty-two", and delete the beginning triple parentheses

On page 3 of the engrossed bill, line 25, delete the ending triple parentheses after the word "and"

On page 3 of the engrossed bill, line 27, delete the word "eight" and insert in lieu thereof the word "seven"

On page 3 of the engrossed bill, line 28, after the word "thousand" insert the words "five hundred"

On page 3 of the engrossed bill, line 33, insert triple parentheses around the word "sixty-five" and insert thereafter the word "sixty-two"

On page 3 of the engrossed bill, line 34, delete the beginning triple parentheses before the word "permanently" and delete the ending triple parentheses after the word "and"

On page 4 of the engrossed bill, line 1, delete the word "eight" and insert in lieu thereof the word "seven"

On page 4 of the engrossed bill, line 2, after the word "thousand" insert the words "five hundred"

On page 4 of the engrossed bill, line 18, delete the word "three" and insert in lieu thereof the word "four"

On page 4 of the engrossed bill, line 21, delete the word "three" and insert in lieu thereof the word "four"

On page 4 of the engrossed bill, line 22, delete the triple parentheses around the word "one"

On page 4 of the engrossed bill, line 23, delete the word "two", delete the word "fifty" and insert in lieu thereof the word "seventy-five"

On page 4 of the engrossed bill, line 28, insert triple parentheses around the word "March" and insert thereafter the word "June"

On page 5 of the engrossed bill, after line 7, insert the following new sections:

"SECTION 2. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000.00, or so much thereof as may be necessary, to the state treasurer for reimbursement of county tax credits and for payment of refunds to eligible renters as provided for in this Act. There is further appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500.00, or so much thereof as may be necessary, to the state tax commissioner for the additional costs of administering this Act. The amounts appropriated by this section shall be for the costs of implementing and administering the provisions of this Act, and shall be in addition to the amounts otherwise appropriated for the homestead credit law.

SECTION 3. EFFECTIVE DATES.) The provisions of this Act shall be effective for assessments of property made on or after January 1, 1977, and for payments for rent for periods beginning on or after January 1, 1977."

And renumber the lines and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2439

On page 2 of the engrossed bill, line 21, after the period, insert the following:

"The state construction superintendent shall annually revise and update such rules and regulations."

And renumber the lines accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2517

On page 3, line 3 of the engrossed bill delete the words "of either" and insert in lieu thereof the word "under" and also after the letter "i" delete the word "is" and insert in lieu thereof the words "and one of the conditions under subsections b or c are"

On page 3, line 16 delete the words "of either" and insert in lieu thereof the word "under" and also after the letter "e" delete the word "is" and insert the words "and one of the conditions under subsections b or c are"

And renumber the lines and pages accordingly.

#### House Chamber

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

Senate Bill No. 2002 -

Senate Bill No. 2003

Senate Bill No. 2004

ROY GILBREATH, Chief Clerk

#### HOUSE AMENDMENTS TO SENATE BILL No. 2002

On page 1 of the engrossed bill, line 17, delete the numerals "9,279,648" and insert in lieu thereof the numerals "9,418,398"

On page 1 of the engrossed bill, line 18, delete the numerals "1,383,633" and insert in lieu thereof the numerals "1,401,633"

On page 1 of the engrossed bill, line 19, delete the numerals "469,811" and insert in lieu thereof the numerals "478,811"

On page 1 of the engrossed bill, line 20, delete the numerals "157,233" and insert in lieu thereof the numerals "163,233"

On page 1 of the engrossed bill, line 21, delete the numerals "11,290,325" and insert in lieu thereof the numerals "11,462,075"

On page 1 of the engrossed bill, line 22, delete the numerals "7,759,401" and insert in lieu thereof the numerals "7,773,068"

On page 1 of the engrossed bill, line 23, delete the numerals "3,530,924" and insert in lieu thereof the numerals "3,689,007"

On page 2 of the engrossed bill, after line 10, insert the following: "Turkey Barn Renovation" "15,000"

On page 2 of the engrossed bill, line 12, delete the numerals "16,535,668" and insert in lieu thereof the numerals "16,550,668"

On page 2 of the engrossed bill, line 14, delete the numerals "9,803,541" and insert in lieu thereof the numerals "9,818,541"

On page 4 of the engrossed bill, line 6, delete the numerals "14,876,207" and insert in lieu thereof the numerals "15,049,290"

On page 4 of the engrossed bill, line 7, delete the numerals "16,321,633" and insert in lieu thereof the numerals "16,335,300"

On page 4 of the engrossed bill, line 8, delete the numerals "31,197,840" and insert in lieu thereof the numerals "31,384,590"

And renumber the lines, sections and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2003

On page 2 of the engrossed bill, line 18, delete the numerals "611,950" and insert in lieu thereof the numerals "637,094"

On page 2 of the engrossed bill, line 24, delete the numerals "951,174" and insert in lieu thereof the numerals "976,318"

On page 2 of the engrossed bill, line 26, delete the numerals "395,599" and insert in lieu thereof the numerals "420,743"

On page 2 of the engrossed bill, line 33, delete the numerals "2,634,880" and insert in lieu thereof the numerals "3,750,620"

On page 2 of the engrossed bill, line 34, delete the numerals "3,072,520" and insert in lieu thereof the numerals "4,188,260"

On page 2 of the engrossed bill, line 35, delete the numerals "2,976,520" and insert in lieu thereof the numerals "3,978,260"

On page 3 of the engrossed bill, line 1, delete the numerals "96,000" and insert in lieu thereof the numerals "210,000"

On page 3 of the engrossed bill, line 2, delete the numerals "1,076,104" and insert in lieu thereof the numerals "1,215,248"

On page 3 of the engrossed bill, line 3, delete the numerals "3,532,095" and insert in lieu thereof the numerals "4,533,835"

On page 3 of the engrossed bill, line 4, delete the numerals "4,608,199" and insert in lieu thereof the numerals "5,749,083"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2004

On page 1 of the engrossed bill, line 24, delete the numerals "1,702,441" and insert in lieu thereof the numerals "1,573,441"

On page 2 of the engrossed bill, line 1, delete the numerals "6,380" and insert in lieu thereof the numerals "5,460"



On page 2 of the engrossed bill, line 3, delete the numerals "70.00" and insert in lieu thereof the numerals "60.00"

On page 2 of the engrossed bill, line 14, delete the numerals "2,607,255" and insert in lieu thereof the numerals "2,477,335"

On page 2 of the engrossed bill, line 18, delete the numerals "66,045" and insert in lieu thereof the numerals "58,545"

On page 2 of the engrossed bill, line 20, delete the numerals "78,600" and insert in lieu thereof the numerals "71,100"

On page 2 of the engrossed bill, line 28, delete the numerals "4,435,292" and insert in lieu thereof the numerals "4,297,872"

On page 2 of the engrossed bill, line 33, delete the numerals "3,720,000.00" and insert in lieu thereof the numerals "2,000,000"

And renumber the lines accordingly.

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. 2025

Senate Bill No. 2051

Senate Bill No. 2141

Senate Bill No. 2160

Senate Bill No. 2277

Senate Bill No. 2378

Senate Bill No. 2051:

Rep. Conmy

Rep. Reed

Rep. Dotzenrod

Senate Bill No. 2160:

Rep. Martinson

Rep. Walsh

Rep. Rocheleau

Senate Bill No. 2277:

Rep. Stenhjem

Rep. Wentz

Rep. Beauclair

Senate Bill No. 2378:

Rep. Winkjer

Rep. Stenhjem

Rep. Gronneberg

Senate Bill No. 2025:

Rep. Erickson

Rep. Swiontek

Rep. Berger

Senate Bill No. 2141:

Rep. A. Hausauer

Rep. Murphy

Rep. Nordby

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1012

House Bill No. 1018

House Bill No. 1056  
House Bill No. 1163  
House Bill No. 1240  
House Bill No. 1284  
House Bill No. 1361  
House Bill No. 1383  
House Bill No. 1423  
House Bill No. 1441  
House Bill No. 1442  
House Bill No. 1532  
House Bill No. 1563  
House Bill No. 1583  
House Bill No. 1597  
House Bill No. 3039

And refused to concur in the Senate amendment to:

House Bill No. 1010  
House Bill No. 1037  
House Bill No. 1071  
House Bill No. 1178  
House Bill No. 1320  
House Bill No. 1384  
House Bill No. 1478  
House Bill No. 1525  
House Bill No. 1548  
House Bill No. 1559  
House Bill No. 1565

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

House Bill No. 1010:

Rep. Thorsgard  
Rep. Christensen  
Rep. Lardy

House Bill No. 1037:

Rep. Maixner  
Rep. Tinjum  
Rep. Schindler

House Bill No. 1071:

Rep. Kretschmar  
Rep. Stenehjem  
Rep. Meiers

House Bill No. 1178:

Rep. Maixner  
Rep. Tinjum  
Rep. Schindler

House Bill No. 1320:

Rep. Stenehjem  
Rep. Russell  
Rep. Meiers

House Bill No. 1384:

Rep. Metz  
Rep. Lang  
Rep. Jacobson

House Bill No. 1478:

Rep. Dotzenrod  
Rep. Russell  
Rep. Rocheleau  
House Bill No. 1525:  
Rep. Tinjum  
Rep. Langley  
Rep. Kloubec  
House Bill No. 1548:  
Rep. Riehl  
Rep. Anderson  
Rep. VanderVorst  
House Bill No. 1559:  
Rep. Richie  
Rep. Stenehjem  
Rep. Dotzenrod  
House Bill No. 1565:  
Rep. Berg  
Rep. Weber  
Rep. Nicholas

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that the Senate adjourn until Monday, March 21, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## FIFTY-FOURTH DAY

Bismarck, March 21, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Pastor Myron Johnson, Seventh-Day Adventist Church, Bismarck.

Our Father, who art in heaven, on this new day with joy we approach your throne of grace. Father, how happy we are that just as we are willing to give good gifts to our children so are you willing to bestow good gifts on us. Father, give each of these Senators the gift of discernment. Help them to recognize their true role as a servant of the people. Father, bless them in their work and care for their constituents back home. Bless their wives and children. And now, Lord, as they begin the business of this day direct their every thought and action. For I ask this prayer in Jesus name, Amen.

STATE OF NORTH DAKOTA  
Executive Office

March 17, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 17, 1977, I signed the following Senate Bills:

Senate Bill No. 2053  
Senate Bill No. 2058  
Senate Bill No. 2059  
Senate Bill No. 2101  
Senate Bill No. 2132  
Senate Bill No. 2150  
Senate Bill No. 2167  
Senate Bill No. 2207  
Senate Bill No. 2231  
Senate Bill No. 2316  
Senate Bill No. 2337  
Senate Bill No. 2376  
Senate Bill No. 2389  
Senate Bill No. 2416  
Senate Bill No. 2447

Sincerely yours,  
ARTHUR A. LINK, Governor

The roll was called and all Senators were present except Naaden.  
A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

On page 1258, line 62, insert "Senator Thane:"

On page 1260, delete lines 47 and 48

On page 1264, line 24, delete the number "1262" and insert in lieu thereof the number "1280"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

## MOTION

Senator Melland moved that the rules be suspended, that House Bill No. 1002 be re-referred to the Committee on Appropriations for the purpose of further amendments, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 1049. A Bill for an Act to create and enact chapter 16.1-01, 16.1-04, 16.1-05, 16.1-06, 16.1-07, 16.1-08, 16.1-09, 16.1-10, 16.1-12, 16.1-13, 16.1-15, and 16.1-16, and sections 16.1-11-03, 16.1-11-04, 16.1-11-05, 16.1-11-06, 16.1-11-07, 16.1-11-08, 16.1-11-09, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-13, 16.1-11-14, 16.1-11-15, 16.1-11-16, 16.1-11-17, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-23, 16.1-11-24, 16.1-11-26, 16.1-11-27, 16.1-11-28, 16.1-11-29, 16.1-11-30, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-34, 16.1-14-01, 16.1-14-02, 16.1-14-03, 16.1-14-04, 16.1-14-05, 16.1-14-06, 16.1-14-07, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, 16.1-14-14, 16.1-14-15, 16.1-14-16, and 16.1-14-17 of the North Dakota Century Code, relating to a new election code establishing qualifications for electors, initiative and referendum procedures, election offenses, the administration of elections, the establishment of voting precincts, the qualifications and duties of election officers, election supplies, ballots and voting machines, absent voters' ballots, the disclosure of financial interests, corrupt practices, primary elections, nominations at the general election, the conduct of elections, presidential electors, election returns, recounts, and contests; and to repeal chapters 16-01, 16-03, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 16-11, 16-12, 16-13, 16-14, 16-15, 16-18, 16-21, and 16-22, and sections 16-04-02.1, 16-04-03, 16-04-05, 16-04-06, 16-04-07, 16-04-08, 16-04-09, 16-04-10, 16-04-12, subsections 2, 3, and 4 of section 16-04-13, sections 16-04-15.2, 16-04-18, 16-04-19, 16-04-20, 16-04-25, 16-04-26, 16-04-27, 16-04-28, 16-04-29, 16-04-30, 16-04-31, 16-04-32, 16-04-33, 16-04-34, 16-04-35, 16-04-36, 16-16-01, 16-16-02, 16-16-03, 16-16-04, 16-16-05, 16-16-06, 16-16-07, 16-16-08, 16-16-09, 16-16-10, 16-16-11, 16-16-12, 16-16-13, 16-16-14, 16-16-15, 16-16-16, 16-20-04, 16-20-07, 16-20-08, 16-20-09, 16-20-10, 16-20-11, 16-20-12, 16-20-15, 16-20-16, 16-20-17, 16-20-18, and 16-20-23 of the North Dakota Century Code, and sections 16-04-02, 16-04-04, subsection 1 of section 16-04-13, sections 16-04-16, 16-04-17, 16-04-21, 16-16-03.1, 16-20-01, 16-20-01.1, 16-20-06, 16-20-17.1, 16-20-17.2, 16-20-17.3, and 16-20-19 of the 1975 Supplement to the North Dakota Century Code, relating to general election provisions, individual nominations, primary elections, nominations for office, general and special elections, the no-party ballot, the establishment of precincts and voting places, election officers and supplies, the conduct of elections, returns and contests of elections,

voting by new residents, absent voters' ballots, corrupt practices, voting machines, and the disclosure of financial interests.

Which has been read.

#### POINT OF PERSONAL PRIVILEGE

Senator Hoffner; Mr. President, I rise on a point of personal privilege to explain why I am forced to vote no on House Bill No. 1049.

North Dakota election law is presently arbitrary, unfair and unconstitutional.

— It is arbitrary because the arrangement of names on the ballot is arbitrarily set up so that the Party that receives the most votes for Congress has the advantage of being on the left side of the ballot.

— It is unfair because no one should have an advantage on an election ballot.

— And, a recent California Supreme Court decision, the Council of State Government reports, suggests that a voting system like ours is unconstitutional and asked that the names be rotated or chosen by lot.

The people of North Dakota have elected 50 Democratic State Representatives, 18 Democratic State Senators and 8 Democratic executive department heads. For anyone who doubts the presence of the Democratic Party, let him take a look at the record. The Democratic Party is a major force in State Government and will continue as a major force. We will not permit our Party to be discriminated against in the election process.

To eliminate election unfairness, I favor the Minnesota ballot. But, since our present type of ballot has been chosen, I think we can make it fair by rotating the Party position on the ballot. In this way, no Party will consistently be in a favored ballot position.

I also feel that we owe it to the less fortunate citizens of our State who are shut-in to allow an agent to obtain a ballot for them. In a Democratic process it is essential that every effort be made to allow all citizens to vote.

The whole area of campaign contributions by corporations, cooperatives and associations was an area the interim study committee considered carefully. I felt that this issue was dealt with properly in the interim committees recommendation to this assembly. The bill that came over from the House also dealt with this question properly. Unfortunately, this body has seen fit to insert Section 16.1-08-02, which totally changes the law in this area.

Another section of the law would eliminate the Governor's right to appoint a person to fill a vacated Senate seat. This has been a traditional right of the Governor in North Dakota law. To change it now, is a clearly political move that would subject our State to the costs of a special election.

Although I definitely recognize the need for election reform, I will not tolerate reform at any cost. I cannot support this bill as it is now. I feel compelled to read these objections into the record so that if this bill ends up in conference committee, a record of my objections can be referred to. Most of these objections were corrected by the interim committee in their recommendations to the Legislature. But, unfortunately, election reform has become a partisan fight.

We have an opportunity to make some meaningful changes in election laws this Session. We must not lose this chance. An election law that is fair to everyone must be drafted and passed. Let us make this final step.

## POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz:

Mr. President, I rise on a point of personal privilege, and request that my remarks be printed in the Journal. Members of the Senate: A meaningful election reform doesn't merely mean mechanical change. Rather it means making the electoral process more accessible and convenient for the people. Some of the amendments that were proposed, having been rejected by the Senate, makes it incumbent upon myself to restate these very briefly, so that if this bill does go into conference, that these objections can be readily available to the conferees in the journal.

First, I regret that the bill 1049 does narrow down the franchise, making it more difficult for some of our citizens to have access to the right to vote. More particularly, by eliminating the right of the agency we are making it less accessible for the handicap citizen, the shut-in, and for those who are inconvenienced for good and justifiable reasons. By so rejecting the principle of the agency, we have shown a lack of trust and respect for people and we are treading on fear, distrust and suspicion. There has been no demonstrable showing of misuse of this principle of the agency, rather there is an unfounded fear and distrust of people who try to help people in a lawful and rightful manner in this exercise of this precious right of the vote.

Secondly, meaningful election reform should contemplate making the polling places less congested, and one of the rejected amendments provides that in precincts where voting machines are used, paper ballots shall be made available to voters upon request in accordance with provisions of titles 16.1 governing the use of paper ballots. Any governing body providing voting machines for more than one voting precinct in its jurisdiction shall apportion the machines to the voting precincts within its jurisdiction on the basis of the most recent official population figures. It is unfortunate that that amendment was rejected.

Thirdly, we have found that voting machines are like humans subject to error, and one of the amendments that was rejected was a provision that the state supervisor of elections, namely, the Secretary of State, shall, "assure that the machines are adequate to set forth the candidates and issues in an illusive and intelligent manner, and that said machines are the most practical and effective devices available." If standardization were brought into the voting machine selection process, we could avert some of the unfortunate ballot mistakes that are made through this lack of standardization.

Fourthly, the provision that the sample ballots be printed twice is simply a matter of making the electorate more aware of who will be on the ballot in the primary elections.

Fifth, it is unfortunate that a proposed amendment which would provide, "that if a voter is obliged to stand in line more than thirty minutes to vote on a voting machine, he may request to vote by paper ballot which shall be made available by the County Auditor" was rejected. I believe that this proposed amendment would have been helpful to almost any citizen in any station in life in North Dakota. Because by having the polling places congested for sometimes two and three hours we're making it very difficult for mothers with children, fathers with children, women expecting children, handicapped citizens, tired workers, busy executives, to have the chance to vote in a convenient and accessible manner. There are many other potential amendments

that we had proposed. To be exact, eight pages of amendments, but due to the time of the session and the limited amount of time of the members of the legislature, we have distilled these proposed amendments to two short pages, each one we felt represented a step forward for all of the citizens and having more readily access to the electoral process. For these and other reasons, members of the Senate, I find it incumbent upon myself, unfortunately, to vote "no" on 1049, and if this bill should go into conference, I would hope that some of the matters that I have set forth herein can be respectfully considered by the conferees. Thank you.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1049. A Bill for an Act to create and enact chapter 16.1-01, 16.1-04, 16.1-05, 16.1-06, 16.1-07, 16.1-08, 16.1-09, 16.1-10, 16.1-12, 16.1-13, 16.1-15, and 16.1-16, and sections 16.1-11-03, 16.1-11-04, 16.1-11-05, 16.1-11-06, 16.1-11-07, 16.1-11-08, 16.1-11-09, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-13, 16.1-11-14, 16.1-11-15, 16.1-11-16, 16.1-11-17, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-23, 16.1-11-24, 16.1-11-26, 16.1-11-27, 16.1-11-28, 16.1-11-29, 16.1-11-30, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-34, 16.1-14-01, 16.1-14-02, 16.1-14-03, 16.1-14-04, 16.1-14-05, 16.1-14-06, 16.1-14-07, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, 16.1-14-14, 16.1-14-15, 16.1-14-16, and 16.1-14-17 of the North Dakota Century Code, relating to a new election code establishing qualifications for electors, initiative and referendum procedures, election offenses, the administration of elections, the establishment of voting precincts, the qualifications and duties of election officers, election supplies, ballots and voting machines, absent voters' ballots, the disclosure of financial interests, corrupt practices, primary elections, nominations at the general election, the conduct of elections, presidential electors, election returns, recounts, and contests; and to repeal chapters 16-01, 16-03, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 16-11, 16-12, 16-13, 16-14, 16-15, 16-18, 16-21, and 16-22, and sections 16-04-02.1, 16-04-03, 16-04-05, 16-04-06, 16-04-07, 16-04-08, 16-04-09, 16-04-10, 16-04-12, subsections 2, 3, and 4 of section 16-04-13, sections 16-04-15.2, 16-04-18, 16-04-19, 16-04-20, 16-04-25, 16-04-26, 16-04-27, 16-04-28, 16-04-29, 16-04-30, 16-04-31, 16-04-32, 16-04-33, 16-04-34, 16-04-35, 16-04-36, 16-16-01, 16-16-02, 16-16-03, 16-16-04, 16-16-05, 16-16-06, 16-16-07, 16-16-08, 16-16-09, 16-16-10, 16-16-11, 16-16-12, 16-16-13, 16-16-14, 16-16-15, 16-16-16, 16-20-04, 16-20-07, 16-20-08, 16-20-09, 16-20-10, 16-20-11, 16-20-12, 16-20-15, 16-20-16, 16-20-17, 16-20-18, and 16-20-23 of the North Dakota Century Code, and sections 16-04-02, 16-04-04, subsection 1 of section 16-04-13, sections 16-04-16, 16-04-17, 16-04-21, 16-16-03.1, 16-20-01, 16-20-01.1, 16-20-06, 16-20-17.1, 16-20-17.2, 16-20-17.3, and 16-20-19 of the 1975 Supplement to the North Dakota Century Code, relating to general election provisions, individual nominations, primary elections, nominations for office, general and special elections, the no-party ballot, the establishment of precincts and voting places, election officers and supplies, the conduct of elections, returns and contests of elections, voting by new residents, absent voters' ballots, corrupt practices, voting machines, and the disclosure of financial interests.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1131-1135) the roll was called and there were ayes, 31; nays, 19; absent and not voting, 0.



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MRLAND     |     | •    | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.  
 Senator Nething moved that the vote by which House Bill No. 1049 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

MOTION

Senator Nething moved that the vote by which House Bill No. 1280 was passed, be reconsidered, and the motion to reconsider be laid on the table, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1404. A Bill for an Act to provide state assistance for airports served by commercial air carriers and to provide procedures for the distribution of funds to such airports; and to provide an appropriation. Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 10; nays, 39; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     | •    | • STRAND         |     | •    |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     | •    | • MRLAND     |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

House Bill No. 1404 was declared lost.

House Bill No. 1405. A Bill for an Act making an appropriation for the extinguishing of coal vein fires that were ignited by prairie fires in western North Dakota during the fall of 1976; and declaring an emergency.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     | •    | • SMYKOWSKI      |     | •    |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

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

Senator Nething moved that the vote by which House Bill No. 1405 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

MOTION

Senator Goodman moved that House Bill No. 1408 be placed below Senate Bill No. 2551 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1412. A Bill for an Act to amend and reenact subsection 3 of section 57-40.3-04 of the North Dakota Century Code, relating to exemption from the motor vehicle excise tax.

\*Which has been read.

ROLL CALL

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

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODOEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1412 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

House Bill No. 1418. A Bill for an Act to create and enact section 16-18-14.1 of the North Dakota Century Code, relating to special county election boards; to amend and reenact sections 16-18-02, 16-18-07, 16-18-09, and 16-18-14 of the North Dakota Century Code, relating to delivery of application blanks and absent voter's ballots, and the canvassing of absent voter's ballots; or, in the alternative, to create and enact section 16.1-07-09.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to special county election boards; to amend and reenact sections 16.1-07-02, 16.1-07-07, 16.1-07-08, and 16.1-07-09 of the North Dakota Century Code, as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the delivery of applications and absent voter's ballots and the canvassing of absent voter's ballots; to repeal sections 16-18-15, 16-18-16, 16-18-17, and 16-18-20 of the North Dakota

Century Code, relating to the care, custody, voting, and rejecting of absent voter's ballots and registration of absent voter's ballots on voting machines; or, in the alternative, to repeal sections 16.1-07-10, 16.1-07-11, 16.1-07-12, and 16.1-07-13 of the North Dakota Century Code, as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the care, custody, and voting of absent voter's ballots and the registration of absent voter's ballots on voting machines.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |           |      |          |     |                  |              |     |      |
|---------------------|-----|------|------------|-----------|------|----------|-----|------------------|--------------|-----|------|
| REGULAR SESSION     |     |      |            | ROLL-CALL |      |          |     | 1977 LEGISLATURE |              |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS     | N-V | NAYS             | YEAS         | N-V | NAYS |
|                     |     | •    | JACOBSON   |           | •    | NAADEN   |     | •                | SMYKOWSKI    |     | •    |
|                     |     | •    | JONES      |           | •    | NELSON   |     | •                | SOLBERG      |     | •    |
|                     |     | •    | KRAUTER    |           | •    | NETHING  |     | •                | STRAND       |     | •    |
|                     |     | •    | LARSON     |           | •    | ORANGF   |     | •                | STRINDEN     |     | •    |
|                     |     | •    | LASHKOWITZ |           | •    | PETERSON |     | •                | TALLACKSON   |     | •    |
|                     |     | •    | LEE        |           | •    | PIETRON  |     | •                | TENNEFOS     |     | •    |
|                     |     | •    | LIPS       |           | •    | RAIT     |     | •                | THANE        |     | •    |
|                     |     | •    | LODOEN     |           | •    | REDLIN   |     | •                | VOSPER       |     | •    |
|                     |     | •    | MAHER      |           | •    | REITEN   |     | •                | WALSH        |     | •    |
|                     |     | •    | MAU        |           | •    | SANDNESS |     | •                | WENSTROM     |     | •    |
|                     |     | •    | MELLAND    |           | •    | SANDS    |     | •                | WRIGHT       |     | •    |
|                     |     | •    | MILLER     |           | •    | SCHIRADO |     | •                | MR PRESIDENT |     | •    |
|                     |     | •    | MORGAN     |           | •    | SHABLOW  |     | •                |              |     |      |

House Bill No. 1418 was declared lost.

House Bill No. 1424. A Bill for an Act to amend and reenact section 60-02-09 of the North Dakota Century Code, relating to a track buyer and warehouseman's bond, and requiring annual approval to enter deferred payment contracts, a separate account for deferred payment proceeds, and necessary records available for inspection.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 4; nays, 43; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |           |      |          |     |                  |              |     |      |
|---------------------|-----|------|------------|-----------|------|----------|-----|------------------|--------------|-----|------|
| REGULAR SESSION     |     |      |            | ROLL-CALL |      |          |     | 1977 LEGISLATURE |              |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V       | NAYS | YEAS     | N-V | NAYS             | YEAS         | N-V | NAYS |
|                     |     | •    | JACOBSON   |           | •    | NAADEN   |     | •                | SMYKOWSKI    |     | •    |
|                     |     | •    | JONES      |           | •    | NELSON   |     | •                | SOLBERG      |     | •    |
|                     |     | •    | KRAUTER    |           | •    | NETHING  |     | •                | STRAND       |     | •    |
|                     |     | •    | LARSON     |           | •    | ORANGF   |     | •                | STRINDEN     |     | •    |
|                     |     | •    | LASHKOWITZ |           | •    | PETERSON |     | •                | TALLACKSON   |     | •    |
|                     |     | •    | LEE        |           | •    | PIETRON  |     | •                | TENNEFOS     |     | •    |
|                     |     | •    | LIPS       |           | •    | RAIT     |     | •                | THANE        |     | •    |
|                     |     | •    | LODOEN     |           | •    | REDLIN   |     | •                | VOSPER       |     | •    |
|                     |     | •    | MAHER      |           | •    | REITEN   |     | •                | WALSH        |     | •    |
|                     |     | •    | MAU        |           | •    | SANDNESS |     | •                | WENSTROM     |     | •    |
|                     |     | •    | MELLAND    |           | •    | SANDS    |     | •                | WRIGHT       |     | •    |
|                     |     | •    | MILLER     |           | •    | SCHIRADO |     | •                | MR PRESIDENT |     | •    |
|                     |     | •    | MORGAN     |           | •    | SHABLOW  |     | •                |              |     |      |

House Bill No. 1424 was declared lost.

House Bill No. 1429. A Bill for an Act to provide accountability for quality education.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 8; nays, 40; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   |     | •    | NAADEN   | •   |      | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| FRDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LODGEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR PRESIDENT     |     |      |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1429 was declared lost.

House Bill No. 1436. A Bill for an Act to create and enact a new subsection to section 31-01-06 of the North Dakota Century Code, relating to confidential communications to psychologists.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ALBERS              | •   |      | JACOBSON   |     | •    | NAADEN   | •   |      | SMYKOWSKI        |     | •    |
| BARTH               |     | •    | JONES      |     | •    | NELSON   |     | •    | SOLBERG          |     | •    |
| BERUBE              |     | •    | KRAUTER    |     | •    | NETHING  |     | •    | STRAND           |     | •    |
| CHRISTENSEN         |     | •    | LARSON     |     | •    | ORANGE   |     | •    | STRINDEN         |     | •    |
| FRDMAN              |     | •    | LASHKOWITZ |     | •    | PETERSON |     | •    | TALLACKSON       |     | •    |
| FARRINGTON          |     | •    | LEE        |     | •    | PIETRON  |     | •    | TENNEFOS         |     | •    |
| FREED               |     | •    | LIPS       |     | •    | RAIT     |     | •    | THANE            |     | •    |
| FRITZELL            |     | •    | LODGEN     |     | •    | REDLIN   |     | •    | VOSPER           |     | •    |
| GOODMAN             |     | •    | MAHER      |     | •    | REITEN   |     | •    | WALSH            |     | •    |
| HANSON              |     | •    | MAU        |     | •    | SANDNESS |     | •    | WENSTROM         |     | •    |
| HOFFNER             |     | •    | MELLAND    |     | •    | SANDS    |     | •    | WRIGHT           |     | •    |
| HOLMBERG            |     | •    | MILLER     |     | •    | SCHIRADO |     | •    | MR PRESIDENT     |     |      |
| ISZLER              |     | •    | MORGAN     |     | •    | SHABLOW  |     | •    |                  |     |      |

House Bill No. 1436 was declared lost.

**MOTION**

Senator Nothing moved that the Senate recess for fifteen minutes, which motion prevailed.

The Senate reconvened, the President presiding.

**FIRST READING OF SENATE BILLS AND RESOLUTIONS**

Committee on Delayed Bills introduced:

Senate Bill No. 2553. A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to provision of banking services by the Bank of North Dakota in the event a bank is closed.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Delayed Bills introduced:

Senate Concurrent Resolution No. 4089. A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating the transfer of control of banking institutions.

Was read the first time and referred to the committee on Industry, Business and Labor.

Committee on Delayed Bills introduced:

Senate Resolution No. 17. A resolution urging Congress not to adopt common situs picketing legislation.

Was read the first time and referred to the committee on Industry, Business and Labor.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1446.** A Bill for an Act to amend and reenact sections 57-23-05 and 57-23-06 of the North Dakota Century Code, relating to applications for abatement or refund and to hearings on abatement proceedings.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     | •    | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1446 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1455.** A Bill for an Act to amend and reenact section 27-06-08 of the North Dakota Century Code, relating to fees for transcripts.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     | •    | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1455 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1470.** A Bill for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to the furnishing of abstracts of driving records and the contents of such records.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 41; nays, 8; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            | •   |      | • MORGAN     | •   |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1470 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

POINT OF PERSONAL PRIVILEGE

Senator Mau: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, I would like the body to know that I have a clean driving record and voted against House Bill No. 1470. I would challenge the insurance companies that with the passage of this legislation, that the rates will not decrease for good drivers, but will increase substantially for the poor drivers.

SECOND READING OF HOUSE BILLS

House Bill No. 1475. A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to teacher negotiations in recently reorganized districts and termination of teachers in such districts; and to amend and reenact sections 15-53.1-22, 15-53.1-26, and 15-53.1-28 of the North Dakota Century Code, relating to dates for voting on reorganization plans and to the effective date of reorganization plans.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1475 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.



|          |         |          |               |
|----------|---------|----------|---------------|
| GOODMAN  | MAHER   | REITEN   | WALSH         |
| HANSON   | MAU     | SANDNESS | WENSTROM      |
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

House Bill No. 1508 was declared lost.

House Bill No. 1517. A Bill for an Act to amend and reenact subsection 2 of section 38-14-05 of the 1975 Supplement to the North Dakota Century Code relating to the duties of mine operators to save suitable plant growth material within the permit area.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI     |     |      |
|                     |     |      | JONES      |     |      | NELSON           |     |      | SOLBERG       |     |      |
|                     |     |      | KRAUTER    |     |      | NETHING          |     |      | STRAND        |     |      |
|                     |     |      | LARSON     |     |      | ORANGE           |     |      | STRINDEN      |     |      |
|                     |     |      | LASHKOWITZ |     |      | PETERSON         |     |      | TALLACKSON    |     |      |
|                     |     |      | LEE        |     |      | PIETRON          |     |      | TENNEFOS      |     |      |
|                     |     |      | LIPS       |     |      | RAIT             |     |      | THANE         |     |      |
|                     |     |      | LODOEN     |     |      | REDLIN           |     |      | VOSPER        |     |      |
|                     |     |      | MAHER      |     |      | REITEN           |     |      | WALSH         |     |      |
|                     |     |      | MAU        |     |      | SANDNESS         |     |      | WENSTROM      |     |      |
|                     |     |      | MELLAND    |     |      | SANDS            |     |      | WRIGHT        |     |      |
|                     |     |      | MILLER     |     |      | SCHIRADO         |     |      | MR. PRESIDENT |     |      |
|                     |     |      | MORGAN     |     |      | SHABLOW          |     |      |               |     |      |

House Bill No. 1517 was declared lost.

House Bill No. 1528. A Bill for an Act to establish a central North Dakota beef cattle experiment station; to provide for determining its location; and to provide an appropriation.

Which has been read.

Senator Melland proposed the following amendments to House Bill No. 1528:

On page 2 of the engrossed bill, line 24, after the semicolon insert the words "three members of the legislative assembly selected by the chairman of the legislative council;"

On page 3 of the engrossed bill, line 11, after the period insert the following sentence: "Prior to purchasing any land under this section, the director of the North Dakota main experiment station shall obtain the approval of the budget section of the legislative council."

On page 3 of the engrossed bill, line 14, delete the numerals "1,903,000.00" and insert in lieu thereof the numerals "500,000.00"

On page 3 of the engrossed bill, delete lines 15 through 21 and insert in lieu thereof the following: "much thereof as may be necessary, for the purpose of obtaining appropriate options to purchase the site recommended by the committee or purchasing a portion of the site and obtaining appropriate options to purchase the remainder of the site, and the sum of \$15,000.00, or so much thereof as may be necessary, for the payment of expenses of the committee, to the North Dakota main agriculture experiment station for the purpose of carrying out this Act for the biennium beginning July 1, 1977, and ending June 30, 1979. Any balance necessary to complete the purchase of the site, livestock, equipment, and physical facilities, and for operation and maintenance of the station shall be the responsibility of the Forty-sixth Legislative Assembly."



And renumber the lines and pages accordingly.

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

Senator Melland moved that the rules be suspended, that House Bill No. 1528 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

House Bill No. 1528. A Bill for an Act to establish a central North Dakota beef cattle experiment station; to provide for determining its location; 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, 43; nays, 5; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAAEDEN        |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       | •   |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          | •   |      | • LODDEN     | •   |      | • REDLIN         |     | • VOSEPER       |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

### MOTION

Senator Smykowski moved that five additional legislative days be allowed for the C.E.T.A. study, which motion prevailed.

### MESSAGES FROM THE HOUSE

#### House Chamber

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

Senate Bill No. 2020  
 Senate Bill No. 2029  
 Senate Bill No. 2035  
 Senate Bill No. 2091  
 Senate Bill No. 2120  
 Senate Bill No. 2151  
 Senate Bill No. 2152  
 Senate Bill No. 2196  
 Senate Bill No. 2197  
 Senate Bill No. 2198  
 Senate Bill No. 2206  
 Senate Bill No. 2210  
 Senate Bill No. 2211  
 Senate Bill No. 2212  
 Senate Bill No. 2223  
 Senate Bill No. 2228  
 Senate Bill No. 2230  
 Senate Bill No. 2237  
 Senate Bill No. 2281  
 Senate Bill No. 2370  
 Senate Bill No. 2375

Senate Bill No. 2393  
Senate Bill No. 2403  
Senate Bill No. 2412  
Senate Bill No. 2429  
Senate Bill No. 2445  
Senate Bill No. 2450  
Senate Bill No. 2452  
Senate Bill No. 2453  
Senate Bill No. 2457  
Senate Bill No. 2484  
Senate Bill No. 2530  
Senate Bill No. 2531

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE

House Chamber

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

House Bill No. 1110  
House Bill No. 1176  
House Bill No. 1179  
House Bill No. 1225  
House Bill No. 1254  
House Bill No. 1257  
House Bill No. 1307  
House Bill No. 1321  
House Bill No. 1323  
House Bill No. 1338  
House Bill No. 1349  
House Bill No. 1350  
House Bill No. 1357  
House Bill No. 1380  
House Bill No. 1401  
House Bill No. 1403  
House Bill No. 1414  
House Bill No. 1416  
House Bill No. 1457  
House Bill No. 1458  
House Bill No. 1473  
House Bill No. 1527  
House Bill No. 1537  
House Bill No. 1538  
House Bill No. 1539  
House Concurrent Resolution No. 3030  
House Concurrent Resolution No. 3038  
House Concurrent Resolution No. 3057  
House Concurrent Resolution No. 3061

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

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1110  
House Bill No. 1176

House Bill No. 1179  
 House Bill No. 1225  
 House Bill No. 1254  
 House Bill No. 1257  
 House Bill No. 1307  
 House Bill No. 1321  
 House Bill No. 1323  
 House Bill No. 1338  
 House Bill No. 1349  
 House Bill No. 1350  
 House Bill No. 1357  
 House Bill No. 1380  
 House Bill No. 1401  
 House Bill No. 1403  
 House Bill No. 1414  
 House Bill No. 1416  
 House Bill No. 1457  
 House Bill No. 1458  
 House Bill No. 1473  
 House Bill No. 1527  
 House Bill No. 1537  
 House Bill No. 1538  
 House Bill No. 1539  
 House Concurrent Resolution No. 3030  
 House Concurrent Resolution No. 3038  
 House Concurrent Resolution No. 3057  
 House Concurrent Resolution No. 3061

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

##### Senate Chamber

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

House Bill No. 1049  
 House Bill No. 1280

LEO LEIDHOLM, Secretary

#### REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2020  
 Senate Bill No. 2029  
 Senate Bill No. 2035  
 Senate Bill No. 2091  
 Senate Bill No. 2120  
 Senate Bill No. 2151  
 Senate Bill No. 2152  
 Senate Bill No. 2196  
 Senate Bill No. 2197  
 Senate Bill No. 2198  
 Senate Bill No. 2206  
 Senate Bill No. 2210  
 Senate Bill No. 2211  
 Senate Bill No. 2212

Senate Bill No. 2223  
Senate Bill No. 2228  
Senate Bill No. 2230  
Senate Bill No. 2237  
Senate Bill No. 2281  
Senate Bill No. 2370  
Senate Bill No. 2375  
Senate Bill No. 2393  
Senate Bill No. 2403  
Senate Bill No. 2412  
Senate Bill No. 2429  
Senate Bill No. 2445  
Senate Bill No. 2450  
Senate Bill No. 2452  
Senate Bill No. 2453  
Senate Bill No. 2457  
Senate Bill No. 2484  
Senate Bill No. 2530  
Senate Bill No. 2531

Were delivered to the Governor for his approval on March 21, 1977.

GILMAN A. STRAND, Chairman

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1110  
House Bill No. 1176  
House Bill No. 1179  
House Bill No. 1225  
House Bill No. 1254  
House Bill No. 1257  
House Bill No. 1307  
House Bill No. 1321  
House Bill No. 1323  
House Bill No. 1338  
House Bill No. 1349  
House Bill No. 1350  
House Bill No. 1357  
House Bill No. 1380  
House Bill No. 1401  
House Bill No. 1403  
House Bill No. 1414  
House Bill No. 1416  
House Bill No. 1457  
House Bill No. 1458  
House Bill No. 1473  
House Bill No. 1527  
House Bill No. 1537  
House Bill No. 1538  
House Bill No. 1539  
House Concurrent Resolution No. 3030  
House Concurrent Resolution No. 3038  
House Concurrent Resolution No. 3057  
House Concurrent Resolution No. 3061

Which the President has signed.

LEO LEIDHOLM, Secretary  
MESSAGE TO THE SENATE  
House Chamber

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

Senate Bill No. 2279  
Senate Bill No. 2361  
Senate Bill No. 2379  
Senate Bill No. 2436  
Senate Bill No. 2473

ROY GILBREATH, Chief Clerk  
MESSAGE TO THE SENATE  
House Chamber

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

Senate Bill No. 2240  
Senate Bill No. 2415  
Senate Bill No. 2495

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. 2068  
Senate Bill No. 2263  
Senate Bill No. 2291  
Senate Bill No. 2405  
Senate Bill No. 2449  
Senate Bill No. 2534

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

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

MESSAGE TO THE SENATE  
House Chamber

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

Senate Bill No. 2139

ROY GILBREATH, Chief Clerk  
HOUSE AMENDMENTS TO SENATE BILL No. 2139

On page 5, line 14 of the engrossed bill, after the word "suspend" insert the words "on a pro rata basis or shall offer a similar credit"

On page 5, line 18, after the word "notified" insert the words "in writing"

On page 5, line 19, after the period insert the following new language: "The owner shall not be required to surrender the motor vehicle license plates during the policy suspension period."

And renumber the lines and pages accordingly.

FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills Introduced:

**Senate Resolution No. 18.** A resolution congratulating the Hillsboro High School basketball team on winning the North Dakota Class B high school basketball championship.

Was read the first time.

Senator Strand moved that the rules be suspended, that Senate Resolution No. 18 not be printed as a bill, not referred to a committee, but 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. 18**

Introduced by Committee on Delayed Bills

A resolution congratulating the Hillsboro High School basketball team on winning the North Dakota Class B high school basketball championship.

WHEREAS, the Hillsboro Burros completed an excellent basketball season by defeating Epping High School 56-52 in the finals of the North Dakota Class B high school basketball championship to give Hillsboro its third Class B basketball title in five years; and

WHEREAS, the Burros very capably represented Region 2 and the Red River Valley Conference, which knowledgeable observers consider the strongest basketball conference in the state with four teams rated in the top 10 teams of the state by the Associated Press; and

WHEREAS, the Burros were ably coached by Ed Beyer, an extraordinarily gifted basketball tactician who, in his 16 years as head coach of the Burros, has amassed a gleaming 294 wins against only 92 setbacks, has brought six teams to the state Class B basketball tournaments, and has captured three state Class B basketball championships; and

WHEREAS, the players who, with dedication and poise, executed coach Beyer's game plan to perfection to obtain the state crown were Paul Eisenbeis, Scott Kelley, Dave Nelson, Joe Henn, Randy Waters, Mike Burck, Wayne Grothmann, Todd Volden, Dave Helland, Randy Beyersdorf, Trygve Letnes, and Keven Morehart; and

WHEREAS, assisting head coach Ed Beyer with his title winning strategy were assistant coach Joe DeNucci and student managers Daniel Dumas, Tomm Cotton, and Paul Breen;

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

That the Senate of the Forty-fifth Legislative Assembly extend its heartiest congratulations to the Hillsboro Burros basketball team for truly demonstrating the right to say "We're Number 1" by winning the 1977 North Dakota Class B high school basketball championship; and

**BE IT FURTHER RESOLVED,** that the Secretary of the Senate send copies of this resolution to basketball coach Ed Beyer, to Hillsboro High School Superintendent Don Christianson, and to the Hillsboro High School Library.

**SECOND READING OF SENATE RESOLUTIONS**

**Senate Resolution No. 18.** A resolution congratulating the Hillsboro High School basketball team on winning the North Dakota Class B high school basketball championship.

Was read the second time.

The question being on the final adoption of the resolution. Senate Resolution No. 18 was declared adopted on a voice vote.

**POINT OF PERSONAL PRIVILEGE**

Senator Nothing: Mr. President, I rise on a point of personal privilege and I wish to have my remarks printed in the journal.

My purpose, and if the Minority Leader wants to view that as a threat, I

have no qualms about what I explained to you, and if any of you feel threatened, then I presume I should be the one to feel threatened because it appears now that there will be action that may be brought under Section 40, if that's the purpose of reciting it. I simply want you to know, and I've always tried to be as open as I could with you, which is something, incidentally, the Minority Leader has not done because he would not explain to us on Friday as to what effort was being made and what was to be amended to that bill when we asked, but I'm trying to explain to you the reason that we are not going to be presenting 1262. Now, you should know, everyone of you on this floor that over in the House of Representatives the Democrat Leader and other people in his party, said they wanted that REAP taken out because they wanted it as a bargaining ship. I think, Mr. Minority Leader, you ought to talk to those people. They are the ones that are being open and talking about threats. We are accused of trickery and deceit and things of this nature, yet the Minority Leader, when asked to explain a reason that they want to take a bill back, he knew what it was all about. He knew what they were trying to do. He knew they were trying to kill REAP, but he didn't tell anyone on this floor when we asked him. So I'm simply trying to be open with you. The paper has reported that the Democrat Leader in the House is going to request the Governor to veto REAP. And that's his privilege, and it's the Governor's privilege, but I just want you to have a vehicle to view and if you care to adopt, which in fact if he does decide to veto REAP, then it's simply a matter that the severance tax would be reduced by an amount of money that we intended to pay it with. And those amendments will be presented to you at that time for your consideration, because I think if you believe in the legislature as the people's branch of government, and if you believe in the legislature as a policymaker for the State of North Dakota, and if you believe in the rule that we have as legislators, then it's important that we have all the tools available to us. And if other people disagree with it in the Executive Branch, that's fine, they have their right to disagree. But I do not want to be part of an increase in tax designed to pay for a specific tool that I think we should have as legislators and then to not have that tool available. So the purpose is to make sure that if the tool is not available, the tax will be decreased by an appropriate amount, and, frankly, I think that's good legislation.

Senator Nething — Mr. President, I rise again on a point of personal privilege. What the Minority Leader is attempting to do again is to tell you half a story and we presented information, if you will recall when Senate Bill No. 2500 was adopted. We do believe that there is about a nineteen million dollar cost to the general fund of North Dakota because of energy development. But what the Minority Leader fails to tell you is that because of that energy development there is another sum of money that comes back to the state which, when coupled with, the allocation formula that now is in 1262, will make us at about a stand off. That they are paying our way and what is not being paid through increased sales tax, through increased income tax, through increased gas tax, and the other taxes that are paid, cigarette, liquor, and so on, that that money does come into the general fund, it doesn't just disappear into the county coffers, or any place else. I think all of you, as you evaluate the arguments that are being presented, make sure both sides are being presented. That's the responsibility on not only the person presenting an argument he has but it is also your responsibility to ask.

## POINT OF PERSONAL PRIVILEGE

Senator Hoffner; Mr. President, I rise on a point of personal privilege. I was willing to bring 1262 before the body and get it into conference committee. Now I cannot interpret this move any different than a stalling, delaying tactic, and I am going to label it as just that, because when are we going to get this issue in a conference committee? This is the most important issue that we are going to be dealing with and we are down to that goal that we were talking about, that sixty day goal, to finish our business, and we don't even have this major issue in conference. Now just sort of a reminder as to what's happened here, let's not just talk about this REAP issue, but let's talk about 1262, let's talk about 2500, let's talk about all the bills, all the things that have happened. I for the life of me don't understand. Friday, we killed 2500. We didn't even have the courage to deal with the bill as we deal with other normal bills. We lay them on the table so there would be no record of dealing with the bill as such. We dealt with the amendments. Now we are talking about amending 1262, and apparently afraid to get this bill into conference. I am willing to right at this time, regardless if I've seen those amendments or not, let's put the bill in conference committee and deal with those amendments later on. I don't understand this stalling tactic and I'm going to call it just that.

## POINT OF PERSONAL PRIVILEGE

Senator Nething: Mr. President. Perhaps I can enlighten the body. The only way a bill goes into conference committee is when the other body does not concur in the amendments, and we have every reason to believe at this point, that the amendments that we are making to 1262 will be concurred in and that there will not be a conference committee. And for that reason it is our belief that we should make that bill just as exacting as we can and to carry out the intent of the legislature to the best of our ability. We do not believe that it will be going into conference committee, and, consequently, we must take the additional time to make sure that it properly addresses the concerns that we have.

## POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Mr. President, I rise on a point of personal privilege, and request my remarks be printed in the Journal. Winter has passed, spring is upon us. I believe that it is in the interests of this assembly that we dispatch our business without undue delay. I think this is consistent with the principle of fiscal responsibility, because every day of delay is costly to the taxpayers of the state of North Dakota. I would hope that we would put partisanship aside and get on with the substantive business of the state of North Dakota.

## MOTION

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2007 as printed on page 1268 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

## APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2007:

Senator Lips  
 Senator Wenstrom  
 Senator Larson

## CONSIDERATION OF MESSAGES FROM THE HOUSE





SECOND READING OF SENATE BILLS

Senate Bill No. 2063. A Bill for an Act to create and enact section 15-02-05.1 of the North Dakota Century Code, relating to the duties of the commissioner of university and school lands; and to amend and reenact section 54-01-05.3 of the North Dakota Century Code, relating to the duties of the attorney general in reviewing bills for the sale of state-owned land.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2111, as printed on page 1209 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2111 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2111. A Bill for an Act to create and enact sections 38-11-02.1, 38-11-02.2, 38-11-02.3, and 38-11-02.4 of the North Dakota Century Code, relating to the leasing of minerals on public lands; to amend and reenact subsection 2 of section 38-11-01 and sections 38-11-02, 38-11-04, and 38-11-10 of the North Dakota Century Code, relating to the leasing of minerals on public lands; and to repeal sections 15-05-17, 38-11-03, 38-11-05, 38-11-06, 38-11-07, 38-11-08, and 38-11-09 of the North Dakota Century Code, relating to the leasing of minerals on public lands.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |



| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACON      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Jacobson moved that the Senate do not concur in the House amendments to Senate Bill No. 2297 as printed on pages 1213 & 1214 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2297:

- Senator Nelson
- Senator Fritzell
- Senator Krauter

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2323 as printed on pages 1214-1216 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2323:

- Senator Sands
- Senator Holmberg
- Senator Lashkowitz

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2327, as printed on page 1152 of the Senate Journal, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2327 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2327. A Bill for an Act to create and enact section 6-06-39 of the North Dakota Century Code, relating to scaledown of shares in credit unions; to create and enact section 6-06-40 of the North Dakota Century Code, relating to mandatory share and deposit insurance for credit unions; to amend and reenact subsections 1, 2, 3, and 5 of section 6-06-02 of the North Dakota Century Code, relating to the par value of shares of credit unions and filing of certificates of organization with the register of deeds; to amend and reenact section 6-06-04 of the North Dakota Century Code, relating to the recording of amendments of certificates of organization of credit unions with the register of deeds; to amend and reenact subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to making loans for provident or productive purposes; to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to entrance fees and field of membership of credit

unions; to amend and reenact section 6-06-11 of the North Dakota Century Code, relating to the appointment of supervisory committee members of credit unions; to amend and reenact subsection 4 of section 6-06-12 of the North Dakota Century Code, relating to the declaration of dividends for credit unions; to amend and reenact section 6-06-13 of the North Dakota Century Code, relating to officers of credit unions; to amend and reenact subsection 2 of section 6-06-15 of the North Dakota Century Code, relating to annual audits of credit unions by the supervisory committee; to amend and reenact section 6-06-16 of the North Dakota Century Code, relating to the credit union membership entrance fee; to amend and reenact subsection 1 of section 6-06-35 of the North Dakota Century Code, relating to the vote required to convert from a state to a federal credit union; to repeal subsection 6 of section 6-06-02 of the North Dakota Century Code, relating to recording of certificate of organization and charter of a credit union with the register of deeds.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODGON     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2338, as printed on page 1268 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2338 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2338. A Bill for an Act making an appropriation to the North Dakota social service board for defraying the expenses of a program for medically needy children.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |

|            |          |            |              |
|------------|----------|------------|--------------|
| ● FRITZELL | ● LODOEN | ● REDLIN   | ● VOSPER     |
| ● GOODMAN  | ● MAHER  | ● REITEN   | ● WALSH      |
| ● HANSON   | ● MAU    | ● SANDNESS | ● WENSTROM   |
| ● HOFFNER  | ● MELAND | ● SANDS    | ● WRIGHT     |
| ● HOLMBERG | ● MILLER | ● SCHIRADO | MR PRESIDENT |
| ● ISZLER   | ● MORGAN | ● SHABLOW  |              |

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do not concur in the house amendments to Senate Bill No. 2346 as printed on pages 1268-1269 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE,**

The President appointed as a conference committee on Senate Bill No. 2346:

- Senator Lips
- Senator Hanson
- Senator Erdman

**MOTION**

Senator Reiten moved that the amendments to Senate Bill No. 2347 be laid on the table, which motion prevailed.

**MOTION**

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2364 as printed on page 1216 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2364

- Senator Iszler
- Senator Freed
- Senator Schirado

Senator Christensen moved that the Senate do concur in the House amendments to Senate Bill No. 2369, as printed on page 1153 of the Senate Journal, which motion prevailed.

Senator Christensen moved that the rules be suspended, that Senate Bill No. 2369 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2369. A Bill for an Act to amend and reenact subsection 1 of section 23-17.2-01, sections 23-17.2-02, 23-17.2-03, 27-17.2-05, 23-17.2-09, 23-17.2-11, 23-17.2-13, 23-17.2-14 of the North Dakota Century Code, relating to certification of need for expansion of hospital facilities; and to repeal sections 23-17.2-06, 23-17.2-07, 23-17.2-08, and 23-17.2-10 of the North Dakota Century Code, relating to certification of need for expansion of hospital facilities.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 41; nays, 7; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON |     |      | ● NAAOEN |     | ●    | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES    |     |      | ● NELSON |     | ●    | ● SOLBERG        |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEOS       |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODGEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2395, as printed on pages 1217 and 1218 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2395 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS.**

Senate Bill No. 2395. A Bill for an Act to amend and reenact section 38-08-09.9 of the North Dakota Century Code, relating to the enlargement of a unit area or the amendment of a plan of unitization.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEOS        |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Freed moved that the Senate do not concur in the House amendments to Senate Bill No. 2417 as printed on page 1218 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2417:

- Senator Christensen
- Senator Holmberg
- Senator Schirado

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2428, as printed on page 1218 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2428 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2428. A Bill for an Act to amend and reenact subsection 8

of section 38-16-01 and section 38-16-02 of the North Dakota Century Code, relating to the definition of "surface mining operation" and to reports of surface mining operations.

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    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEP         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH       |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

-Senator Jones moved that the Senate do concur in the House amendments to Senate Bill No. 2439, as printed on page 1270 of the Senate Journal, which motion prevailed.

Senator Jones moved that the rules be suspended, that Senate Bill No. 2439 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2439. A Bill for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking privileges for the physically handicapped; and to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to designating with blue paint the parking spaces reserved for the physically handicapped.

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    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEP         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG     |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH       |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do not concur in the House amendments to Senate Bill No. 2463 as printed on pages 1218 & 1219 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.



APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2463:

- Senator Lodoen
- Senator Reiten
- Senator Shablow

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2513, as printed on page 1220 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2513 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2513. A Bill for an Act to amend and reenact sections 11-33-08, 11-33-09, 40-47-04 and 40-47-05 of the North Dakota Century Code, relating to public hearing, notice, and publication requirements for county and city zoning.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADER         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So, the bill passed and the title was agreed to.

Senator Freed moved that the Senate do concur in the House amendments to Senate Bill No. 2517, as printed on page 1270 of the Senate Journal, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2517 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2517. A Bill for an Act to establish procedures for the prejudgment remedy of attachment; and to repeal chapter 32-08 of the North Dakota Century Code, relating to the present procedures of attachment.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |             |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|-------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |             |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS        | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADER         |     |      | • SMYKOWSKI |     |      |
| • BARTH             |     |      | • JONES    |     |      | • NELSON         |     |      | • SOLBERG   |     |      |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2002 as printed on pages 1270-1271 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2002:

- Senator Naaden
- Senator Hanson
- Senator Walsh

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2003 as printed on page 1271 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2003:

- Senator Strinden
- Senator Thane
- Senator Maher

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2126 as printed on page 1266 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2126:

- Senator Melland
- Senator Strinden
- Senator Maher

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2199, as printed on page 1266 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2199 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2199.** A Bill for an Act to amend and reenact section 20.1-03-10 and subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, and 22 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident fur-bearer licenses and certain license and permit fees; and declaring 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, 40; nays, 8; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Jones moved that the Senate do concur in the House amendments to Senate Bill No. 2388, as printed on pages 1266 & 1267 of the Senate Journal, which motion prevailed.

Senator Jones moved that the rules be suspended, that Senate Bill No. 2388 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2388. A Bill for an Act to provide for the governing of activity in proximity to electric transmission lines; and providing a penalty.

Which has been read.

#### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      |                  |     |      |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

#### MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1010, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1010:

Senator Melland  
 Senator Hanson  
 Senator Erdman

Senator Jacobson moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1037, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1037:

Senator Jacobson  
Senator Freed  
Senator Redlin

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1071, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1071:

Senator Sands  
Senator Christensen  
Senator Lashkowitz

Senator Jacobson moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1178, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1178:

Senator Jacobson  
Senator Freed  
Senator Redlin

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1320, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1320:

Senator Freed  
Senator Iszler  
Senator Schirado

Senator Sands moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1384, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1384:

Senator Reiten  
Senator Lodoen  
Senator Mau

Senator Morgan moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1478, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1478:

Senator Jones  
Senator Albers  
Senator Barth

Senator Jacobson moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1525, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1525:

Senator Freed  
Senator Nelson  
Senator Krauter

Senator Lips moved that the President appoint a committee of three to

act with a like committee from the House as a Conference Committee on House Bill No. 1548, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1548:

Senator Naaden  
 Senator Smykowski  
 Senator Larson

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1559, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1559:

Senator Christensen  
 Senator Holmberg  
 Senator Lashkowitz

Senator Morgan moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1565, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1565:

Senator Vosper  
 Senator Jones  
 Senator Tallackson

#### MOTION

Senator Nething moved that the Senate recess for fifteen minutes, which motion prevailed.

Senator Nething requested a call of the Senate, which request was granted.

Senator Nething moved that the call of the Senate be dissolved, which motion prevailed.

The Senate reconvened, the President presiding.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1546.** A Bill for an Act to amend and reenact subdivision c of subsection 1 of section 57-38-01.3 and section 57-38-29 of the North Dakota Century Code, relating to adjustments to taxable income for corporations and the rate of tax on individuals; and to provide for an effective date.

Which has been read.

Senator Shablow proposed the following amendments to House Bill 1546:

On page 2, line 9, delete the triple parentheses around the word "three"

On page 2, line 10, delete the word "four"

On page 2, line 11, delete the triple parentheses around the word "three" and delete the word "four"

On page 2, line 13, delete the word "six" and insert in lieu thereof the word "four"

On page 2, line 14, delete the word "six" and insert in lieu thereof the word "four"

On page 2, line 16, delete the word "eight" and insert in lieu thereof the word "five"

On page 2, line 18, delete the word "eight" and insert in lieu thereof the word "five"

On page 2, line 20, delete the word "ten" and insert in lieu thereof the word "six"

On page 2, line 22, delete the word "ten" and insert in lieu thereof the word "six"

On page 2, line 23, delete the word "twelve" and insert in lieu thereof the word "seven"

On page 2, line 26, delete the word "twelve" and insert in lieu thereof the word "seven"

On page 2, line 27, delete the word "fourteen" and insert in lieu thereof the word "eight"

On page 2, line 29, delete the word "fourteen" and insert in lieu thereof the word "eight"

On page 2, line 30, delete the word "sixteen" and insert in lieu thereof the word "nine"

On page 2, line 32, delete the word "sixteen" and insert in lieu thereof the word "nine"

On page 2, line 33, delete the word "eighteen" and insert in lieu thereof the word "ten"

On page 2, line 35, delete the word "eighteen" and insert in lieu thereof the word "ten"

And renumber the lines accordingly.

Senator Shablow moved that the amendments be adopted.

Senator Mau requested a roll call vote on the motion to adopt Senator Shablow's amendments, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments proposed by Senator Shablow, the roll was called and there were ayes, 21; nays, 29; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |     | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI     | •    |
| •                   |     |      |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG       | •    |
| •                   |     |      |           | KRAUTER    | •    |      | NETHING  | •    |                  | STRAND        | •    |
|                     | •   |      |           | LARSON     | •    |      | ORANGE   | •    |                  | STRINDEN      | •    |
| •                   |     |      |           | LASHKOWITZ | •    |      | PETERSON | •    | •                | TALLACKSON    | •    |
|                     | •   |      |           | LEE        | •    | •    | PIETRON  | •    |                  | TENNEFOS      | •    |
|                     | •   |      |           | LIPS       | •    | •    | RAIT     | •    |                  | THANE         | •    |
| •                   |     |      |           | LODDEN     | •    | •    | REDLIN   | •    |                  | VOSPER        | •    |
|                     | •   |      | •         | MAHER      | •    |      | REITEN   | •    | •                | WALSH         | •    |
|                     | •   |      | •         | MAU        | •    |      | SANDNESS | •    |                  | WENSTROM      | •    |
| •                   |     |      |           | MELLAND    | •    | •    | SANDS    | •    |                  | WRIGHT        | •    |
|                     | •   |      | •         | MILLER     | •    | •    | SCHIRADO | •    |                  | MR. PRESIDENT | •    |
|                     | •   |      |           | MORGAN     | •    | •    | SHABLOW  | •    |                  |               |      |

The proposed amendments lost.

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |     | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI     | •    |
| •                   |     |      |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG       | •    |
| •                   |     |      |           | KRAUTER    | •    |      | NETHING  | •    |                  | STRAND        | •    |
|                     | •   |      |           | LARSON     | •    |      | ORANGE   | •    |                  | STRINDEN      | •    |
| •                   |     |      |           | LASHKOWITZ | •    |      | PETERSON | •    |                  | TALLACKSON    | •    |
|                     | •   |      |           | LEE        | •    | •    | PIETRON  | •    |                  | TENNEFOS      | •    |
|                     | •   |      |           | LIPS       | •    | •    | RAIT     | •    |                  | THANE         | •    |
| •                   |     |      |           | LODDEN     | •    | •    | REDLIN   | •    |                  | VOSPER        | •    |
|                     | •   |      | •         | MAHER      | •    |      | REITEN   | •    | •                | WALSH         | •    |
|                     | •   |      | •         | MAU        | •    |      | SANDNESS | •    |                  | WENSTROM      | •    |
| •                   |     |      |           | MELLAND    | •    | •    | SANDS    | •    |                  | WRIGHT        | •    |
|                     | •   |      | •         | MILLER     | •    | •    | SCHIRADO | •    |                  | MR. PRESIDENT | •    |
|                     | •   |      |           | MORGAN     | •    | •    | SHABLOW  | •    |                  |               |      |

House Bill 1546 was declared lost.

House Bill No. 1551. A Bill for an Act to amend and reenact section 47-18-18 of the North Dakota Century Code, relating to the execution and acknowledgment of a declaration of homestead.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 42; nays, 0; absent and not voting, 8.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           | •   | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

House Bill No. 1553. A Bill for an Act to amend and reenact section 15-63-05 of the North Dakota Century Code, relating to the amount of Indian scholarship payments.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        | •   | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

#### MOTION

Senator Freed moved that House Bill No. 1568 be placed at the foot of the calendar, which motion prevailed.

#### MOTION

Senator Nothing moved that Senate Concurrent Resolution No. 4086 and House Concurrent Resolutions Nos. 3021, 3028, 3034, 3049, 3051, 3058, 3059 and 3101 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 4086. A concurrent resolution urging Congress and the United States Secretary of Health, Education and Welfare to take certain action to allow graduates of foreign medical schools to practice medicine in the United States, and particularly in rural areas, such as North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4086 was declared adopted.

**SECOND READING OF HOUSE CONCURRENT RESOLUTIONS**

**House Concurrent Resolution No. 3021.** A concurrent resolution urging the President and the Congress of the United States to expeditiously exact a long-range and comprehensive energy conservation and development program.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3021 was declared adopted.

**House Concurrent Resolution No. 3028.** A concurrent resolution urging the President of the United States to seek an amendment to the Convention for the Protection of Migratory Birds and Mammals to allow the destruction of certain harmful blackbirds, grackles, and cowbirds.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3028 was declared adopted.

**House Concurrent Resolution No. 3034.** A concurrent resolution urging Congress to retain Section 14(b) of the Taft-Hartley Act.

Was read the second time.

The question being on the final adoption of the resolution.

Senator Tennesfos requested a roll call vote, which request was granted.

**ROLL CALL**

The roll was called and there were ayes, 35; nays, 12; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      |           |            |      | •    |          |      | •                |               |      |
|                     | •   |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
|                     |     | •    | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
|                     |     | •    |           | KRAUTER    | •    | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      |           | LARSON     |      | •    | ORANGE   | •    | •                | STRINDEN      |      |
|                     |     | •    |           | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        | •    | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      |           | LIPS       |      | •    | RAIT     | •    | •                | THANE         |      |
| •                   |     | •    | •         | LODOEN     |      | •    | REDLIN   | •    | •                | VOSPER        |      |
| •                   |     |      |           | MAHER      | •    | •    | REITEN   |      | •                | WALSH         | •    |
| •                   |     |      |           | MAU        | •    | •    | SANDNESS |      | •                | WENSTROM      |      |
|                     |     | •    | •         | MELAND     |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     | •    | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      |      | SHABLOW  | •    |                  |               |      |

House Concurrent Resolution No. 3034 was declared adopted.

**House Concurrent Resolution No. 3049.** A concurrent resolution urging the President of the United States to exercise his authority to limit the import of fresh, chilled, or frozen beef into the United States.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3049 was declared adopted.

**House Concurrent Resolution No. 3051.** A concurrent resolution urging the United States Congress to provide impact funding for transportation-related impact resulting from coal development.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3051 was declared adopted.

**House Concurrent Resolution No. 3058.** A concurrent resolution commending the North Dakota Conference of Churches for its sponsorship of the North Dakota Harvest for Hunger.



Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3058 was declared adopted.

**House Concurrent Resolution No. 3059.** A concurrent resolution urging the Congress of the United States to authorize construction of the Horsehead Flats-Winona segment of the Apple Creek Unit of the Pick-Sloan Missouri River Basin program.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3059 was declared adopted.

**House Concurrent Resolution No. 3101.** A concurrent resolution urging Congress to raise the national speed limit to 65 miles per hour.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3101 was declared adopted.

#### MOTION

Senator Nething moved that House Bill No. 1344 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1344.** A Bill for an Act to provide a state matching program for county and city senior citizen programs and activities; and to provide an appropriation.

Which has been read.

Senator Lips proposed the following amendments to House Bill No. 1344:

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 amend and reenact subsection 1 of section 57-15-56 of the North Dakota Century Code, relating to the authorization of a one-mill levy for senior citizen programs and activities, and increasing the authorized levy to two mills.

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

**SECTION 1. AMENDMENT.)** Subsection 1 of section 57-15-56 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The board of county commissioners of any county is hereby authorized to levy a tax, or in the event no levy is made by the board of county commissioners, the governing body of any city is authorized to levy a tax, in addition to all levies now authorized by law, for the purpose of establishing or maintaining programs and activities for senior citizens including the expansion of existing senior citizen centers which will provide recreational and other leisure-time activities, information, health, welfare, counseling, and referral services for senior citizens, and assisting such persons in providing volunteer community or civic services. Such tax shall not exceed the amount produced by the levy of ((one mill)) two mills on a dollar of the net taxable valuation of the county or the city. The proceeds of such tax shall be kept in a separate fund and shall be used exclusively for the public purposes provided for in this section. Such levy shall be in addition to any moneys expended by the board of county commissioners pursuant to section 11-11-58 or by the governing body of any city pursuant to section 40-05-16."

And renumber the lines and pages accordingly.



House Bill No. 1405  
 House Bill No. 1412  
 House Bill No. 1446  
 House Bill No. 1455  
 House Bill No. 1470  
 House Bill No. 1475

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

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

House Bill No. 1528

LEO LEIDHOLM, Secretary

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2068  
 Senate Bill No. 2263  
 Senate Bill No. 2291  
 Senate Bill No. 2405  
 Senate Bill No. 2449  
 Senate Bill No. 2534

And the President signed the same in the presence of the Senate.

MESSAGES TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2068  
 Senate Bill No. 2263  
 Senate Bill No. 2291  
 Senate Bill No. 2405  
 Senate Bill No. 2449  
 Senate Bill No. 2534

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 concurred in the House amendment to:

Senate Bill No. 2013  
 Senate Bill No. 2063  
 Senate Bill No. 2111  
 Senate Bill No. 2234  
 Senate Bill No. 2294  
 Senate Bill No. 2327  
 Senate Bill No. 2338  
 Senate Bill No. 2369  
 Senate Bill No. 2395  
 Senate Bill No. 2428  
 Senate Bill No. 2439  
 Senate Bill No. 2513  
 Senate Bill No. 2517  
 Senate Bill No. 2199  
 Senate Bill No. 2388

Refused to concur in the House amendment to:

Senate Bill No. 2002

Senate Bill No. 2003

Senate Bill No. 2007

Senate Bill No. 2045

Senate Bill No. 2062

Senate Bill No. 2126

Senate Bill No. 2164

Senate Bill No. 2297

Senate Bill No. 2323

Senate Bill No. 2346

Senate Bill No. 2364

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

Senate Bill No. 2002

Senator Naaden

Senator Hanson

Senator Walsh

Senate Bill No. 2003:

Senator Strinden

Senator Thane

Senator Maher

Senate Bill No. 2007:

Senator Lips

Senator Wenstrom

Senator Larson

Senate Bill No. 2045:

Senator Vosper

Senator Albers

Senator Miller

Senate Bill No. 2062:

Senator Lee

Senator Freed

Senator Redlin

Senate Bill No. 2126

Senator Melland

Senator Strinden

Senator Maher

Senate Bill No. 2164:

Senator Christensen

Senator Goodman

Senator Miller

Senate Bill No. 2297:

Senator Nelson

Senator Fritzell

Senator Krauter

Senate Bill No. 2323:

Senator Sands

Senator Holmberg

Senator Lashkowitz

Senate Bill No. 2346:

Senator Lips

Senator Hanson

Senator Erdman

Senate Bill No. 2364:  
 Senator Iszler  
 Senator Freed  
 Senator Schirado

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. 2417  
 Senate Bill No. 2463

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

Senate Bill No. 2417:  
 Senator Christensen  
 Senator Holmberg  
 Senator Schirado

Senate Bill No. 2463:  
 Senator Lodoen  
 Senator Reiten  
 Senator Shablow

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. 2347

And has laid the amendment on the table.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1010:

Senator Melland  
 Senator Hanson  
 Senator Erdman

House Bill No. 1037:

Senator Jacobson  
 Senator Freed  
 Senator Redlin

House Bill No. 1071:

Senator Sands  
 Senator Christensen  
 Senator Lashkowitz

House Bill No. 1178:

Senator Jacobson  
 Senator Freed  
 Senator Redlin

House Bill No. 1320:

Senator Freed  
 Senator Iszler  
 Senator Schirado

House Bill No. 1384:

Senator Reiten  
 Senator Lodoen

Senator Mau  
 House Bill No. 1478:  
   Senator Jones  
   Senator Albers  
   Senator Barth  
 House Bill No. 1525:  
   Senator Freed  
   Senator Nelson  
   Senator Krauter  
 House Bill No. 1548:  
   Senator Naaden  
   Senator Smykowski  
   Senator Larson  
 House Bill No. 1559:  
   Senator Christensen  
   Senator Holmberg  
   Senator Lashkowitz  
 House Bill No. 1565:  
   Senator Vosper  
   Senator Jones  
   Senator Tallackson

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has reconsidered its action by which it concurred in the Senate amendments to House Bill No. 1018, and now does not concur in the Senate amendments to House Bill No. 1018, and a conference committee has been appointed to serve with a like committee from the Senate.

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. 2218  
 Senate Bill No. 2239  
 Senate Bill No. 2331  
 Senate Bill No. 2381  
 Senate Bill No. 2487  
 Senate Bill No. 2218:  
   Rep. Gerl  
   Rep. Lokken  
   Rep. Kloubec  
 Senate Bill No. 2239:  
   Rep. Scofield  
   Rep. Erickson  
   Rep. Richard  
 Senate Bill No. 2331:  
   Rep. Maixner  
   Rep. Lokken  
   Rep. VanderVorst  
 Senate Bill No. 2381:  
   Rep. Conmy

Rep. G. Larson  
 Rep. Nordby  
 Senate Bill No. 2487:  
 Rep. Scofield  
 Rep. Erickson  
 Rep. Richard

ROY GILBREATH, Chief Clerk

House Chamber

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

House Bill No. 1005

House Bill No. 1043

House Bill No. 1172

House Bill No. 1239

House Bill No. 1242

House Bill No. 1308

House Bill No. 1333

Refused to concur in the Senate amendment to:

House Bill No. 1014

House Bill No. 1047

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

House Bill No. 1047:

Rep. Conmy

Rep. Kretschmar

Rep. Meiers

House Bill No. 1014:

Rep. Peterson

Rep. L. Hausauer

Rep. Johnson

ROY GILBREATH, Chief Clerk

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

Senator Nething moved that the Senate adjourn until Wednesday, March 23, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## FIFTY-FIFTH DAY

Bismarck, March 23, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Pastor Carl Coffman, Chairman, Dept. of Religion, Andrew's University, Berrien Springs, Michigan, a Seventh-Day Adventist College.

Our Heavenly Father, we live today because we have received from You the Touch of the Divine Hand. We approach the responsibilities of this day seeking the Guidance of the Divine Spirit. Our responsibilities are great as we sense the trust placed in us by the people of our state whom we serve. Might our service to the citizens who placed us here be noble, and effective, and in fairness to all, as we realize again today, Father, The Gracious Blessings that we receive continually from Your Hand. Deal generously with the farmers who need moisture as planting season is here. Deal kindly with the senior citizens whose lives are largely past, but whose industry in younger years has contributed to much of what we enjoy. Deal graciously with us as we have sought to do our part, but with some failure as well as success. Guide us this day that it might be to the good of all, and with your approval, Dear God. In Our Lord's Name, Amen."

The roll was called and all Senators were present except Senator Sandness.

A quorum was declared by the President.

## 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-fourth day and recommends that the same be corrected as follows:

On pages 1312 and 1313, delete the title of House Bill 1344 and insert in lieu thereof the following:

A BILL for an Act to amend and reenact subsection 1 of section 57-15-56 of the North Dakota Century Code, relating to the authorization of a one-mill levy for senior citizen programs and activities, and increasing the authorized levy to two mills.

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

STATE OF NORTH DAKOTA  
Executive Office  
Bismarck

March 18, 1977

The Honorable Wayne G. Sanstead  
President of the Senate



Senate Chambers

Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 18, 1977, I signed the following Senate Bills:

Senate Bill No. 2170

Senate Bill No. 2225

Sincerely yours,  
ARTHUR A. LINK  
Governor

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Social Welfare & Veterans Affairs to whom was referred Senate Bill No. 2552 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 4, after the word "board" insert the following: "; and declaring an emergency"

On page 1, line 16, following the word "government" insert the following words "not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction"

On page 1, after line 16, insert the following new section: "SECTION 2. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

SENATOR CHRISTENSEN, Chairman

Senate Bill No. 2552 was placed on the sixth order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred Senate Bill No. 2553 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Bill No. 2553 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4005 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR WENSTROM, Co-Chairman

Senate Concurrent Resolution No. 4005 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4006 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR WENSTROM, Co-Chairman

Senate Concurrent Resolution No. 4006 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4014 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR WENSTROM, Co-Chairman

Senate Concurrent Resolution No. 4014 was placed on the 11th order of

business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Judiciary to whom was referred Senate Concurrent Resolution No. 4088 has had the same under consideration and recommends that the same do pass and be re-referred to the Legislative Council Resolutions Committee.

SENATOR FREED, Chairman

Senate Concurrent Resolution No. 4088 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred Senate Concurrent Resolution No. 4089 has had the same under consideration and recommends that the same do pass and be re-referred to the Legislative Council Resolutions Committee.

SENATOR REITEN, Chairman

Senate Concurrent Resolution No. 4089 was re-referred to the Legislative Council Resolutions Committee.

Mr. President: Your Committee on Transportation to whom was referred Senate Resolution No. 13 has had the same under consideration and recommends that the same do pass.

SENATOR SOLBERG, Chairman

Senate Resolution No. 13 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Industry, Business and Labor to whom was referred Senate Resolution No. 17 has had the same under consideration and recommends that the same do pass.

SENATOR REITEN, Chairman

Senate Resolution No. 17 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1006 has had the same under consideration and recommends that House Bill No. 1006 including Senate Appropriations Committee amendments adopted March 15, 1977 be amended as follows:

On page 3 of the engrossed bill, line 34, delete the numerals "1,852,391" and insert in lieu thereof the numerals "2,102,391"

On page 4 of the engrossed bill, line 1, delete the numerals "2,205,581" and insert in lieu thereof the numerals "2,455,581"

On page 4 of the engrossed bill, after line 35, insert the following: "SECTION 5. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000.00, or so much thereof as may be necessary, to the emergency commission for the purpose of providing funds for litigation costs related to the Garrison diversion project during the biennium beginning July 1, 1977, and ending June 30, 1979. The funds herein appropriated shall be transferred and spent by the attorney general only after the emergency commission has approved a request from his office for such funds for the purpose herein stated. That portion of section 54-16-01 which states "The aggregate total of transfers from the state contingency fund, within the limits of legislative appropriations, can exceed five hundred thousand dollars only to the extent that requests for transfers from the state contingency fund have been approved by the budget section of the legislative council." shall not apply to the appropriation contained in this section."

And when so amended recommends the same do pass.

## Statement of the Purpose of the Amendment:

This amendment provides \$250,000 for the purpose of providing funds for litigation costs related to the Garrison Diversion Project.

SENATOR LIPS, Chairman

House Bill No. 1006 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1026 has had the same under consideration and recommends that the same be amended as follows:

## Amendment A:

Delete the amendments recommended by the Senate Education Committee and adopted by the Senate on March 15, 1977

## Amendment B:

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

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

On page 1 of the engrossed bill, line 10, delete the words "school districts for such purposes;"

On page 1 of the engrossed bill, line 18, after the semicolon delete the remainder of the line

On page 1 of the engrossed bill, delete lines 19 through 22

On page 1 of the engrossed bill, line 23, delete the words "of parents or guardians of pupils to furnish textbooks;"

On page 2 of the engrossed bill, delete lines 4 through 35

On page 3 of the engrossed bill, delete lines 1 through 35

On page 4 of the engrossed bill, delete lines 1 through 8

On page 7 of the engrossed bill, delete lines 28 through 35

## Amendment C:

On page 1 of the engrossed bill, line 10, delete the word "two" and insert in lieu thereof the word "a"

On page 1 of the engrossed bill, line 11, delete the word "subsections" and insert in lieu thereof the word "subsection"

On page 1 of the engrossed bill, line 14, delete the following: ", and to foundation aid payments"

On page 1 of the engrossed bill, line 15, delete the words "for kindergarten"

On page 6 of the engrossed bill, delete lines 3 through 12

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

## Amendment D:

On page 4 of the engrossed bill, line 30, delete the word "seventy-five" and insert in lieu thereof the word "sixty-five"

On page 4 of the engrossed bill, line 33, delete the word "fifty" and insert in lieu thereof the word "forty"

On page 7 of the engrossed bill, delete lines 12 through 20

## Amendment E:

On page 6 of the engrossed bill, line 20, delete the word "seventeen" and insert in lieu thereof the word "fifteen"

On page 6 of the engrossed bill, line 22, delete the word "thirty-four" and insert in lieu thereof the word "thirty-one"

On page 7 of the engrossed bill, delete lines 21 through 27

## Amendment F:

On page 1 of the engrossed bill, line 13, delete the word "but"

On page 1 of the engrossed bill, line 14, delete the words "not less than three years of age"

On page 1 of the engrossed bill, line 24, delete the words "providē an appropriation"

On page 6 of the engrossed bill, line 26, after the word "each" insert the words "public school"

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

And when sō amended recommends the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1026 was placed on the 6th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3098.** A concurrent resolution commending the University of North Dakota-Williston Center and Williston High School basketball teams for their state championship victories.

Was read the first time.

Senator Wenstrom moved that the rules be suspended, that House Concurrent Resolution No. 3098, as printed on page 1023 of the House Journal be read in its entirety and 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. 3098.** A concurrent resolution commending the University of North Dakota-Williston Center and Williston High School basketball teams for their state championship victories.

Was read the second time.

The question being on the final adoption of the resolution. House Concurrent Resolution No. 3098 was declared adopted.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3105.** A concurrent resolution congratulating the University of North Dakota basketball team on its superlative season.

Was read the first time.

Senator Goodman moved that the rules be suspended, that House Concurrent Resolution No. 3105 as printed on page 1298 of the House Journal be read in its entirety 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. 3105.** A concurrent resolution congratulating the University of North Dakota basketball team on its superlative season.

Was read the second time.

The question being on the final adoption of the resolution. House Concurrent Resolution No. 3105 was declared adopted.

Senator Lee gave a report of her trip to the Western States Seminar on energy at Salt Lake City and requested her report be printed in the Journal, which request was granted.

#### REPORT OF

#### WESTERN STATES SEMINAR ON ENERGY

Salt Lake City, Utah

March 18 & 19, 1977

Senator Lee:

I would like to say thank you to the Senate, first of all, for excusing my absence last Friday and secondly, for appointing me to represent this august body at the Western Conference of States Seminar on Energy in Salt Lake City, Utah, on March 18 & 19, 1977. In order to set some of your

minds at rest, I would like to report that the trip was pleasant, the seminar rewarding, and I returned with my virtue intact.

This Conference was comprised of legislators and others from the western states. Its purpose was two-fold. (1) to hear comments made by F. Scott Bush from Dr. Schlesingers staff and (2) to draft positions of the western states on (a) energy conservation, (b) water, (c) land, and, (d) energy development to be taken back to President Carter prior to the unveiling of his energy plan on April 20. Mr. Bush assured the Conference that the President's position, as of now, is not cast in concrete, but is more the consistency of warm jello and that the views of the western states would most certainly be taken into account.

I left Bismarck early Friday morning, arrived in Salt Lake City about an hour before the Conference started at 2 p.m. and left about an hour after it concluded at 4 p.m. Saturday.

Friday afternoon and Saturday morning were spent working in four groups on the four topics under consideration. My group was on energy development, and it was by far the most heavily debated and well attended of the groups.

Ray Davidson, of Denver, Colorado, from the Western Governor's Regional Energy Policy office, presented a paper outlining the governor's position in these areas.

One thing that came through loud and clear from all areas from both the governors and the conference of legislators was the emphasis on state and local control over energy related developments. They favored increased state input into federal research and development programs. They cautioned about interference with the free market system. They felt that conservation was a cornerstone in reaching the goal of a balanced energy supply and in any reasonable energy policy. The states believed that they should be allowed to provide the federal government with utilization standards which are unique to each state's energy impact and development. The Conference urged water development projects be reinstated to their former status. 85 percent of water use in the west is for irrigated agriculture and in the production of energy and these agricultural uses must be protected.

By being extremely persistent, I was able to secure the four drafts of the policy adopted at the Conference, and if anyone would like a copy, I will have them run off for you.

Representative Metzger taped Mr. F. Scott Bush's remarks and a summary of these remarks as well as the tape is also available.

Mr. Bush presented a number of alternatives. He stressed conservation and said that it would be necessary to have building codes for new constructions, labeling and efficiency standards for appliances, some standards for cars, whether it be a gasoline tax or excise tax on miles per gallon over a certain rate. There will be a shift from gas and oil to coal. There will be a federal strip mining bill. There will be off-shore leasing. There may be de-regulation of interstate gas supplies and incentives for new gas and oil. There will be emphasis on new methods of energy; solar, wind, coal gasification, geo thermal and liquifaction.

How will the cost of these programs be paid? There are various proposals forwarded: an automobile tax, a tax on oil and gas using industries, a BTU tax, a crude oil production tax. All will be unveiled on April 20 of this year.

The rate of energy consumption must be slowed from 4 percent to 2

percent. Oil imports are up to 50 percent. The United States cannot live economically or politically with such situations. Federal policy with input by the state and the free market will formulate the new energy plan.

Again, thank you for the opportunity to represent you in Salt Lake City.

**REPORT OF CONFERENCE COMMITTEES**

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

That the Senate accede to the House amendment.

For the Senate:

- Senator Strand
- Senator Nelson
- Senator Orange

For the House:

- Rep. Erickson
- Rep. Swiontek
- Rep. Berger

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

Senator Strand moved that the rules be suspended, that Senate Bill No. 2025 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2025. A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to payment of special education costs of handicapped children by the residence school district in child placement cases.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| ●                   |     |      | ●    | JACOBSON   |      | ●                | NAADEN   |      | ●    | SMYKOWSKI     |      |
| ●                   |     |      | ●    | JONES      |      | ●                | NELSON   |      | ●    | SOLBERG       |      |
| ●                   |     |      | ●    | KRAUTER    |      | ●                | NETHING  |      | ●    | STRAND        |      |
| ●                   |     |      | ●    | LARSON     |      | ●                | ORANGE   |      | ●    | STRINDEN      |      |
| ●                   |     |      | ●    | LASHKOWITZ |      | ●                | PETERSON |      | ●    | TALLACKSON    |      |
| ●                   |     |      | ●    | LEE        |      | ●                | PIETRON  |      | ●    | TENNEFOS      |      |
| ●                   |     |      | ●    | LIPS       |      | ●                | RAIT     |      | ●    | THANE         |      |
| ●                   |     |      | ●    | LODOEN     |      | ●                | REDLIN   |      | ●    | VOSPER        |      |
| ●                   |     |      | ●    | MAHER      |      | ●                | REITEN   |      | ●    | WALSH         |      |
| ●                   |     |      | ●    | MAU        |      | ●                | SANDONIS |      | ●    | WENSTROM      |      |
| ●                   |     |      | ●    | MELLAND    |      | ●                | SANDS    |      | ●    | WRIGHT        |      |
| ●                   |     |      | ●    | MILLER     |      | ●                | SCHIRADO |      |      | MR. PRESIDENT |      |
| ●                   |     |      | ●    | MORGAN     |      | ●                | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2031 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

- Senator Lodoen
- Senator Tennefos
- Senator Krauter

For the House:

Rep. Gerl  
Rep. Langley  
Rep. Metz

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

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2051 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

Senator Holmberg  
Senator Freed  
Senator Schirado

For the House:

Rep. Conmy  
Rep. Reed  
Rep. Dotzenrod

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

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2148 has had the same under consideration and recommends:

That the Senate accede to House Amendment and that Senate Bill No. 2148 be further amended as follows:

Page 1, line 18 after the numeral 39-06.1 delete the beginning triple parentheses

Page 1, line 20 after 39-06.1-05 delete ending triple parentheses

And renumber the lines and pages accordingly.

For The Senate:

Senator Strand  
Senator Iszler  
Senator Lashkowitz

For the House:

Rep. Timm  
Rep. Scofield  
Rep. Richter

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

Senator Solberg moved that the rules be suspended, that Senate Bill No. 2148 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2148. A Bill for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to suspensions of licenses in another state, and to repeal subsection 9 of section 39-06-03 of the North Dakota Century Code, relating to what persons shall not be licensed.

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, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2184 has had the same under consideration and recommends:

That the House recede from its Amendment and Senate Bill No. 2184 be amended as follows:

Page 2, line 13 after the word "exceed" delete the word "three" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly.

For the Senate:

- Senator Strand
- Senator Iszler
- Senator Lashkowitz

For the House:

- Rep. Timm
- Rep. Scofield
- Rep. Richter

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

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

SECOND READING OF SENATE BILLS

Senate Bill No. 2184. A Bill for an Act to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration fees for snowmobiles.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |



So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2122 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2122 be amended as follows:

On page 1, line 4 of the engrossed bill, after the comma delete the words "a destructive"

On page 1, line 5, delete the word "device."

On page 1, line 16, delete the words "whenever the offender" and insert in lieu thereof the words "when, in the course of committing an offense, he inflicts or attempts to inflict bodily injury upon another, or threatens or menaces another with imminent bodily injury with a dangerous weapon, an explosive, or a firearm."

On page 1, delete all of lines 17 and 18

On page 1, line 19 delete the words "committing an offense."

And renumber the lines and pages accordingly.

For the Senate:

- Senator Christensen
- Senator Iszler
- Senator Schirado

For the House:

- Rep. Conmy
- Rep. Reed
- Rep. Benedict

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

Senator Christensen moved that the rules be suspended, that Senate Bill No. 2122 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2122. A Bill for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to a minimum term of imprisonment for committing a felony while in possession of a dangerous weapon, an explosive, or a firearm.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |               |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
| ●                   |     |      | ●         |            |      | ●    |          |      | ●                |     |               |
| ●                   |     |      | ●         | JACOBSON   |      | ●    | NAADEN   |      | ●                |     | SMYKOWSKI     |
| ●                   |     |      | ●         | JONES      |      | ●    | NELSON   |      | ●                |     | SOLBERG       |
| ●                   |     |      | ●         | KRAUTER    |      | ●    | NETHING  |      | ●                |     | STRAND        |
| ●                   |     |      | ●         | LARSON     |      | ●    | ORANGE   |      | ●                |     | STRINDEN      |
| ●                   |     |      | ●         | LASHKOWITZ |      | ●    | PETERSON |      | ●                |     | TALLACKSON    |
| ●                   |     |      | ●         | LEE        |      | ●    | PIETRON  |      | ●                |     | TENNEFOS      |
| ●                   |     |      | ●         | LIPS       |      | ●    | RAIT     |      | ●                |     | THANE         |
| ●                   |     |      | ●         | LODOEN     |      | ●    | REDLIN   |      | ●                |     | VOSPER        |
| ●                   |     |      | ●         | MAHER      |      | ●    | REITEN   |      | ●                |     | WALSH         |
| ●                   |     |      | ●         | MAU        |      | ●    | SANDNOS  |      | ●                |     | WENSTROM      |
| ●                   |     |      | ●         | MELLAND    |      | ●    | SANDS    |      | ●                |     | WRIGHT        |
| ●                   |     |      | ●         | MILLER     |      | ●    | SCHIRADO |      |                  |     | MR. PRESIDENT |
| ●                   |     |      | ●         | MORGAN     |      | ●    | SHABLOW  |      |                  |     |               |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2202 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate:

- Senator Lodoen, Chairman
- Senator Farrington
- Senator Mau

For the House:

- Rep. Wentz, Chairman
- Rep. Knudson
- Rep. Riehl

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

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2202 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2202. A Bill for an Act to amend and reenact sections 11-18-05, 35-21-05, and 40-50-07, subsection 5 of section 41-09-42, subsection 3 of section 41-09-43, sections 41-09-44 and 41-09-45, subsection 2 of section 41-09-46, and section 47-20.1-08 of the North Dakota Century Code, relating to register of deeds fees for filing and recording instruments; and to repeal section 11-18-05.1 of the North Dakota Century Code, relating to register of deeds fees for recording severed mineral interests.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |      |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| ROLL CALL           |     |      |      |            |      |                  |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     |      | •    | JACOBSON   |      | •                | NAADEN   |      | •    | SMYKOWSKI     |      |
| •                   |     |      | •    | JONES      |      | •                | NELSON   |      | •    | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •                | NETHING  |      | •    | STRAND        |      |
| •                   |     |      | •    | LARSON     |      | •                | ORANGE   |      | •    | STRINDEN      |      |
| •                   |     |      | •    | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON    |      |
| •                   |     |      | •    | LEE        |      | •                | PIETRON  |      | •    | TENNEFOS      |      |
| •                   |     |      | •    | LIPS       |      | •                | RAIT     |      | •    | THANE         |      |
| •                   |     |      | •    | LODOEN     |      | •                | REDLIN   |      | •    | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •                | REITEN   |      | •    | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •                | SANDNES  |      | •    | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •                | SANDS    |      | •    | WRIGHT        |      |
| •                   |     |      | •    | MILLER     |      | •                | SCHIRADO |      |      | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     |      | •                | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2214 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

- Senator Iszler
- Senator Holmberg
- Senator Schirado

For the House:

- Rep. Wentz
- Rep. Russel
- Rep. Lundene



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

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2222 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2222. A Bill for an Act to provide for the licensing and bonding of semitrailer dealers; and to provide a penalty.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |               |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |               |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |               |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |               |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |               |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |               |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |               |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |               |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNES        |     |               |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |               |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |               |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |
|                     |     |      |              |     |      |                  |     | ● SMYKOWSKI   |
|                     |     |      |              |     |      |                  |     | ● SOLBERG     |
|                     |     |      |              |     |      |                  |     | ● STRAND      |
|                     |     |      |              |     |      |                  |     | ● STRINDEN    |
|                     |     |      |              |     |      |                  |     | ● TALLACKSON  |
|                     |     |      |              |     |      |                  |     | ● TENNEFOS    |
|                     |     |      |              |     |      |                  |     | ● THANE       |
|                     |     |      |              |     |      |                  |     | ● VOSPER      |
|                     |     |      |              |     |      |                  |     | ● WALSH       |
|                     |     |      |              |     |      |                  |     | ● WENSTROM    |
|                     |     |      |              |     |      |                  |     | ● WRIGHT      |
|                     |     |      |              |     |      |                  |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2262 has had the same under consideration and recommends:

The House recedes its amendment and that Senate Bill No. 2262 be amended as follows:

On page 1 line 19, of the engrossed bill after the word "available" insert the words "within the state"

And renumber the lines accordingly.

For the Senate:

Senator Lodoen

Senator Farrington

Senator Shablow

For the House:

Rep. Metz

Rep. Black

Rep. McCaffrey

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

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2262 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2262. A Bill for an Act to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to qualifications for the office of sheriff.

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     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     | •   |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2296 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate:

- Senator Iszler
- Senator Holmberg
- Senator Schirado

For the House:

- Rep. Russell
- Rep. Reed
- Rep. Benedict

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

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2296 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senators Farrington and Maher requested they be excused from voting on this bill due to a conflict of interest.

Senator Hoffner moved that the Senators be permitted to vote, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2296, A Bill for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to the fees for printing legal notices.

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, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     | •    | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     | •    | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     | •    | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2324 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate:

- Senator Freed
- Senator Iszler
- Senator Schirado

For the House:

- Rep. Kretschmar
- Rep. Russell
- Rep. Hill

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

Senator Freed moved that the rules be suspended, that Senate Bill No. 2324 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2324. A Bill for an Act to amend and reenact section 29-26-22, of the North Dakota Century Code, relating to fines and costs of criminal prosecutions.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WESTROM     |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2406 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

- Senator Fritzell
- Senator Krauter
- Senator Nelson

For the House:

- Rep. Tinjum
- Rep. Winkjer
- Rep. Rylance

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

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2408 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate:

- Senator Lodoen
- Senator Fritzell
- Senator Pietron

For the House:

- Rep. Gerl
- Rep. Richter
- Rep. Metz

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

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2408 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2408. A Bill for an Act to amend and reenact section 23-21.1-03 of the North Dakota Century Code, relating to the deposit and the perpetual care fund for maintenance of mausoleums.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRALUTER   |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

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

That the Senate accede to the House amendments.

For the Senate:

- Senator Nelson
- Senator Solberg
- Senator Orange

For the House:

- Rep. Lipsiea
- Rep. Black
- Rep. McCaffrey

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

Senator Nelson moved that the rules be suspended, that Senate Bill No.

2431 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2431.** A Bill for an Act to amend and reenact section 15-48-02 of the North Dakota Century Code, relating to notice for school district elections.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • EROMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNERS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Goodman moved that the President dismiss the conference committee on House Bill No. 1028 and that a new committee be appointed, which motion prevailed.

The President appointed as a new conference committee on House Bill No. 1028:

- Senator Wright
- Senator Farrington
- Senator Redlin

Senator Nothing moved that the Senate recess until 1:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

**REPORTS OF CONFERENCE COMMITTEES**

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2378 has had the same under consideration and recommends:

That the House recede from its amendments and that SB 2378 be amended as follows:

On page 1, line 3 of the engrossed bill delete the word "information" and insert in lieu thereof the word "forms" and on the same line after the word "court" insert the following: "and county courts of increased jurisdiction"

On page 1, line 13 after the word "PROVIDE" delete the word "INFORMATION" and insert in lieu thereof the word "FORMS"

On page 1, line 14 after the word "forms" delete the remainder of the line

On page 1, line 15, delete the following "information on the procedures to follow"

On page 1, line 17 after the word "forms" delete the words "and information"



On page 1, line 19 after the word "Dakota" delete the following: "state bar association" and insert in lieu thereof the words "judicial council" and on the same line after the word "shall" delete the word "prepare" and insert in lieu thereof the word "approve"

On page 1, line 20 after the word "chapter" delete the following: "appropriate directions on" and insert in lieu thereof a period

On page 1, delete lines 21 through 24

And renumber the lines and pages accordingly.

For the Senate:

Senator Iszler

Senator Holmberg

Senator Lashkowitz

For the House:

Rep. Winkjer

Rep. Stenehjerm

Rep. Gronneberg

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

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2378 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2378.** A Bill for an Act to create and enact a new section to chapter 30.1-14 of the North Dakota Century Code, relating to forms to be provided by a county court and county courts of increased jurisdiction to an applicant for informal probate or informal appointment proceedings under the Uniform Probate Code.

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, 0; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAA DEN        |     |      | ● SMYKOWSKI     |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG       |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND        |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDER      |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON    |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS      |     |      |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE         |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REIDIN         |     |      | ● VOSPER        |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH         |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNOS        |     |      | ● WENSTROM      |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT        |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | ● MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2218 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

Senator Fritzell

Senator Reiten

Senator Pietron

For the House:



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

Senator Peterson moved that the rules be suspended, that Senate Bill No. 2442 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2442. A Bill for an Act to amend and reenact section 15-35-14 of the North Dakota Century Code, relating to the use of school buildings for other than school purposes.

Which has been read.

### ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRANDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFNER            |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1052 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1052 be amended as follows:

On page 1, line 14 delete the word "twelve" and insert in lieu thereof the word "nine"

And renumber the lines and pages accordingly.

For the Senate:

Senator Christensen  
 Senator Holmberg  
 Senator Lashkowitz

For the House:

Rep. Eagles  
 Rep. Reed  
 Rep. Meiers

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

Senator Christensen moved that the rules be suspended, that House Bill No. 1052 be placed on second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF HOUSE BILLS

House Bill No. 1052. A Bill for an Act to amend and reenact subsection 2 of section 27-20-10 of the North Dakota Century Code, relating to the period of supervision allowed under informal adjustment for a juvenile.

Which has been read.

ROLL CALL

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS |                 |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |
| • HOFNER            |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHRADO        |     |      | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1148 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1148 be further amended as follows:

On page 2, line 34 of the engrossed bill delete the beginning triple parentheses before the word "and"

On page 2, line 35 delete the ending triple parentheses after the word "fund"

And renumber the lines and pages accordingly.

For the Senate:

- Senator Tennefos
- Senator Strand
- Senator Lashkowitz

For the House:

- Rep. Timm
- Rep. Gunderson
- Rep. Metzger

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

Senator Tennefos moved that the rules be suspended, that House Bill No. 1148 be placed on second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1148. A Bill for an Act to amend and reenact sections 39-24-03 and 39-24-05 of the North Dakota Century Code, relating to snowmobile registration fees and the disposition of same.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS |              |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON |

|              |           |            |               |
|--------------|-----------|------------|---------------|
| • FARRINGTON | • LEE     | • PIETRON  | • TENNEFOS    |
| • FREED      | • LIPS    | • RAH      | • THANE       |
| • FRITZELL   | • LODOEN  | • REDLIN   | • VOSPER      |
| • GOODMAN    | • MAHER   | • REITEN   | • WALSH       |
| • HANSON     | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER    | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG   | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER     | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1156 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1156 be amended as follows:

On page 1, line 22 of the engrossed bill after the period insert the following:

“This section shall not apply to the use of a two-way citizens band radio, a two-way business radio, or a two-way amateur radio in an automobile or any other motor vehicle.”

And renumber the lines and pages accordingly.

For the Senate:

- Senator Iszler
- Senator Strand
- Senator Schirado

•For the House:

- Rep. Scofield
- Rep. Rau
- Rep. O’Shea

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

Senator Iszler moved that the rules be suspended, that House Bill No. 1156 be placed on second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1156. A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code relating to law enforcement radio equipment prohibited in private automobiles without permit.

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, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      |                  |     | • SMYKOWSKI   |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      |                  |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      |                  |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      |                  |     | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      |                  |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      |                  |     | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      |                  |     | • THANE       |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      |                  |     | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      |                  |     | • WALSH       |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      |                  |     | • WENSTROM    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      |                  |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      |                  |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |               |

So the bill passed and the title was agreed to.

Mr. President: Your Conference Committee to whom was referred



Rep. Rued  
 Rep. Lee  
 Rep. McGauvran

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

Mr. President: Your Conference Committee to whom was referred House Bill No. 1388 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1388 be amended as follows:

On page 1, line 14 after the word "hereafter" insert "in intersection curb and gutter repair or installation projects" and also on line 14 after the word "crosswalk" insert the words "in said projects"

And renumber the lines and pages accordingly.

For the Senate:

Senator Strand  
 Senator Tennesfos  
 Senator Lashkowitz

For the House:

Rep. Rued  
 Rep. Lee  
 Rep. McGauvran

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

Senator Solberg moved that the rules be suspended, that House Bill No. 1388 be placed on second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1388. A Bill for an Act to create and enact a new section to chapter 40-31 of the North Dakota Century Code, requiring cities to provide ramped curbing at intersections for wheelchair traffic upon undertaking extensive curb and gutter repair or installation.

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    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI     |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG       |     |      |
| ● BRUBB             |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND        |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN      |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON    |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS      |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE         |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER        |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH         |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM      |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT        |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | ● MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2139, as printed on page 1239 of the Senate Journal, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2139 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2139. A Bill for an Act to create and enact subsections 32 and 24 of section 26-41-03, section 26-41-04.1, and subdivision c of subsection 2 of section 26-41-10 of the North Dakota Century Code, relating to no-fault insurance; to amend and reenact subsection 1 of section 26-02-32, subsection 1 of section 26-02-33, subsections 12 and 13 of section 26-41-03, subsection 1 of section 26-41-04, and subsection 1 of section 26-41-08 of the North Dakota Century Code, relating to cancellation and nonrenewal of automobile insurance policies and no-fault insurance.

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, 38; nays, 5; absent and not voting, 7.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   | •    | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NOTHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRIDER       |      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNENOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         | •    |
| •                   |     |      | •         | LUDFEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELAND     |      | •    | SANDS    |      | •                | WRIGHT        | •    |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO | •    | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senator Reiten moved that the Senate do concur in the House amendments to Senate Bill No. 2224, as printed on page 1213 of the Senate Journal, which motion prevailed.

Senator Reiten moved that the rules be suspended, that Senate Bill No. 2224 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2224. A Bill for an Act to create and enact a new subsection to section 51-18-01, and to amend and reenact subsection 1 of section 51-18-01, section 51-18-02, 51-18-03, 51-18-04, 51-18-05, 51-18-06, and 51-18-07 of the North Dakota Century Code, relating to the definition of a door-to-door sale, method of cancellation, referral sales, agreement requirements, evidence of indebtedness, disposition of goods, and responsibilities of a buyer.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |            |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |            |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V        | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI  |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG    |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NOTHING  |      | •                | STRAND     |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRIDER    |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON |      |



|              |           |            |                 |
|--------------|-----------|------------|-----------------|
| • FARRINGTON | • LEE     | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS    | • RAIT     | • THANE         |
| • FRITZELL   | • LODOEN  | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER   | • REITEN   | • WALSH         |
| • HANSON     | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER    | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2307, as printed on page 1268 of the Senate Journal, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2307 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2307.** A Bill for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

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, 28; nays, 16; absent and not voting, 6.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     | •    | • NAADEN         |     | •    | • SMYKOWSKI     |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                 |     |      |

Senate Bill No. 2307 lost for lack of a two thirds majority.

Senator Lips changed his vote from aye to nay for the purpose of reconsideration.

**MOTION**

Senator Lips moved that the Senate reconsider its action whereby it failed to pass Senate Bill No. 2307.

Senator Mau requested a roll call vote on the motion, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider Senate Bill No. 2307, the roll was called and there were ayes, 38; nays, 9; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | •    | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | •    | • SOLBERG       |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | •    | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | •    | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                 |     |      |

The motion to reconsider Senate Bill No. 2307 prevailed.

Senator Lips moved that Senate Bill No. 2307 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

**Senate Bill No. 2551.** A Bill for an Act to amend and reenact subdivision b of subsection 2 of section 3 of Senate Bill No. 2344, as approved by the forty-fifth legislative assembly, relating to revenue sharing and providing for the allocation of a portion of the revenue to the county government and cities within the countywide area.

Which has been read.

Senator Goodman moved that consideration of Senate Bill No. 2551 and all the proposed amendments be placed at the foot of the calendar, which motion prevailed.

#### MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2139

Senate Bill No. 2224

LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on House Bill No. 1018:

Rep. Marsden

Rep. Thorsgard

Rep. Fleming

ROY GILBREATH, Chief Clerk

#### MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1014, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1014:

Senator Thane

Senator Naaden

Senator Erdman

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1018, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1018:

Senator Melland

Senator Thane

Senator Barth

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1047, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1047:

Senator Freed

Senator Iszler

Senator Schirado

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1049, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1049:

- Senator Freed
- Senator Sands
- Senator Lashkowitz

**MOTION**

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1280, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1280:

- Senator Melland
- Senator Thane
- Senator Walsh

**MOTIONS**

Senator Mau moved that House Bill No. 1262 be placed at the top of the calendar, which motion lost.

Senator Nothing moved that House Bills 1003, 1004 and 1173 be placed directly following House Bill No. 1582, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1074.** A Bill for an Act to amend and reenact sections 15-39.1-09 and 15-39.1-10 of the North Dakota Century Code, relating to assessments for and benefits from the teachers' fund for retirement; and to provide an appropriation.

Which has been read.

Senators Miller and Holmberg requested to be excused from voting on this bill due to a conflict of interest.

Senator Nothing moved that the Senators be permitted to vote, which motion prevailed.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**RECOGNITION**

Senator Nothing announced that in the chamber today is Barton D. Russell, Executive Director of the National Association of Towns and Township officials, Washington, D.C. Mr. President, I move that you appoint a committee of two to escort Mr. Russell to the rostrum for his remarks. The motion prevailed, and the President appointed Senators Lips and Shablow. Mr. Russell was escorted to the rostrum and addressed the assembly.

Senator Nothing moved that the remarks of Mr. Russell be printed in the Journal.

## REMARKS OF BARTON D. RUSSELL

Mr. Russell: Thank you Mr. President. Thank you Honorable Senators. I know that it's about time to close shop for the evening and I won't keep you, and I'm on my way to Ohio.

I think it is a great honor to be in this state. I have never been further west in this United States than Virginia until about three days ago, so that the splendor and beauty of North Dakota was a sight to behold. I've got to say that I think the most attractive thing that I saw was the fact that there was no snow on the ground. I was deathly afraid that I would be snowed in. I know you can use the moisture, so I guess you are all rooting for it.

The National Association of Towns and Township Officials was established in 1963, but really just came before their December meeting of 1976, and as you probably know, Leo Gray is North Dakota's representative on the National Association's Board of Directors. He is in essence a founding father of our group. We exist to promote intergovernmental cooperation at the Federal, State and substate levels, and also to develop programs to encourage effective and efficient and economical delivery of services to local government citizens. I think I was surprised to find out that a very famous, national figure is from North Dakota, and I found out in a very reputable magazine, U.S. News and World Report, recently. It was kind of a speech or profile of Lawrence Welk. The fellow who blows the bubbles and plays the music, and Mr. Welk apparently is a resident of a township, former resident of a township in North Dakota, and his statement was that he felt that so many of the values that we go out into the world with are developed in the home, in the small towns and carry right on into the city life. And we feel pretty strongly about maintaining local government, close to the people. We have some very strong township states, as you probably know in New England, New York, Pennsylvania, the Mid-Atlantic States. They have full general purpose government authority and I guess their citizens feel pretty good about the services they get. North Dakota, along with Michigan and some others, is considered by the Census Bureau to be, I guess, less a strong township form of government. So we are looking right now into ways to improve the capacity of local elected officials in our several North Central States to become possibly better able to carry out their roles of local elected officials, and we are exploring, for example right now, the possibility of developing an annual road show which Michigan has now put together with the Extension Service to go around the state and conduct annual seminars for local elected officials to fill them in on their responsibilities and perhaps to prepare them for what I understand is going to be some fairly important major problems that the rural folks are going to feel in this country, with the out-migration of citizens from urban areas. Land use planning, it is a naughty and nasty word sometimes, but it carries with it some real meaningful messages, are just some of the things that are involved. And we feel pretty strongly about. You mentioned taxation. I wouldn't touch it with a ten foot pole. And I am sure that there have been some lively debates about that. We discussed this morning at the Township Officers Meeting, the whole problem of assessments that they are experiencing, and I think that it is fair to say that we could use some education and improvement in that area to make us a little more effective in that responsibility. I won't keep you much longer, I just wanted to again recap what I said and thank you for a very warm-hearted welcome, and we look forward to working with the State Legislature in the future. Thanks very much.

## MESSAGES FROM THE HOUSE

## House Chamber

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

Senate Bill No. 2005  
 Senate Bill No. 2010  
 Senate Bill No. 2011  
 Senate Bill No. 2014  
 Senate Bill No. 2022  
 Senate Bill No. 2548

ROY GILBREATH, Chief Clerk

## HOUSE AMENDMENTS TO SENATE BILL No. 2005

On page 1 of the engrossed bill, line 19, delete the numerals "10,234,134" and insert in lieu thereof the numerals "11,557,317"

On page 1 of the engrossed bill, line 20, delete the numerals "184,160,000" and insert in lieu thereof the numerals "194,906,325"

On page 2 of the engrossed bill, line 1, delete the numerals "219,870,111" and insert in lieu thereof the numerals "231,939,619"

On page 2 of the engrossed bill, line 3, delete the numerals "184,575,492" and insert in lieu thereof the numerals "196,645,000"

On page 2 of the engrossed bill, line 9, delete the numerals "193,972" and insert in lieu thereof the numerals "228,972"

On page 2 of the engrossed bill, line 11, delete the numerals "1,354,260" and insert in lieu thereof the numerals "1,389,260"

On page 2 of the engrossed bill, line 12, delete the numerals "661,634" and insert in lieu thereof the numerals "650,250"

On page 2 of the engrossed bill, line 13, delete the numerals "692,626" and insert in lieu thereof the numerals "739,010"

On page 2 of the engrossed bill, line 21, delete the numerals "15,500,000" and insert in lieu thereof the numerals "15,264,783"

On page 2 of the engrossed bill, line 23, delete the numerals "17,439,989" and insert in lieu thereof the numerals "17,204,772"

On page 2 of the engrossed bill, line 25, delete the numerals "9,956,444" and insert in lieu thereof the numerals "9,721,227"

On page 3 of the engrossed bill, line 3, delete the numerals "195,224,562" and insert in lieu thereof the numerals "207,105,237"

On page 3 of the engrossed bill, line 4, delete the numerals "44,086,654" and insert in lieu thereof the numerals "44,075,270"

On page 3 of the engrossed bill, line 5, delete the numerals "239,311,216" and insert in lieu thereof the numerals "251,180,507"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

## Statement of Purpose of Amendment:

This amendment adds \$1,323,183 above the Senate amendments for special education payments to provide funds for schools to develop special education programs required by law.

This amendment provides funds for foundation payments in accordance with the following schedule:

## State Funding (two years)

## Per-pupil payments

\$775 at 143,405 units

\$111,138,875

\$850 at 144,057 units

122,448,450

## Transportation payments

18,965,000

## State funding (two years)

|                              |                  |
|------------------------------|------------------|
| Textbooks                    | \$ 2,654,000     |
| Less 21-mill county levy     | 29,900,000       |
| Less 20-mill local levy      | 28,300,000       |
| Less 874 reduction           | <u>2,100,000</u> |
| Total biennial appropriation | \$194,906,325    |

This amendment increases the Division of Independent Study equipment line item by \$35,000 which represents additional film rental income. These amendments also reduce estimated income line by \$11,384 to reflect actual estimated income as projected by the Division of Independent Study and to add \$46,384 to the general fund appropriation to reflect total dollars required in accordance with the total appropriation authorized by the 45th Legislative Assembly.

The appropriation for the Division of Vocational Education is reduced \$235,217 from the Senate amendments and provides funds as recommended in the executive budget for vocational education grants.

## HOUSE AMENDMENTS TO SENATE BILL No. 2010

On page 1 of the engrossed bill, line 18, delete the numerals "6,001,757" and insert in lieu thereof the numerals "6,322,220"

On page 1 of the engrossed bill, line 19, delete the numerals "1,420,763" and insert in lieu thereof the numerals "1,520,277"

On page 1 of the engrossed bill, line 20, delete the numerals "1,562,376" and insert in lieu thereof the numerals "1,588,121"

On page 1 of the engrossed bill, line 21, delete the numerals "478,779" and insert in lieu thereof the numerals "483,279"

On page 1 of the engrossed bill, line 22, delete the numerals "198,084" and insert in lieu thereof the numerals "212,952"

On page 1 of the engrossed bill, line 24, delete the numerals "3,198,580" and insert in lieu thereof the numerals "3,833,189"

On page 2 of the engrossed bill, line 1, delete the numerals "12,861,339" and insert in lieu thereof the numerals "13,961,038"

On page 2 of the engrossed bill, line 2, delete the numerals "9,927,084" and insert in lieu thereof the numerals "10,582,403"

On page 2 of the engrossed bill, line 3, delete the numerals "2,934,255" and insert in lieu thereof the numerals "3,378,635"

On page 2 of the engrossed bill, delete line 24

On page 2 of the engrossed bill, delete line 29 and insert in lieu thereof the following new line: "Total special fund appropriation \$1,346,525"

On page 2 of the engrossed bill, delete lines 30 through 35

On page 3 of the engrossed bill, delete lines 1 through 7

On page 3 of the engrossed bill, line 9, delete the numerals "20,757,292" and insert in lieu thereof the numerals "20,813,071"

On page 3 of the engrossed bill, line 10, delete the numerals "18,965,594" and insert in lieu thereof the numerals "19,278,647"

On page 3 of the engrossed bill, line 11, delete the numerals "39,722,886" and insert in lieu thereof the numerals "40,091,718"

On page 3 of the engrossed bill, line 14, delete the numerals "2,002,180.00" and insert in lieu thereof the numerals "2,380,905.00"

On page 3 of the engrossed bill, line 20, after the word "units" insert the following: ", including the south central mental health center."

On page 3 of the engrossed bill, line 21, delete the word and comma "the" and insert in lieu thereof the word and period "The"

On page 3 of the engrossed bill, delete lines 23 through 35 and insert in lieu thereof the following:

|                                       |                    |
|---------------------------------------|--------------------|
| "Human service centers                | 704,980            |
| Mental health and retardation centers | <u>1,675,925</u>   |
| Total                                 | <u>\$2,380,905</u> |

The funds shall be allocated to the mental health and retardation centers and human service centers according to distribution formulas developed by the division of mental health and retardation of the state health department for the mental health and retardation centers and jointly by the division of mental health and retardation and the division of community services of the state social service board for the human service centers.

Funds appropriated in the section may be spent only upon approval of the allocation formulas for the distribution of such funds by the budget section of the legislative council.

At the end of the first year of the 1977-1979 biennium, any funds allocated for that year but not spent by each unit or center shall be reallocated by the division of mental health and retardation of the state health department for the second year of the biennium according to distribution formulas developed for the allocation of such funds, except that funds allocated to human service centers shall not be reallocated to mental health centers if such funds are requested by the human service centers. The reallocation after the first year shall be made only upon approval of such allocation by the budget section of the legislative council.

The division of mental health and retardation of the state health department, the mental health and retardation centers, and the central personnel division shall determine the changes that would take place in salary levels of center employees should such centers be included under the supervision of the central personnel division.

The division of mental health and retardation in cooperation with the central personnel division shall prepare a report for presentation to the 46th legislative assembly indicating the effect that bringing such centers under the supervision of the central personnel division would have and contain such information as may be necessary for the legislative assembly to bring such centers under the supervision of the central personnel division."

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

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

**Statement of Purpose of Amendment:**

The purpose of this amendment is to adjust the general fund and federal fund appropriation totals by adding \$65,672 to the general fund and reducing the estimated income line item by \$65,672 to reflect the actual federal funds the Health Department has estimated it will receive. This amendment also includes the appropriation to the Division of Alcoholism and Drug Abuse in the appropriation to the Public Health Department.

This amendment also provides an appropriation to the Health Department in two separate amounts for the mental health and retardation centers, including the South Central Mental Health Center and the human service centers in Dickinson, Williston, and Devils Lake with the intent that the State Health Department allocate such funds to the centers and units on the basis of a distribution formula developed by the Mental Health and Retardation Division of the Health Department for the mental

health centers and by the Division of Mental Health and Retardation jointly with the Division of Community Services of the State Social Service Board for the human service centers.

It is the intent of this amendment that the Health Department and Social Service Board present the allocation formulas for approval by the Budget Section at a meeting of the Budget Section prior to July 1, 1977, in order that the allocation of funds can begin on July 1, 1977.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2011

On page 1 of the engrossed bill, line 3, after the word "Dakota" insert the following: "and declaring an emergency"

On page 2 of the engrossed bill, line 19, delete the numerals "270,278" and insert in lieu thereof the numerals "367,958"

On page 2 of the engrossed bill, line 20, delete the numerals "591,360" and insert in lieu thereof the numerals "725,680"

On page 2 of the engrossed bill, line 21, delete the numerals "150,000" and insert in lieu thereof the numerals "159,300"

On page 2 of the engrossed bill, line 22, delete the numerals "40,000" and insert in lieu thereof the numerals "43,200"

On page 2 of the engrossed bill, line 25, delete the numerals "1,296,638" and insert in lieu thereof the numerals "1,541,138"

On page 2 of the engrossed bill, line 26, delete the numerals "1,051,638" and insert in lieu thereof the numerals "1,296,138"

On page 3 of the engrossed bill, line 6, delete the numerals "2,703,273" and insert in lieu thereof the numerals "2,947,773"

On page 3 of the engrossed bill, line 7, delete the numerals "3,700,601" and insert in lieu thereof the numerals "3,945,101"

On page 3 of the engrossed bill after line 14, insert the following section:  
 "SECTION 3. APPROPRIATION.) In addition to the appropriation to the upper great plains transportation institute contained in section 1, subdivision 4, of this Act, there is hereby appropriated any additional income from federal funds or private sources received by the upper great plains transportation institute during the biennium beginning July 1, 1977, and ending June 30, 1979."

And renumber the lines, sections, and pages accordingly.

On page 3 of the engrossed bill, after line 22, insert the following new section:

"SECTION 4. EMERGENCY.) The line item entitled "land, structures, and major improvements" in subdivision 3 of section 1 of this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines and pages accordingly.

#### Statement of Purpose of Amendment:

The purpose of this amendment is to add \$244,500 to the State Fair Association appropriation for operations of the all-seasons arena from fair income. These funds are appropriated as follows:

|                        |                  |
|------------------------|------------------|
| Salaries and wages     | \$ 97,680        |
| Fees and services      | 134,320          |
| Supplies and materials | 9,300            |
| Equipment              | <u>3,200</u>     |
| Total                  | <u>\$244,500</u> |

This amendment also attaches the emergency clause to the land, structures, and major improvements appropriation for the State Fair Association so that work can begin prior to July 1, 1977.



## HOUSE AMENDMENTS TO SENATE BILL No. 2014

On page 2, line 5, delete the numerals "202,942" and insert in lieu thereof the numerals "203,257"

On page 2, line 10, delete the numerals "323,582" and insert in lieu thereof the numerals "323,897"

On page 2, line 19, delete the numerals "323,582" and insert in lieu thereof the numerals "323,897"

On page 2, line 20, delete the numerals "2,181,88" and insert in lieu thereof the numerals "2,182,153"

## STATEMENT OF PURPOSE OF AMENDMENT

The purpose of this amendment is to add \$315 to the salaries and wages line item for unemployment compensation.

## HOUSE AMENDMENTS TO SENATE BILL No. 2022

On page 1 of the engrossed bill, line 8, delete the word "and"

On page 1 of the engrossed bill, line 10, after the word "Act" insert the following: "; and declaring an emergency"

On page 1 of the engrossed bill, line 17, delete the words "six million two hundred fifty thousand" and insert in lieu thereof the words "eight million"

On page 3 of the engrossed bill, line 22, after the word "Act" insert the following: "The supreme court shall be allocated a minimum of twenty-one thousand usable square feet within the office building. The supreme court shall give final approval to the architectural design of the space included in the office building for its use. The architect selected for the design of the supreme court space within the office building shall take into consideration the supreme court space utilization studies and designs prepared by Space Management Consultants, Inc., and Ritterbush Associates, Inc., when designing the space for the supreme court. In addition, the office building shall be designed in a manner which will allow for future expansion of the building for additional supreme court space if necessary."

On page 4 of the engrossed bill, after line 2, insert the following section: "SECTION 11. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval."

And renumber the lines and pages accordingly.

## HOUSE AMENDMENTS TO SENATE BILL No. 2548

On page 1, line 2, delete the comma

On page 1, line 3, delete the word and comma "design,"

On page 1, line 17, delete everything after the word "plan"

On page 1, line 18, delete the word, "phase"

On page 1, line 22, before the word "industrial" insert the word "light"

On page 2, line 2, after the period insert the following:

"The plan shall utilize a pipeline delivery system."

And renumber the lines and pages accordingly.

## MESSAGES FROM THE HOUSE

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on House Bill No. 1028 and the committees have been unable agree, the Speaker appointed as a new conference committee.

Rep. A. Hausauer

Rep. Crabtree

Rep. Laughlin

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1528.

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on House Bill No. 1245-1388-1476.

ROY GILBREATH, Chief Clerk  
House Chamber

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

- House Bill No. 1599
- House Concurrent Resolution No. 3106
- House Concurrent Resolution No. 3108

ROY GILBREATH, Chief Clerk  
House Chamber

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

- Senate Bill No. 2068
- Senate Bill No. 2263
- Senate Bill No. 2291
- Senate Bill No. 2405
- Senate Bill No. 2449
- Senate Bill No. 2534

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. 2068
- Senate Bill No. 2263
- Senate Bill No. 2291
- Senate Bill No. 2405
- Senate Bill No. 2449
- Senate Bill No. 2534

Were delivered to the Governor for his approval on March 23, 1977.

SENATOR STRAND, Chairman  
MESSAGES TO THE HOUSE  
House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on Senate Bill No. 2002-2003-2007-2045-2062-2164-2297-2323-2346-2364-2417-2463

- Senate Bill No. 2002:
  - Rep. Tweten
  - Rep. Gunsch
  - Rep. Mertens
- Senate Bill No. 2003:
  - Rep. Kuchera
  - Rep. Unhjem
  - Rep. G. Martin

Senate Bill No. 2007:  
 Rep. Eagles  
 Rep. Gunsch  
 Rep. Horgan  
 Senate Bill No. 2045:  
 Rep. Matchie  
 Rep. Walsh  
 Rep. Martinson  
 Senate Bill No. 2062:  
 Rep. Rylance  
 Rep. Berg  
 Rep. Kloubec  
 Senate Bill No. 2164:  
 Rep. Conmy  
 Rep. Winkjer  
 Rep. Meiers  
 Senate Bill No. 2297:  
 Rep. Walsh  
 Rep. Matchie  
 Rep. Murphy  
 Senate Bill No. 2323:  
 Rep. Kretschmar  
 Rep. Conmy  
 Rep. Beauclair  
 Senate Bill No. 2346:  
 Rep. A. Hausauer  
 Rep. Unhjem  
 Rep. Mushik  
 Senate Bill No. 2364:  
 Rep. Richie  
 Rep. Stenehjem  
 Rep. Dotzenrod  
 Senate Bill No. 2417:  
 Rep. Winkjer  
 Rep. Reed  
 Rep. Benedict  
 Senate Bill No. 2463:  
 Rep. Knudson  
 Rep. Black  
 Rep. Berger

ROY GILBREATH, Chief Clerk

House Chamber

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

Senate Bill No. 2016  
 Senate Bill No. 2018  
 Senate Bill No. 2509  
 Senate Bill No. 2536

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1049-1280

and the Speaker has appointed as a conference committee to act with a like committee from the Senatè, Representatives:

House Bill No. 1049:

Rep. Winkjer  
Rep. Conmy  
Rep. Meiers

House Bill No. 1280:

Rep. Marsden  
Rep. Peterson  
Rep. Mertens

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. 4002  
Senate Concurrent Resolution No. 4031  
Senate Concurrent Resolution No. 4033  
Senate Concurrent Resolution No. 4034  
Senate Concurrent Resolution No. 4035  
Senate Concurrent Resolution No. 4040  
Senate Concurrent Resolution No. 4041  
Senate Concurrent Resolution No. 4045  
Senate Concurrent Resolution No. 4046  
Senate Concurrent Resolution No. 4048  
Senate Concurrent Resolution No. 4052  
Senate Concurrent Resolution No. 4084

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1014:

Senator Thane  
Senator Naaden  
Senator Erdman

House Bill No. 1018:

Senator Melland  
Senator Thane  
Senator Barth

House Bill No. 1047:

Senator Freed  
Senator Iszler  
Senator Schirado

House Bill No. 1049:

Senator Freed  
Senator Sands  
Senator Lashkowitz

House Bill No. 1280:

Senator Melland  
Senator Thane  
Senator Walsh

LEO LEIDHOLM, Secretary

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

Senator Nething moved that after the reading of Senate Bill No. 2553, SCR's 4005, 4006, 4014, SR's 13 and 17, the Senate adjourn until Thursday, March 24, 1977, at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## FIFTY-SIXTH DAY

Bismarck, March 24, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. James L. Probert, First Presbyterian Church, Bismarck.

"Our Father, we pause now to acknowledge You as our Creator and the Lord of life. As this new legislative day convenes, create among us a spirit of oneness, and within us a sensitivity to the needs of people. Enable and empower us to make decisions that serve the best interest not only of our state, but our nation and world as well. We ask these things in the name of Him who lives and moves among us. Amen."

The roll was called and all Senators were present except Senator Sandness.

A quorum was declared by the President.

## 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-fifth day and recommends that the same be corrected as follows:

On page 1346, line 15, delete "prevailed" and insert in lieu thereof "lost."

On page 1353 line 29, insert "which the Speaker has signed."

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

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

## STATE OF NORTH DAKOTA

Executive Office  
Bismarck

March 23, 1977

The Honorable Wayne G. Sanstead

President of the Senate

Senate Chambers

Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 23, 1977, I signed the following Senate Bills:

Senate Bill No. 2020

Senate Bill No. 2029

Senate Bill No. 2035

Senate Bill No. 2091

Senate Bill No. 2120

Senate Bill No. 2151

- Senate Bill No. 2152
- Senate Bill No. 2196
- Senate Bill No. 2197
- Senate Bill No. 2210
- Senate Bill No. 2211
- Senate Bill No. 2212
- Senate Bill No. 2228
- Senate Bill No. 2230
- Senate Bill No. 2237
- Senate Bill No. 2281
- Senate Bill No. 2370
- Senate Bill No. 2375
- Senate Bill No. 2393
- Senate Bill No. 2403
- Senate Bill No. 2412
- Senate Bill No. 2429
- Senate Bill No. 2445
- Senate Bill No. 2450
- Senate Bill No. 2457
- Senate Bill No. 2484
- Senate Bill No. 2531
- Senate Bill No. 2452

Sincerely yours,  
**ARTHUR A. LINK**  
 Governor

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2553. A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to provision of banking services by the Bank of North Dakota in the event a bank is closed.

Which has been read.

**ROLL CALL**

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

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     | ● SMYKOWSKI   |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     | ● SOLBERG     |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● STRAND      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRINDEN    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● TALLACKSON  |
| ● FARRINGTON        |     |      | ● LEE        | ●   |      | ● PIETRON        |     | ● TENNEFOS    |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     | ● THANE       |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     | ● VOSPER      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     | ● WALSH       |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNBS        |     | ● WENSTROM    |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WRIGHT      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |               |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which Senate Bill No. 2553 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

Senate Concurrent Resolution No. 4005. A concurrent resolution to repeal article 75 of the amendments to the Constitution of the State of North Dakota, relating to operations of government offices in periods of emergency resulting from disaster caused by enemy attack.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 0; nays, 48; absent and voting, 2.

| REGULAR SESSION |     |      | ROLL CALL  |     |          | 1977 LEGISLATURE |               |      |
|-----------------|-----|------|------------|-----|----------|------------------|---------------|------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS     | YEAS             | N-V           | NAYS |
|                 |     | ●    | JACOBSON   | ●   | NAADEN   | ●                | SMYKOWSKI     | ●    |
|                 |     | ●    | JONES      | ●   | NELSON   | ●                | SOLBERG       | ●    |
|                 |     | ●    | KRAUTER    | ●   | NETHING  | ●                | STRAND        | ●    |
|                 |     | ●    | LARSON     | ●   | ORANGE   | ●                | STRINDEN      | ●    |
|                 |     | ●    | LASHKOWITZ | ●   | PETERSON | ●                | TALLACKSON    | ●    |
|                 |     | ●    | LEE        | ●   | PIETRON  | ●                | TENNEFOS      | ●    |
|                 |     | ●    | LIPS       | ●   | RAIT     | ●                | THANE         | ●    |
|                 |     | ●    | LODOEN     | ●   | REDLIN   | ●                | VOSPER        | ●    |
|                 |     | ●    | MAHER      | ●   | REITEN   | ●                | WALSH         | ●    |
|                 |     | ●    | MAU        | ●   | SANDNESS | ●                | WENSTROM      | ●    |
|                 |     | ●    | MELLAND    | ●   | SANDS    | ●                | WRIGHT        | ●    |
|                 |     | ●    | MILLER     | ●   | SCHIRADO | ●                | MR. PRESIDENT | ●    |
|                 |     | ●    | MORGAN     | ●   | SHABLOW  | ●                |               |      |

Senate Concurrent Resolution No. 4005 was declared lost.

Senate Concurrent Resolution No. 4006. A concurrent resolution to repeal article 76 of the amendments to the Constitution of the State of North Dakota, relating to authorizing the state to issue bonds to help finance private or cooperatively owned power generating facilities.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 3; nays, 45; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL CALL  |     |          | 1977 LEGISLATURE |               |      |
|-----------------|-----|------|------------|-----|----------|------------------|---------------|------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS     | YEAS             | N-V           | NAYS |
|                 |     | ●    | JACOBSON   | ●   | NAADEN   | ●                | SMYKOWSKI     | ●    |
|                 |     | ●    | JONES      | ●   | NELSON   | ●                | SOLBERG       | ●    |
|                 |     | ●    | KRAUTER    | ●   | NETHING  | ●                | STRAND        | ●    |
|                 |     | ●    | LARSON     | ●   | ORANGE   | ●                | STRINDEN      | ●    |
|                 |     | ●    | LASHKOWITZ | ●   | PETERSON | ●                | TALLACKSON    | ●    |
|                 |     | ●    | LEE        | ●   | PIETRON  | ●                | TENNEFOS      | ●    |
|                 |     | ●    | LIPS       | ●   | RAIT     | ●                | THANE         | ●    |
|                 |     | ●    | LODOEN     | ●   | REDLIN   | ●                | VOSPER        | ●    |
|                 |     | ●    | MAHER      | ●   | REITEN   | ●                | WALSH         | ●    |
|                 |     | ●    | MAU        | ●   | SANDNESS | ●                | WENSTROM      | ●    |
|                 |     | ●    | MELLAND    | ●   | SANDS    | ●                | WRIGHT        | ●    |
|                 |     | ●    | MILLER     | ●   | SCHIRADO | ●                | MR. PRESIDENT | ●    |
|                 |     | ●    | MORGAN     | ●   | SHABLOW  | ●                |               |      |

Senate Concurrent Resolution No. 4006 was declared lost.

Senate Concurrent Resolution No. 4014. A concurrent resolution for the amendment of section 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 5; nays, 44; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL CALL  |     |          | 1977 LEGISLATURE |            |      |
|-----------------|-----|------|------------|-----|----------|------------------|------------|------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS     | YEAS             | N-V        | NAYS |
|                 |     | ●    | JACOBSON   | ●   | NAADEN   | ●                | SMYKOWSKI  | ●    |
|                 |     | ●    | JONES      | ●   | NELSON   | ●                | SOLBERG    | ●    |
|                 |     | ●    | KRAUTER    | ●   | NETHING  | ●                | STRAND     | ●    |
|                 |     | ●    | LARSON     | ●   | ORANGE   | ●                | STRINDEN   | ●    |
|                 |     | ●    | LASHKOWITZ | ●   | PETERSON | ●                | TALLACKSON | ●    |
|                 |     | ●    | LEE        | ●   | PIETRON  | ●                | TENNEFOS   | ●    |
|                 |     | ●    | LIPS       | ●   | RAIT     | ●                | THANE      | ●    |
|                 |     | ●    | LODOEN     | ●   | REDLIN   | ●                | VOSPER     | ●    |
|                 |     | ●    | MAHER      | ●   | REITEN   | ●                | WALSH      | ●    |
|                 |     | ●    | MAU        | ●   | SANDNESS | ●                | WENSTROM   | ●    |





stories, again I say they have the right to run them. I say it was very poor, sloppy reporting, and I would like to ask for a written apology laid on my desk and on any other desk they wish. If they know the names of the people who were on that bus I am sure they don't have to lay that apology on their desks, if they don't know the names, why then it was worse reporting than I thought it was. When somebody asks me back home whether I was involved in that incident, I'm not going to say a word, I would just like to hand them that apology. Now I also know when I ask for that apology laid on my desk, I am sure they have the right not to lay it there, that's their privilege, and I am sure that I don't have any other recourse except to know that they lacked the guts to lay it there, and I will then promptly forget the whole incident.

#### POINT OF PERSONAL PRIVILEGE

Senator Shablow: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, since the Senator from the 18th district spoke to the assembly, in relation to the bus trip to Jamestown, I took the time to read the newspaper reports that were laid on my desk, and I am somewhat disturbed, of course, that this was reported in this manner. I also went to Jamestown. I drove down so I wasn't one of those on the bus, and while I was in Jamestown, I didn't see any indication of anyone that had over imbibed or misbehaved in any manner. I went down to Jamestown to indicate to the review committee and help indicate the solidarity of this legislative assembly in favor of the Garrison Diversion Project, but as I read these reports, that it is going to cost the state money in relation to the daily allowance for expenses. I did not think at any time that I was going to collect this money. I thought that this assembly was excused for this purpose, it was a day off, and I thought I was contributing my time and my effort, as little as it may be, to this worthwhile purpose. But if I am going to receive that \$60.00 as I understand we are, or at least it has been reported, then I want to indicate to this assembly that I will donate those \$60.00 to some worthwhile cause, and I can't think of a better one than to donate that to the North Dakota Heritage Center, and that is what I will do.

#### MOTIONS

Senator Smykowski moved that House Concurrent Resolution 3052 be returned from the Legislative Council Resolutions Committee, which motion prevailed.

Senator Smykowski moved that House Concurrent Resolution No. 3052 be messaged to the House, which motion prevailed.

Senator Nething moved that the Senate recess until 1:30 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

#### FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills Introduced:

Senate Memorial Resolution No. 3. A memorial resolution expressing the Senate's sympathy and condolences to General C. Emerson Murry upon the death of his father, former State Senator Raymond H. Murry.

Was read the first time.

Senator Berube moved that the rules be suspended, that Senate Resolution No. 3 not be printed as a bill, not referred to a committee, but read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

## SENATE MEMORIAL RESOLUTION No. 3

Introduced by Committee on Delayed Bills

A memorial resolution expressing the Senate's sympathy and condolences to General C. Emerson Murry upon the death of his father, former State Senator Raymond H. Murry.

WHEREAS, the Lord God, the creator of us all, has called from our midst Raymond H. Murry, a former state senator and the father of General C. Emerson Murry, formerly director of the Legislative Council and now the North Dakota Adjutant General; and

WHEREAS, Mr. Murry represented the then 19th district as a state senator from Dunseith in the 1945 and 1947 legislative sessions; and

WHEREAS, all of the legislators in this Forty-fifth Legislative Assembly share with General Murry his sorrow upon the death of his father, and wish to extend to him their sympathy and condolences;

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

That we extend to General C. Emerson Murry our heartfelt sympathy and condolences upon the death of his father, former State Senator Raymond H. Murry. Eternal rest grant unto him, Lord, and may perpetual light shine upon him. We will remember him in our prayers; and

BE IT FURTHER RESOLVED, that this resolution be printed in the journal, and that the Secretary of State present an enrolled copy to General Murry.

## SECOND READING OF SENATE MEMORIAL RESOLUTIONS

**Senate Memorial Resolution No. 3.** A memorial resolution expressing the Senate's sympathy and condolences to General C. Emerson Murry upon the death of his father, former State Senator Raymond H. Murry.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Memorial Resolution No. 3 was declared adopted.

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1001 has had the same under consideration and recommends that the same be amended as follows:

On page 2 of the engrossed bill, delete lines 1 through 6

On page 2 of the engrossed bill, line 7, delete the numeral "3" and insert in lieu thereof the numeral "2"

On page 2 of the engrossed bill, line 10, delete the numerals "17,500" and insert in lieu thereof the numerals "7,500"

On page 2 of the engrossed bill, line 13, delete the numerals "50,385" and insert in lieu thereof the numerals "40,385"

On page 2 of the engrossed bill, line 14, delete the numeral "4" and insert in lieu thereof the numeral "3"

On page 2 of the engrossed bill, line 16, delete the numerals "393,573" and insert in lieu thereof the numerals "400,000"

On page 2 of the engrossed bill, line 18, delete the numerals "16,000" and insert in lieu thereof the numerals "20,000"

On page 2 of the engrossed bill, line 22, delete the numerals "468,973" and insert in lieu thereof the numerals "479,400"

On page 2 of the engrossed bill, line 23, delete the numeral "5" and insert in lieu thereof the numeral "4"

On page 2 of the engrossed bill, line 28, delete the numeral "6" and insert in lieu thereof the numeral "5"

On page 3 of the engrossed bill, after line 2, insert the following new subdivision:

"Subdivision 6.

ELECTION SUPERVISOR

|                                  |                   |
|----------------------------------|-------------------|
| Salaries and wages               | \$ 70,000         |
| Fees and services                | 37,500            |
| Supplies and materials           | 50,000            |
| Equipment                        | <u>5,000</u>      |
| Total general fund appropriation | <u>\$162,500"</u> |

On page 3 of the engrossed bill, line 13, delete the numerals "279,841" and insert in lieu thereof the numerals "282,535"

On page 3 of the engrossed bill, line 19, delete the numerals "345,565" and insert in lieu thereof the numerals "348,259"

On page 3 of the engrossed bill, line 30, delete the numerals "3,387,132" and insert in lieu thereof the numerals "3,327,134"

On page 3 of the engrossed bill, line 31, delete the numerals "590,420" and insert in lieu thereof the numerals "578,971"

On page 3 of the engrossed bill, delete line 32

On page 4 of the engrossed bill, line 1, delete the numerals "48,900" and insert in lieu thereof the numerals "33,450"

On page 4 of the engrossed bill, line 4, delete the numerals "5,014,225" and insert in lieu thereof the numerals "4,877,728"

On page 4 of the engrossed bill, line 7, delete the numerals "2,967,456" and insert in lieu thereof the numerals "2,943,475"

On page 4 of the engrossed bill, line 13, delete the numerals "4,522,964" and insert in lieu thereof the numerals "4,498,983"

On page 4 of the engrossed bill, line 14, delete the numerals "3,167,522" and insert in lieu thereof the numerals "3,151,536"

On page 4 of the engrossed bill, line 15, delete the numerals "1,355,442" and insert in lieu thereof the numerals "1,347,447"

On page 4 of the engrossed bill, line 28, delete the numerals "548,498" and insert in lieu thereof the numerals "506,187"

On page 4 of the engrossed bill, line 33, delete the numerals "642,516" and insert in lieu thereof the numerals "600,205"

On page 5 of the engrossed bill, line 12, delete the numerals "1,835,157" and insert in lieu thereof the numerals "1,755,310"

On page 5 of the engrossed bill, line 19, delete the numerals "2,896,468" and insert in lieu thereof the numerals "2,816,621"

On page 5 of the engrossed bill, line 27, delete the numerals "745,350" and insert in lieu thereof the numerals "645,226"

On page 5 of the engrossed bill, line 28, delete the numerals "249,619" and insert in lieu thereof the numerals "200,559"

On page 5 of the engrossed bill, line 29, delete the numerals "45,960" and insert in lieu thereof the numerals "41,960"

On page 5 of the engrossed bill, line 30, delete the numerals "14,214" and insert in lieu thereof the numerals "11,414"

On page 5 of the engrossed bill, line 31, delete the numerals "1,055,143" and insert in lieu thereof the numerals "899,159"

On page 5 of the engrossed bill, line 32, delete the numerals "68,847" and insert in lieu thereof the numerals "15,400"

On page 5 of the engrossed bill, line 33, delete the numerals "986,296" and insert in lieu thereof the numerals "883,759"

On page 7 of the engrossed bill, line 4, delete the numerals "17,060,714" and insert in lieu thereof the numerals "16,783,923"

On page 7 of the engrossed bill, line 5, delete the numerals "3,676,469" and insert in lieu thereof the numerals "3,607,036"

On page 7 of the engrossed bill, line 6, delete the numerals "20,737,183" and insert in lieu thereof the numerals "20,390,959"

On page 7 of the engrossed bill, after line 22, insert the following sections:

"SECTION 6.) It is the intent of the legislative assembly that there continue to be an office of energy management within the governor's office and that the governor, at his discretion, may allocate a portion of the funds appropriated in subdivision 1 of section 1 of this Act, to continue such an office. Any moneys received by the governor's office from federal sources for the purpose of continuation of the office of energy management are hereby appropriated for the operation of such office during the biennium beginning July 1, 1977, and ending June 30, 1979.

SECTION 7. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that if the governor desires more involvement by the lieutenant governor in the operations of state government during the 1977-79 biennium, the lieutenant governor shall request additional funds from the emergency commission to defray the costs associated with such increased activity.

SECTION 8. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the state auditor, pursuant to the requirements of sections 54-10-13 and 54-10-14, shall charge an amount for the audit which will result in the state recovering a portion of all costs incurred, including supervisory, secretarial, clerical, and other office maintenance costs."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

Office of Energy Management

The purpose of this amendment is to delete the separate general fund appropriation for the Office of Energy Management and add a section to the bill which provides that a portion of the funds appropriated to the Governor's office may be allocated to continue an Office of Energy Management. This section appropriates any federal funds received for continuation of an Office of Energy Management during the 1977-79 biennium.

Lieutenant Governor

The purpose of this amendment is to reduce the fees and services line item by \$10,000 to delete funding budgeted for greater involvement by the Lieutenant Governor in executive branch activities. A section of legislative intent indicates that the Lieutenant Governor seek additional funding from the Emergency Commission in the event the Governor assigns him additional activities.

Secretary of State

The purpose of this amendment is to add \$6,427 to salaries and wages, \$4,000 to supplies and materials to the Secretary of State's appropriation for increased costs anticipated by the Secretary of State. It also provides \$162,500 to the Secretary of State's office in a new subdivision entitled "Election Supervisor" to administer the new election laws in accordance with House Bill No. 1049.

State Treasurer

The purpose of this amendment is to adjust the salaries and wages line item to delete \$12,420 in funding for a new clerk II position, and to add

\$15,114 to permit reclassification of certain personnel.

**State Tax Commissioner**

The purpose of this amendment is to reduce the salaries and wages line item by \$26,858 to reflect the amounts necessary for five percent annual salary increases and adequate fringe benefits at the level authorized by the Forty-fifth Legislative Assembly. The salaries and wages line item is also reduced by \$33,140 to delete funding for an additional tax auditor and a part-time research analyst. The fees and services line item is reduced by \$61,049 to reflect only the amounts necessary to meet additional costs because of five percent annual inflation increases. The line item for the multi-state Tax Commission is reduced by \$15,450.

**Department of Public Instruction**

The purpose of this amendment is to reduce the salaries and wages line item by \$23,981 to reflect the amounts necessary for five percent annual salary increases and adequate fringe benefits at levels authorized by the Forty-fifth Legislative Assembly.

**Commissioner of Insurance**

The purpose of the amendment deleting \$42,311 from salaries and wages is to combine the positions of deputy commissioner and staff attorney.

**Public Service Commission**

The purpose of this amendment is to delete the following new positions added by the House:

|                             |          |
|-----------------------------|----------|
| Siting specialist           | \$31,452 |
| Assistant director — siting | 48,395   |

**Commissioner of Agriculture**

The purpose of this amendment is to delete the following funds:

**Pesticide Program:**

**Salaries and wages:**

|                                    |                        |
|------------------------------------|------------------------|
| Program developer                  | \$32,400               |
| 3 part-time inspectors             | 4,554                  |
| 3 regional inspectors              | 13,800                 |
| Secretary                          | <u>13,662</u>          |
| <b>Total salaries and wages</b>    | <b>\$64,416</b>        |
| Fees and services                  | \$29,260               |
| Supplies and materials             | 3,000                  |
| Equipment                          | 2,300                  |
| <b>Total for Pesticide Program</b> | <b><u>\$98,976</u></b> |
| Estimated Income                   | <u>53,447</u>          |
| <b>Total General Fund</b>          | <b><u>\$45,529</u></b> |

**Market Bureau:**

|  |                        |
|--|------------------------|
| Salaries and wages (market bureau coordinator) | \$35,708               |
| Fees and services                              | 19,800                 |
| Supplies and materials                         | 1,000                  |
| Equipment                                      | 500                    |
| <b>Total General Fund for Market Bureau</b>    | <b><u>\$57,008</u></b> |

SENATOR LIPS, Chairman

House Bill No. 1001 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1002 has had the same under consideration and recommends that the same be amended as follows:

The amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, lines 13, 14, 26, 28, 30, 32, 34, 36, and after line 47 are hereby amended as follows:

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, delete lines 13 and 14 and insert in lieu thereof the following lines:

On page 2 of the engrossed bill, line 10, delete the word "contingency"

On page 2 of the engrossed bill, delete lines 12 and 13 and insert in lieu thereof the following lines:

|   |                     |
|---|---------------------|
| "Total all funds                              | \$6,133,163         |
| Less estimated income                         | 5,075,658           |
| Total general fund transfer and appropriation | <u>\$1,057,505"</u> |

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, line 26, delete the numerals "1,916,275" and insert in lieu thereof the numerals "1,926,393"

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, line 28, delete the numerals "192,810" and insert in lieu thereof the numerals "182,692"

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, line 30, delete the numerals "1,669,861" and insert in lieu thereof the numerals "3,817,591"

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, line 32, delete the numerals "8,386,769" and insert in lieu thereof the numerals "7,339,382"

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, line 34, delete the numerals "10,056,630" and insert in lieu thereof the numerals "11,156,973"

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, line 36, delete the letters "tion" and insert in lieu thereof the letters "tions"

In the amendments to engrossed House Bill No. 1002 as printed on page 1175 of the Senate Journal, after line 47, insert the following sections:

"SECTION 5. CENTRAL DATA PROCESSING.) Expenditures pursuant to the appropriation, contained in subdivision 2 of this Act, to central data processing in the line items: "REAP — \$1,057,505"; and "Total general fund transfer and appropriation — \$1,057,505", shall be made only for such data processing services as may be requested by the legislative council for REAP. Central data processing shall incur costs relating to REAP in amounts greater than such line items only to the extent that REAP pays for such services. A special limited application computer system shall be acquired by central data processing at the request of the legislative council for the use of REAP. The mainframe of such computer system shall be leased or purchased at the option of central data processing. That computer system shall be retained by central data processing only until such time as central data processing has other equivalent computer and software applications and other equivalent data processing services which will meet REAP's operational needs without incurring greater total operating costs than REAP would incur by continuing to use the special limited application computer.

SECTION 6. CENTRAL PERSONNEL DIVISION — APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of

\$1,100,343.00, or so much thereof as may be necessary, to the central personnel division for the purpose of increasing average salaries to the midpoint of the central personnel division salary ranges for primary care employees at the state hospital, Grafton state school, and San Haven state hospital during the biennium beginning July 1, 1977, and ending June 30, 1979. The amount herein appropriated, or so much thereof as may be necessary, shall be allocated to these institutions as follows for the purpose provided in this section:

|                          |                    |
|--------------------------|--------------------|
| State hospital           | \$ 406,613         |
| Grafton state school     | 535,500            |
| San Haven state hospital | 158,230            |
| Total                    | <u>\$1,100,343</u> |

The funds herein appropriated, or so much thereof as may be necessary, shall be disbursed and allocated to these institutions only upon approval by the director of the central personnel division of an application prepared by the authorized representative of each institution requesting an allocation of such funds setting forth the amounts necessary to increase average salaries of primary care employees to the midpoint of the central personnel division salary ranges for such employees. Such disbursements and allocations shall be computed on the basis of salary levels in existence before any other salary increases are given to those employees pursuant to appropriations made by the forty-fifth legislative assembly."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

It is the legislative intent that the State Planning Division's internal staffing patterns will utilize federal funds to the fullest extent possible, and that in-kind matching will be utilized by the State Planning Agency. It is also the intent of the legislative assembly that the land use planner position be continued in the Division.

Central Data Processing

The purpose of the amendment is to provide \$1,057,505 in data processing services to REAP from the general fund during the 1977-79 biennium.

Central Personnel Division

This amendment also appropriates \$1,100,343 to increase average salaries to the midpoint of the Central Personnel Division salary ranges for primary care employees at the State Hospital, Grafton State School, and San Haven State Hospital.

SENATOR LIPS, Chairman

House Bill No. 1002 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1007 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 4, after the word "institutions" insert the following: "; and declaring an emergency"

On page 2 of the engrossed bill, line 34, delete the numerals "680,528" and insert in lieu thereof the numerals "675,664"

On page 3 of the engrossed bill, line 4, delete the numerals "1,239,380" and insert in lieu thereof the numerals "1,234,516"

On page 3 of the engrossed bill, line 6, delete the numerals "1,177,710" and insert in lieu thereof the numerals "1,172,846"



On page 3 of the engrossed bill, line 9, delete the numerals "1,947,150" and insert in lieu thereof the numerals "1,941,159"

On page 3 of the engrossed bill, line 16, delete the numerals "2,790,448" and insert in lieu thereof the numerals "2,784,457"

On page 3 of the engrossed bill, line 18, delete the numerals "2,284,399" and insert in lieu thereof the numerals "2,278,408"

On page 4 of the engrossed bill, line 6, delete the numerals "12,935,498" and insert in lieu thereof the numerals "12,399,998"

On page 4 of the engrossed bill, line 12, delete the numerals "16,688,697" and insert in lieu thereof the numerals "16,153,197"

On page 4 of the engrossed bill, line 14, delete the numerals "14,285,716" and insert in lieu thereof the numerals "13,750,216"

On page 5 of the engrossed bill, line 4, delete the numerals "4,623,076" and insert in lieu thereof the numerals "4,464,846"

On page 5 of the engrossed bill, line 10, delete the numerals "6,383,321" and insert in lieu thereof the numerals "6,225,091"

On page 5 of the engrossed bill, line 12, delete the numerals "5,991,133" and insert in lieu thereof the numerals "5,832,993"

On page 5 of the engrossed bill, after line 12, insert the following:

"(The above line item entitled "land, structures, and major improvements" in subdivision 12 of this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.)"

On page 5 of the engrossed bill, line 13, delete the numerals "35,174,672" and insert in lieu thereof the numerals "34,470,087"

On page 5 of the engrossed bill, line 15, delete the numerals "43,429,930" and insert in lieu thereof the numerals "42,725,345"

On page 6 of the engrossed bill, after line 12, insert the following new section:

"SECTION 7. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval on such items as are designated to be made available immediately on passage and approval."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of the amendment is to reduce the salaries and wages line item for Radio Communications by \$4,864, the State Industrial School by \$5,991 to reflect a five percent per year increase and the necessary amount for fringe benefits.

The Grafton State School budget was adjusted to remove \$535,500 from salaries and wages. The San Haven State Hospital budget was also adjusted to remove \$158,230 from salaries and wages. These amounts had been added to the budgets by the House to bring the employees in the ward attendant I classification to the midpoint of the salary range.

SENATOR LIPS, Chairman

House Bill No. 1007 was placed on the 6th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2005 as printed on page 1348 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2005:

- Senator Melland
- Senator Strinden
- Senator Maher

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2010 as printed on page 1349 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2010:

- Senator Melland
- Senator Wenstrom
- Senator Maher

**MOTION**

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2011 as printed on page 1351 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2011:

- Senator Thane
- Senator Hanson
- Senator Larson

Senator Lips moved that the Senate do concur in the House amendments to Senate Bill No. 2014, as printed on page 1352 of the Senate Journal, which motion prevailed.

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

**SECOND READING OF SENATE BILLS**

*Senate Bill No. 2014. Budgets — Regulatory — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.*

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were yeas, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADER         |     |      | • SMYKOWSKI     |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2548 as printed on page 1352 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2548:

Senator Naaden  
 Senator Hanson  
 Senator Maher

#### REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2141 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that Senate Bill No. 2141 be further amended as follows:

On page 1, line 23 of the engrossed bill, after the period delete the word "How-"

On page 1, delete line 24 and insert in lieu thereof the following:

"Provided, however, that as to intangible personal property a resident may specify in his or her will that the situs of all, or of particular items of, intangible personal property shall be at any such location within a county or counties in this state at which he or she had resided for at least fifteen years after attaining eighteen years of age."

On page 2, delete lines 1, 2 and 3; in line 14 delete everything after the period; and delete lines 15, 16 and 17, and insert in lieu thereof the following: "If the decedent was a resident of this state at the time of his or her death, the certificate shall also show the situs of those items of intangible personal property, if any, for which the decedent's will had, in accordance with subsection 6 of section 57-37.1-01, specified a situs different from that of the decedent's residence at the time of death."

And renumber the lines and pages accordingly.

For the Senate:

Senator Farrington, Chairman  
 Senator Goodman  
 Senator Shablow

For the House:

Rep. A. Hausauer, Chairman  
 Rep. Nordby  
 Rep. Murphy

Senate Bill No. 2141 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2164 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that Senate Bill No. 2164 be further amended as follows:

On page 26 of the engrossed bill, line 33, after the word "shall" insert the words "by means of nonidentifying data"

On page 30 of the engrossed bill, line 35, after the word "shall" insert the words and commas ", in accordance with the terms of the Administrative Agencies Practice Act, chapter 28-32 of the North Dakota Century Code,"

And renumber the lines and pages accordingly.

For the Senate:

Senator Christensen  
Senator Goodman  
Senator Miller

For the House:

Rep. Conmy  
Rep. Winkjer  
Rep. Meiers

Senate Bill No. 2164 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2177 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

Senator Farrington  
Senator Reiten  
Senator Mau

For the House:

Rep. Kretschmar  
Rep. Metz  
Rep. Gerl

Senate Bill No. 2177 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2178 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

Senator Sands  
Senator Christensen  
Senator Schirado

For the House:

Rep. Kretschmar  
Rep. Wentz  
Rep. Lundene — refused to sign

Senate Bill No. 2178 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2233 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate:

Senator Reiten  
Senator Lodoen  
Senator Mau

For the House:

Rep. Conmy  
Rep. Berger  
Rep. Black

Senate Bill No. 2233 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2239 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate:

Senator Tennesos, Chairman

Senator Solberg

Senator Schirado

For the House:

Rep. Scofield

Rep. Erickson

Rep. Richard

Senate Bill No. 2239 was placed on the 7th order of business on the calendar for the succeeding legislative day.

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

That the Senate accede to the House amendments and Senate Bill No. 2417 be further amended as follows:

On page 1, line 20 of the engrossed bill, delete the words "descriptions or"

On page 2, after line 22, insert the following new subsection:

"d. The above shall not be construed to include a bona fide school, college, university, museum, public library or art gallery."

And renumber the lines, subsections and pages accordingly.

For the Senate:

Senator Christensen

Senator Holmberg

Senator Schirado

For the House:

Rep. Winkjer

Rep. Reed

Rep. Benedict

Senate Bill No. 2417 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2487 has had the same under consideration and recommends:

That the House recede from its amendments and further amend as follows:

On page 2, line 6 of the engrossed bill place triple parentheses around the word "three" and insert in lieu thereof the word "five"

On page 2, line 13 place beginning triple parentheses before the numeral "1999"

On page 2, line 25 place triple parentheses after the numeral "86.00" and insert in lieu thereof the following:

On page 2, line 6 place triple parentheses around the word "three" and insert in lieu thereof the word "five"

On page 2, line 13 place beginning triple parentheses before the numeral "1999"

On page 2, line 25 place ending triple parentheses after the numeral "86.00" and insert in lieu thereof the following:

|                |         |         |         |         |
|----------------|---------|---------|---------|---------|
| "1,999 or less | \$32.00 | \$25.00 | \$19.00 | \$15.00 |
| 2,000 - 2,399  | 34.00   | 27.00   | 20.00   | 15.00   |
| 2,400 - 2,799  | 36.00   | 29.00   | 22.00   | 15.00   |
| 2,800 - 3,199  | 38.00   | 30.00   | 23.00   | 16.00   |
| 3,200 - 3,599  | 42.00   | 33.00   | 25.00   | 17.00   |
| 3,600 - 3,999  | 46.00   | 37.00   | 28.00   | 19.00   |
| 4,000 - 4,499  | 56.00   | 45.00   | 34.00   | 23.00   |
| 4,500 - 4,999  | 72.00   | 57.00   | 43.00   | 29.00   |
| 5,000 - 5,999  | 100.00  | 80.00   | 60.00   | 40.00   |
| 6,000 - 6,999  | 130.00  | 104.00  | 78.00   | 52.00   |
| 7,000 - 7,999  | 160.00  | 128.00  | 96.00   | 64.00   |
| 8,000 - 8,999  | 190.00  | 152.00  | 114.00  | 76.00   |
| 9,000 & over   | 220.00  | 176.00  | 132.00  | 88.00"  |

On page 2, line 30 place triple parentheses around the word "nine" and insert in lieu thereof the word "twelve"

On page 3, line 11 place beginning triple parentheses before the numeral "0"

On page 3, line 21 place ending triple parentheses after the numeral "25.00" and insert in lieu thereof the following:

|                 |         |         |         |         |
|-----------------|---------|---------|---------|---------|
| " 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"  |

On page 3, line 26 place beginning triple parentheses before the numeral "24.001"

On page 4, line 19 place ending triple parentheses after the numeral "795.00" and insert in lieu thereof the following:

|                  |          |          |          |
|------------------|----------|----------|----------|
| "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 |

On page 4, line 21 place triple parentheses around the word "five" and insert in lieu thereof the word "six"

On page 4, line 22 place triple parentheses around the word "eight" and insert in lieu thereof the word "ten"

On page 4, line 25 place beginning triple parentheses before the word "section" and also on line 25 place ending triple parentheses after the numeral "19" and before the comma and insert in lieu thereof the following: "subsection 2b"

And renumber the lines and pages accordingly.

For the Senate  
 Senator Tennesos  
 Senator Solberg  
 Senator Schirado

For the House  
 Rep. Scofield  
 Rep. Erickson  
 Rep. Richard

Senate Bill No. 2487 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2519 has had the same under consideration and recommends:

That the Senate accede to the House amendments:

For the Senate  
 Senator Iszler  
 Senator Holmberg, "refused to sign"  
 Senator Lashkowitz

For the House  
 Rep. Richie  
 Rep. Stenehjerm  
 Rep. Dotzenrod

Senate Bill No. 2519 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1325 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1325 be amended as follows:

On page 1, line 20 of the engrossed bill, delete the word "five" and insert in lieu thereof the word "seven".

And renumber the lines accordingly.

For the Senate  
 Senator Vosper

Senator Albers  
 Senator Miller  
 For the House  
 Rep. Lee  
 Rep. B. Larson  
 Rep. G. Larson

House Bill No. 1325 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1476 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1476 be amended as follows:

On page 2, line 25, insert beginning triple parentheses before the word "votes" and on the same line insert ending triple parentheses after the word "cast" and insert in lieu thereof the words "qualified voters."

For the Senate  
 Senator Farrington  
 Senator Holmberg  
 Senator Berube  
 For the House  
 Rep. Wentz  
 Rep. G. Larson  
 Rep. Nordby

House Bill No. 1476 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th Order be dispensed with, which motion prevailed.

Senator Christensen moved that the amendments to Senate Bill No. 2552 as recommended by the Committee on Social Welfare and Veterans Affairs as printed on page 1320 of the Senate Journal be adopted, which motion prevailed. Senator Goodman moved that the rules be suspended, that Senate Bill No. 2552 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1006 as recommended by the Committee on Appropriations as printed on pages 1321 and 1322 of the Senate Journal be adopted, which motion prevailed. Senator Strinden moved that the rules be suspended, that House Bill be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Nething moved that the amendments to House Bill No. 1026 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2552. A Bill for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to and clarifying the powers and duties of the social service board; and declaring an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 1; absent and not voting, 4.



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEP   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUB             |     |      | ● KRUTER     |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

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

Senator Nething moved that the vote by which Senate Bill No. 2552 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1408.** A Bill for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to contractual agreements for collection of tax by the tax commissioner in behalf of incorporated home rule.

Which has been read.

Senator Goodman offered the following amendments to House Bill No. 1408:

On page 1, line 4, delete the words "counties and" and insert after the word "incorporated" the words "home rule"

On page 1, line 12, delete the words "county or" and at the end of the line insert the words "that has adopted the home rule provisions of chapter 40-05.1"

On page 1, line 16, delete the words "county or"

On page 1, line 17, delete the words "county or"

Senator Goodman moved that the amendments be adopted, which motion prevailed on a division vote.

Senator Goodman moved that the rules be suspended, that House Bill No. 1408 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Sands offered the following amendment to House Bill No. 1408:

On page 1, line 15 of the bill, delete the words "of the" and insert in lieu thereof the word "sales"

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

Senator Goodman moved that the rules be suspended, that House Bill No. 1408 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1408.** A Bill for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to contractual agreements for collection of tax by the tax commissioner in behalf of incorporated home rule.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 32; nays, 17; absent and not voting, 1.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |        |          | 1977 LEGISLATURE |           |               |
|-----------------|-----|------|---------------------|------------|------|------|--------|----------|------------------|-----------|---------------|
| ROLL-CALL       |     |      |                     |            |      |      |        |          |                  |           |               |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V    | NAYS     | YEAS             | N-V       | NAYS          |
|                 | •   |      | •                   | JACOBSON   |      | •    | NAADEN |          | •                | SMYKOWSKI |               |
|                 | •   |      | •                   | JONES      |      | •    | NELSON |          | •                | SOLBERG   |               |
|                 |     | •    |                     | KRAUTER    | •    |      | •      | •        | •                | STRAND    |               |
| •               |     |      |                     | LARSON     | •    |      | •      | ORANGE   |                  | •         | STRINDEN      |
|                 | •   |      |                     | LASHKOWITZ |      | •    | •      | PETERSON |                  | •         | TALLACKSON    |
|                 | •   |      |                     | LEE        | •    |      | •      | PIETRON  |                  | •         | TEWNEFOS      |
| •               |     |      |                     | LIPS       |      |      | •      | RAIT     |                  | •         | THANE         |
| •               |     |      |                     | LODOEN     |      |      | •      | REDLIN   |                  | •         | VOSPER        |
| •               |     |      |                     | MAHER      |      | •    | •      | REITEN   |                  | •         | WALSH         |
| •               |     |      |                     | MAU        | •    |      | •      | SANDNES  |                  | •         | WENSTROM      |
|                 | •   |      |                     | MILLAND    |      |      | •      | SANDS    |                  | •         | WRIGHT        |
| •               |     |      |                     | MILLER     |      |      | •      | SCHIRADO |                  |           | MR. PRESIDENT |
| •               |     |      |                     | MORGAN     |      |      | •      | SHABLOW  |                  |           |               |

So the bill passed and the title was agreed to.  
 Senator Nething moved that the vote by which House Bill No. 1408 was passed, be reconsidered and the motion to reconsider be laid on the table.  
 Which motion prevailed.

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:  
 House Concurrent Resolution No. 3052

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

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

- Senate Bill No. 2001
- Senate Bill No. 2006
- Senate Bill No. 2008
- Senate Bill No. 2110
- Senate Bill No. 2384
- Senate Bill No. 2496

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2001

On page 2 of the engrossed bill, line 2, underscore the numerals "1,405,481"

On page 2 of the engrossed bill, delete line 3

On page 2 of the engrossed bill, line 4, delete the numerals "42,852,054" and insert in lieu thereof the numerals "42,672,054"

On page 2 of the engrossed bill, line 5, delete the numerals "10,416,893" and insert in lieu thereof the numerals "10,326,893"

On page 2 of the engrossed bill, line 6, delete the numerals "32,435,161" and insert in lieu thereof the numerals "32,345,161"

On page 2 of the engrossed bill, line 8, delete the numerals "34,648,161" and insert in lieu thereof the numerals "34,558,161"

On page 2 of the engrossed bill, line 24, underscore the numerals "1,207,856"

On page 2 of the engrossed bill, delete line 25

On page 2 of the engrossed bill, line 26, delete the numerals "36,308,669" and insert in lieu thereof the numerals "36,128,639"

On page 2 of the engrossed bill, line 27, delete the numerals "8,053,849" and insert in lieu thereof the numerals "7,963,849"

On page 2 of the engrossed bill, line 28, delete the numerals "28,254,820" and insert in lieu thereof the numerals "28,164,790"

On page 2 of the engrossed bill, line 30, delete the numerals "29,926,720" and insert in lieu thereof the numerals "29,836,690"

On page 2 of the engrossed bill, line 33, delete the numerals "1,359,767" and insert in lieu thereof the numerals "1,436,951"

On page 2 of the engrossed bill, line 34, delete the numerals "81,817" and insert in lieu thereof the numerals "101,522"

On page 2 of the engrossed bill, line 35, delete the numerals "269,379" and insert in lieu thereof the numerals "270,379"

On page 3 of the engrossed bill, line 2, delete the numerals "94,765" and insert in lieu thereof the underscored numerals "96,765"

On page 3 of the engrossed bill, delete line 3

On page 3 of the engrossed bill, line 4, delete the numerals "1,862,093" and insert in lieu thereof the numerals "1,911,047"

On page 3 of the engrossed bill, line 6, delete the numerals "1,346,003" and insert in lieu thereof the numerals "1,394,957"

On page 3 of the engrossed bill, line 9, delete the numerals "1,416,045" and insert in lieu thereof the numerals "1,464,999"

On page 3 of the engrossed bill, line 11, delete the numerals "606,118" and insert in lieu thereof the numerals "620,249"

On page 3 of the engrossed bill, line 15, delete the numerals "924,879" and insert in lieu thereof the numerals "939,010"

On page 3 of the engrossed bill, line 17, delete the numerals "563,003" and insert in lieu thereof the numerals "577,134"

On page 3 of the engrossed bill, line 20, delete the numerals "612,103" and insert in lieu thereof the numerals "626,234"

On page 3 of the engrossed bill, line 22, delete the numerals "2,028,148" and insert in lieu thereof the numerals "2,091,233"

On page 3 of the engrossed bill, line 26, delete the numerals "10,470,739" and insert in lieu thereof the numerals "10,649,013"

On page 3 of the engrossed bill, line 28, delete the numerals "1,817,953" and insert in lieu thereof the numerals "1,821,439"

On page 3 of the engrossed bill, line 29, delete the numerals "569,558" and insert in lieu thereof the underscored numerals "581,798"

On page 3 of the engrossed bill, delete line 30

On page 3 of the engrossed bill, line 31, delete the numerals "14,099,458" and insert in lieu thereof the numerals "14,213,458"

On page 3 of the engrossed bill, line 32, delete the numerals "2,664,420" and insert in lieu thereof the numerals "2,778,420"

On page 4 of the engrossed bill, line 2, delete the numerals "4,100,967" and insert in lieu thereof the numerals "4,144,627"

On page 4 of the engrossed bill, line 3, delete the numerals "823,878" and insert in lieu thereof the numerals "844,878"

On page 4 of the engrossed bill, line 4, delete the numerals "324,542" and insert in lieu thereof the numerals "329,882"

On page 4 of the engrossed bill, line 5, delete the numerals "190,246" and insert in lieu thereof the numerals "200,246"

On page 4 of the engrossed bill, line 6, underscore the numerals "108,248"

On page 4 of the engrossed bill, delete line 7

On page 4 of the engrossed bill, line 14, delete the numerals "8,158,888" and insert in lieu thereof the numerals "8,218,888"

On page 4 of the engrossed bill, line 15, delete the numerals "1,024,018" and insert in lieu thereof the numerals "1,031,518"

On page 4 of the engrossed bill, line 16, delete the numerals "443,488" and insert in lieu thereof the numerals "450,988"

On page 4 of the engrossed bill, line 18, delete the numerals "282,845" and insert in lieu thereof the underscored numerals "247,845"

On page 4 of the engrossed bill, delete line 19

On page 4 of the engrossed bill, after line 22, insert the following new line: "Adaptation of facilities for handicapped \$100,000"

On page 4 of the engrossed bill, line 24, delete the numerals "8,720,216" and insert in lieu thereof the numerals "8,820,216"

On page 4 of the engrossed bill, line 26, delete the numerals "2,940,335" and insert in lieu thereof the numerals "3,003,000"

On page 4 of the engrossed bill, line 27, delete the numerals "385,340" and insert in lieu thereof the numerals "440,491"

On page 4 of the engrossed bill, line 28, delete the numerals "518,361" and insert in lieu thereof the numerals "550,687"

On page 4 of the engrossed bill, line 29, delete the numerals "89,924" and insert in lieu thereof the numerals "115,892"

On page 4 of the engrossed bill, line 30, underscore the numerals "108,248"

On page 4 of the engrossed bill, delete line 31

On page 4 of the engrossed bill, line 32, delete the numerals "4,122,208, and insert in lieu thereof the numerals "4,218,318"

On page 4 of the engrossed bill, line 34, delete the numerals "3,414,106" and insert in lieu thereof the numerals "3,510,216"

On page 5 of the engrossed bill, line 1, delete the numerals "3,602,977" and insert in lieu thereof the numerals "3,699,087"

On page 5 of the engrossed bill, line 3, delete the numerals "4,033,899" and insert in lieu thereof the numerals "4,089,966"

On page 5 of the engrossed bill, line 4, delete the numerals "610,924" and insert in lieu thereof the numerals "628,773"

On page 5 of the engrossed bill, line 5, delete the numerals "317,779" and insert in lieu thereof the numerals "319,879"

On page 5 of the engrossed bill, line 6, delete the numerals "158,599" and insert in lieu thereof the numerals "162,583"

On page 5 of the engrossed bill, line 7, underscore the numerals "108,248"

On page 5 of the engrossed bill, delete line 8

On page 5 of the engrossed bill, line 25, delete the numerals "68,308" and insert in lieu thereof the numerals "102,325"

On page 5 of the engrossed bill, line 26, delete the numerals "9,828,751" and insert in lieu thereof the numerals "9,862,768"

On page 5 of the engrossed bill, line 28, delete the numerals "239,814" and insert in lieu thereof the numerals "241,000"

On page 5 of the engrossed bill, line 29, delete the numerals "26,400" and insert in lieu thereof the numerals "28,900"

On page 5 of the engrossed bill, line 30, delete the numerals "26,000" and insert in lieu thereof the numerals "31,000"

On page 5 of the engrossed bill, line 32, delete the numerals "303,214" and insert in lieu thereof the numerals "311,900"

On page 5 of the engrossed bill, line 33, delete the numerals "169,483" and insert in lieu thereof the numerals "163,000"

On page 5 of the engrossed bill, line 34, delete the numerals "133,731" and insert in lieu thereof the numerals "148,900"

On page 5 of the engrossed bill, line 35, delete the numerals "116,091,836" and insert in lieu thereof the numerals "116,494,170"

On page 6 of the engrossed bill, line 1, delete the numerals "38,995,085" and insert in lieu thereof the numerals "39,506,619"

On page 6 of the engrossed bill, line 2, delete the numerals "155,086,921" and insert in lieu thereof the numerals "156,000,789"

On page 7 of the engrossed bill, after line 9, insert the following new sections:

"SECTION 6. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the university of North Dakota shall allocate thirteen full-time equivalent faculty positions to the UND school of law for the 1978-1979 school year.

SECTION 7. LEGISLATIVE INTENT.) The legislative assembly recognizes the need for flexibility in coordination of the use of appropriated funds and nonappropriated funds for the development of the medical school; however, it is the intention of the legislative assembly that any proposed departure from the priorities established for development of the medical school residency program be approved by the budget section of the legislative council prior to implementation.

SECTION 8. NORTH DAKOTA STATE UNIVERSITY.) In addition to the appropriations and authorizations provided by this Act, there is hereby appropriated \$308,000.00 for the North Dakota state university from the general fund in the state treasury during the biennium beginning July 1, 1977, and ending June 30, 1979, to be used only in the event of a reduction, and only to the extent of such reduction, in either or both years of the biennium in the receipt of federal funds by the North Dakota state university pursuant to the Bankhead-Jones Act. Such reduction during each year of the biennium shall be determined by subtracting the amounts received under the Bankhead-Jones Act each year from the amounts received during the fiscal year ended June 30, 1976. Funds shall be made available pursuant to this contingency appropriation only upon approval of the state board of higher education and with written notification by such board to the director of accounts and purchases.

SECTION 9. BOARD OF HIGHER EDUCATION — BOND ISSUANCE — PURPOSES.) The state board of higher education is hereby authorized to issue and sell in accordance with chapter 15-55, self-liquidating, tax-exempt bonds in an amount not to exceed five hundred fifty thousand dollars for the purpose of renovating and remodeling pioneer hall at Minot state college, Minot, North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 10. APPROPRIATION — USE OF PROCEEDS.) The proceeds resulting from the sale of bonds authorized in section 9, or so much thereof as may be necessary, are hereby appropriated for renovating and remodeling pioneer hall at Minot state college as authorized in section 9. Any unexpended balances from the sale of bonds shall be placed in a sinking fund for the retirement of the bonds authorized in section 9.

SECTION 11. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that if the department of vocational education has funds available to fund the admission counselor II position at the state school of forestry on a fifty percent ratio basis with the state, upon receiving such funds from the department of vocational education, the

state school of forestry shall return to the general fund fifty percent of the general fund appropriation included in its budget to fund the admission counselor's position."

And renumber the lines, sections, and pages accordingly.

And when so amended, recommends the same do pass.

Statement of Purpose of Amendment:

#### Title IX

This amendment deletes the \$180,000 "Title IX" line item from the University of North Dakota and North Dakota State University appropriations. The estimated income and the general fund appropriations were reduced each by \$90,000. It is the intent that although the Title IX line items were deleted these institutions comply with Title IX directives to provide equal opportunities in programs coming under the provisions of Title IX at the universities to both women and men. Funds to comply with such directive shall be derived from the other line item appropriations in the budgets.

For all other institutions of higher education, Title IX funds were allocated to the line items in each college's budget for equal opportunities for women as follows:

|                            | Salaries<br>and<br>wages | Fees<br>and<br>services | Supplies<br>and<br>materials | Equip-<br>ment | Total    |
|----------------------------|--------------------------|-------------------------|------------------------------|----------------|----------|
| Minot State College        | \$60,000                 | \$ 7,500                | \$7,500                      | \$ 5,000       | \$80,000 |
| Dickinson State College    | 43,660                   | 21,000                  | 5,340                        | 1,000          | 80,000   |
| Valley City State College  | 56,067                   | 17,849                  | 2,100                        | 3,984          | 80,000   |
| Mayville State College     | 23,700                   | 24,352                  | 5,980                        | 25,968         | 80,000   |
| ND State School of Science | 64,274                   | —                       | 3,486                        | 12,240         | 80,000   |
| NDSU-Bottineau             | 47,230                   | 705                     | 1,000                        | 2,000          | 50,935   |

#### State School of Forestry—Bottineau

In addition to allocating the Title IX funds among the appropriate line items this amendment adds \$29,954 to the salaries and wages line item for an admissions counselor II position and adds \$19,000 to the fees and services line item to allow for the continuation of the present level of services.

#### North Dakota Forest Service

This amendment adds \$14,131 to the salaries and wages line item for a clerk-typist position.

#### State School of Science—Wahpeton

In addition to allocating Title IX funds among the appropriate line items this amendment adds \$114,000 to the salaries and wages line item of the State School of Science's appropriation for three new positions needed as a result of 150 additional students not anticipated when the budget for the 1977-79 biennium was prepared. The additional \$114,000 is funded from institutional collections.

#### Dickinson State College

The amendment to Dickinson State College's appropriation is allocating Title IX funds among the appropriate line items.

#### Minot State College

In addition to allocating Title IX funds among the appropriate line items of the Minot State College appropriation, this amendment appropriates \$100,000 to Minot State College to adapt facilities for improved access of handicapped persons. This amendment also authorizes the

Board of Higher Education to sell revenue bonds (\$550,000 worth) for renovating and remodeling Pioneer Hall at Minot State College. Mayville State College

In addition to allocating Title IX funds among the appropriate line items this amendment increases salaries and wages by \$38,965 for two new instructor positions for the second year of the biennium, one of which is added for the court reporting program and the other in the English Department. This amendment increases fees and services by \$30,799 and supplies and materials by \$26,346 to provide instructional support funds for four new positions added in the Governor's budget.

Valley City State College

The amendment to the Valley City State College appropriation is allocating Title IX funds among the appropriate line items.

Medical Center Rehabilitation Hospital

This amendment adds \$34,017 to the equipment line item of the Medical Center Rehabilitation Hospital's appropriation for the replacement of as well as for additional equipment needed for the physical and occupational therapy programs.

NDSU—Toxicology Laboratory

This amendment increases the salaries and wages line item for the NDSU-Toxicology Laboratory by \$1,186 for adequate fringe benefits. Also, fees and services are increased by \$2,500 and supplies and materials by \$5,000 to provide adequate funds for present levels of operations and increased workload. Estimated income is reduced by \$6,483 to reflect revised estimates.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2006

On page 3 of the engrossed bill, line 4, delete the numerals "29,400" and insert in lieu thereof the numerals "30,200"

On page 3 of the engrossed bill, line 7, delete the numerals "55,900" and insert in lieu thereof the numerals "56,700"

On page 3 of the engrossed bill, line 8, delete the numerals "2,165,430" and insert in lieu thereof the numerals "1,420,267"

On page 3 of the engrossed bill, line 9, delete the numerals "1,089,340" and insert in lieu thereof the numerals "657,692"

On page 3 of the engrossed bill, line 10, delete the numerals "3,254,770" and insert in lieu thereof the numerals "2,077,959"

And renumber the lines and subdivisions accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to delete the funding for the Weather Modification Board and to increase the Civil Air Patrol appropriation by \$800 for Workmen's Compensation coverage.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2008

On page 1, line 9, delete the numerals "194,599,750" and insert in lieu thereof the numerals "222,599,750"

On page 1, line 20, delete the numerals "112,215,000" and insert in lieu thereof "140,215,000"

On page 2, line 2, delete the numerals "194,599,750" and insert in lieu thereof "222,599,750"

And renumber the pages and lines accordingly.

## Statement of the Purpose of the Amendment:

This will include new monies from Senate Bills 2234 and 2240.

**HOUSE AMENDMENTS TO SENATE BILL No. 2110**

On page 2, line 29 of the engrossed bill, delete the second word "to" and insert in lieu thereof the word "the"

And renumber the lines and pages accordingly.

On page 4, line 22 of the engrossed bill, delete the beginning triple parentheses before the word "ISLANDS"

On page 4, line 23, delete the ending triple parentheses after the word "STATE" and also on line 23, delete the words "ACQUATIC LANDS IN NAVIGABLE WATERS"

On page 4, line 24, delete the beginning triple parentheses before the word "Islands"

On page 4, line 25, delete the ending triple parentheses after the word "navigable" and also on line 25 delete the words "Land lying within the ordinary"

On page 4, line 26, delete the words "high watermark of navigable bodies of water"

On page 4, line 27, delete the beginning triple parentheses before the word "if" and also on line 27, delete the ending triple parentheses after the word "contrary" and also on line 27, delete the word "and"

On page 4, line 28, delete the words "shall be governed by the provisions of chapter 15-08.2" and also on line 28 delete the beginning triple parentheses before the word "The"

On page 4, line 32, insert beginning triple parentheses before the word "Bank" and also on line 32, insert ending triple parentheses after the word "Dakota" and insert in lieu thereof the words "board of university and school lands"

On page 5, line 5, delete the ending triple parentheses after the period  
And renumber the lines and pages accordingly.

**HOUSE AMENDMENTS TO SENATE BILL No. 2384**

In lieu of the amendments printed on page 1150 of the House Journal insert the following amendments:

On page 1 of the engrossed bill, delete everything after the words "A BILL", including the amendments adopted by the House State and Federal Government Committee and adopted by the House, and delete the remainder of the bill and insert in lieu thereof "for an Act to authorize the state board of higher education to sell certain land presently used by the Dickinson experiment station; to provide for the use of the proceeds of the sale of such land; to provide for the purchase of replacement land for the use of the Dickinson experiment station; to provide an appropriation; and to declare an emergency.

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

**SECTION 1.)** The state board of higher education is authorized to sell and convey the following property presently used by the Dickinson experiment station and comprising approximately five hundred eighty-four acres:

1. That portion of land owned by the board in the northeast quarter of section five, township one hundred thirty-nine north, range ninety-six west.

2. That portion of land owned by the board in the southeast quarter of section five, township one hundred thirty-nine north, range ninety-six west.



3. That portion of land owned by the board in the west half of section four, township one hundred thirty-nine north, range ninety-six west.

4. That portion of land owned by the board in the southwest quarter, the south half of the northwest quarter, and lots three and four, all of section five, township one hundred thirty-nine north, range ninety-six west.

SECTION 2.) The state board of higher education is authorized to create a nonprofit corporation whose members shall be: one member of the board of higher education; one legislator designated by the legislative council from either legislative district where the land described in section 1 is located; the director of the main experiment station or his designee; one member of the Dickinson City Commission; one member of the Dickinson school board; one member of the Dickinson planning and zoning commission; and one member at large selected by the designated committee members. This nonprofit corporation shall facilitate the sale and conveyance of the land described in section 1 for the board. Section 54-01-05.2 shall not apply to the sale of land described in section 1, but the board shall not sell the land at less than the appraised value of comparable property being sold at the time of the sale and the land shall be sold within ten years. The board shall deed nine and two-tenths acres more or less to Dickinson state college for future use.

SECTION 3.) The state board of higher education is authorized to purchase the following described land, comprising approximately two thousand three hundred twenty acres, as replacement land for use by the Dickinson experiment station:

1. The southeast quarter of section eleven, the northwest quarter of section thirteen, the north half of section fourteen, and the south half of section fifteen, all in township one hundred forty north, range ninety-seven west.

2. The south half of section twenty-two and the northeast quarter of section twenty-seven, all in township one hundred forty north, range ninety-seven west.

3. The west half of section eight, township one hundred forty north, range ninety-six west.

4. The southwest quarter of section three, the east half of section ten, and the east half of the northeast quarter of section fifteen, all in township one hundred forty north, range ninety-seven west.

SECTION 4.) All payments received by the state board of higher education from the nonprofit corporation upon sale of land described in section 1 shall be deposited in the general fund of the state treasury.

SECTION 5. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,500,000.00, or so much thereof as may be necessary, to the state board of higher education for the purpose of purchasing the land described in section 4 and constructing facilities on the land, all for the use of the Dickinson experiment station, for the biennium beginning July 1, 1977, and ending June 30, 1979.

SECTION 6. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines and pages accordingly.

On page 2 of the engrossed bill delete lines 5 through 10

On page 2, line 11, delete the words "the land" and insert in lieu thereof the words "the Board of Higher Education is authorized to create a non-

profit corporation whose members shall be: one member of the State Board of Higher Education; one member of the legislature from the affected districts designated by the legislative council; the director of the main experiment station or his designee; one member of the Dickinson City Commission; one member of the Dickinson school board; one member of the Dickinson planning and zoning commission; and one member at large selected by the designated committee members. This non-profit corporation will facilitate the sale and conveyance of the land described in Section 1 for the Board. The Board of Higher Education shall not sell the land at less than the appraised value of the comparable property being sold at the time of the sale and it shall be sold within ten years. The Board shall deed nine and two-tenths acres more or less to Dickinson State College for future use."

On page 2, delete lines 12 through 32

On page 2, line 33, delete the words "All payments received by the state board of" and insert in lieu thereof the words "The net proceeds from the disposition of the property described in section 1 shall be deposited in the general fund of the state treasury."

On page 2, delete lines 34 and 35

On page 3, delete line 1

On page 3, line 33, delete the words "any rents or profits" and insert in lieu thereof the words "the net"

On page 3, line 34, delete the first "or"

And renumber the lines, sections and pages accordingly.

#### HOUSE AMENDMENTS TO SENATE BILL No. 2496

On page 1, line 8, after the word "of" insert the following: "special assessment"

#### House Chamber

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

Senate Bill No. 2093

Senate Bill No. 2131

Senate Bill No. 2154

Senate Bill No. 2344

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. 3109

ROY GILBREATH, Chief Clerk

#### House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1325

ROY GILBREATH, Chief Clerk

#### House Chamber

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

Senate Bill No. 2009

Senate Bill No. 2036

Senate Bill No. 2092

Senate Bill No. 2109

Senate Bill No. 2146  
 Senate Bill No. 2158  
 Senate Bill No. 2171  
 Senate Bill No. 2201  
 Senate Bill No. 2246  
 Senate Bill No. 2280  
 Senate Bill No. 2287  
 Senate Bill No. 2325  
 Senate Bill No. 2398  
 Senate Bill No. 2520

ROY GILBREATH, Chief Clerk

MESSAGES 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. 1028:

Senator Wright  
 Senator Farrington  
 Senator Redlin

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1344

LEO LEIDHOLM, Secretary

Senate Chamber

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

Senate Concurrent Resolution No. 4086

LEO LEIDHOLM, Secretary

Senate Chamber

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

House Bill No. 1551  
 House Bill No. 1553  
 House Concurrent Resolution No. 3021  
 House Concurrent Resolution No. 3028  
 House Concurrent Resolution No. 3034  
 House Concurrent Resolution No. 3049  
 House Concurrent Resolution No. 3051  
 House Concurrent Resolution No. 3058  
 House Concurrent Resolution No. 3059  
 House Concurrent Resolution No. 3098  
 House Concurrent Resolution No. 3101  
 House Concurrent Resolution No. 3105

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. 1046  
 House Bill No. 1294  
 House Bill No. 1315

House Bill No. 1317  
House Bill No. 1342  
House Bill No. 1364  
House Bill No. 1381  
House Bill No. 1387  
House Bill No. 1392  
House Bill No. 1397  
House Bill No. 1404  
House Bill No. 1418  
House Bill No. 1424  
House Bill No. 1429  
House Bill No. 1431  
House Bill No. 1436  
House Bill No. 1448  
House Bill No. 1497  
House Bill No. 1508  
House Bill No. 1517  
House Bill No. 1541  
House Bill No. 1546  
House Bill No. 1569  
House Bill No. 1573

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. 2552

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

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

MESSAGE TO THE HOUSE

Senate Chamber

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

Senate Bill No. 2552

Senate Bill No. 2553

LEO LEIDHOLM, Secretary

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

Senator Nething moved that the Senate adjourn until Friday, March 25, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## FIFTY-SEVENTH DAY

Bismarck, March 25, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Fr. Stanley Sticka, Corpus Christi Church, Bismarck.

"Let us be thankful for the divine presence and for the effort on our part and the work accomplished thus far. As we are in the latter days of this arduous session, we need your special assistance, Father Almighty. May the final decisions truly promote the spiritual and temporal welfare of the people this State.

Where there were human failings or insincere acts on our part, we now humbly beg pardon, Lord God of mercy.

In an assembly of this kind there are bound to be conflicting opinions and judgments concerning matters that are vital to some people. May no deliberate ill feelings remain and mar the charity among members of this Senate. No government composed of human beings is ever perfect. But, Lord, reward the members of this legislature for the effort they expended to ensure the greater good for the people, especially those in real need.

May the Word of God dwell in us in all its richness. Whatever our life situation is, we will turn to you, Lord, and give you glory now and forever.

Amen."

The roll was called and all Senators were present except Senator Smykowski.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-sixth day and recommends that the same be corrected as follows:

On page 1377, line 19, delete the numbers 1048 and insert in lieu thereof the numbers 1408.

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Shablow moved that the report be adopted, which motion prevailed.

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 24, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 23, 1977, I signed the following Senate Bills:

Senate Bill No. 2198  
 Senate Bill No. 2206  
 Senate Bill No. 2223  
 Senate Bill No. 2263  
 Senate Bill No. 2291  
 Senate Bill No. 2405  
 Senate Bill No. 2449  
 Senate Bill No. 2453  
 Senate Bill No. 2530  
 Senate Bill No. 2534

Sincerely yours,

ARTHUR A. LINK, Governor

**FIRST READING OF SENATE RESOLUTIONS**

Committee on Delayed Bills Introduced:

**Senate Resolution No. 19.** A resolution to appoint an official photographer for the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota.

Was read the first time.

Senator Christensen moved that the rules be suspended, that Senate Resolution No. 19 not be printed as a bill, not be referred to a committee, but 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. 19**

Introduced by Committee on Delayed Bills.

A resolution to appoint an official photographer for the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made for all members of such assemblies; and

WHEREAS, Dakota-Color Studio of Bismarck, North Dakota, offers to take six color proof photographs of each Senator, the Lieutenant Governor, the Secretary of the Senate, the Assistant Secretary of the Senate, the Senate Desk Reporter, the Senate Sergeant-at-Arms, and the Senate Bill Clerk, and to retouch the final prints to make a composite color picture, size 30 x 40 inches, framed and ready to hang, of the photographs of the aforementioned; and to make one 5 x 7 inch color, and one 5 x 7 inch black-and-white, photograph of each Senator and the Lieutenant Governor; all of the foregoing at the cost of \$1,162.80;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:**

That Dakota-Color Studio of Bismarck, North Dakota, be and is hereby appointed official photographer for the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota; and

**BE IT FURTHER RESOLVED**, that Dakota-Color Studio of Bismarck, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate, the Lieutenant Governor, and the above-mentioned Senate employees of the Forty-fifth Legislative Assembly, at the cost of \$1,162.80 to be charged as a legislative expense; and

**BE IT FURTHER RESOLVED**, that the photographs shall be delivered on or before June 1, 1977.

**SECOND READING OF SENATE RESOLUTIONS**

Senate Resolution No. 19. A resolution to appoint an official photographer for the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution.

The roll was called and there were ayes, 44; nays, 2; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBEN           |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEF        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          | •   |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    | •   |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR PRESIDENT     |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Resolution No. 19 was adopted.

**REPORTS OF STANDING COMMITTEES**

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4051 has had the same under consideration and recommends that the same be indefinitely postponed.

**SENATOR WENSTROM, Chairman**

Senate Concurrent Resolution No. 4051 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4053 has had the same under consideration and recommends that the same be indefinitely postponed.

**SENATOR WENSTROM, Chairman**

Senate Concurrent Resolution No. 4053 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4054 has had the same under consideration and recommends that the same be indefinitely postponed.

**SENATOR WENSTROM, Chairman**

Senate Concurrent Resolution No. 4054 was placed on the 11th order of business on the calendar for the succeeding legislative day.

**FIRST READING OF HOUSE BILLS**

House Bill No. 1599. A Bill for an Act to amend and reenact section 2-07-11.1 of the North Dakota Century Code, relating to county appropriations for weather modification.

Which was read the first time and referred to the Committee on Political Subdivisions.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

House Concurrent Resolution No. 3106. A concurrent resolution commending Mr. Steve Kilwein of Dickinson State College for his outstanding wrestling accomplishments.



Was read the first time.

Senator Freed moved that the rules be suspended, that House Concurrent Resolution No. 3106 as printed on page 1486 of the House Journal be read in its entirety and 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. 3106.** A concurrent resolution commending Mr. Steve Kilwein of Dickinson State College for his outstanding wrestling accomplishments.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3106 was declared adopted on a voice vote.

**FIRST READING OF A HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 3108.** A concurrent resolution supporting legislation introduced in the United States Congress to restore the Fort Union fur trading post on the North Dakota-Montana border.

Was read the first time.

Senator Wenstrom moved that the rules be suspended, that House Concurrent Resolution No. 3108 as printed on page 1508 of the House Journal be read in its entirety and 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. 3108.** A concurrent resolution supporting legislation introduced in the United States Congress to restore the Fort Union fur trading post on the North Dakota-Montana border.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3108 was declared adopted on a voice vote.

**FIRST READING OF A HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 3109.** A concurrent resolution commending Mrs. Karen Hoffman upon being named North Dakota Sports-writer of the Year.

Was read the first time.

Senator Reiten moved that the rules be suspended, that House Concurrent Resolution No. 3109 printed on page 1542 of the House Journal be read in its entirety and 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. 3109.** A concurrent resolution commending Mrs. Karen Hoffman upon being named North Dakota Sports-writer of the Year.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3109 was declared adopted on a voice vote.

Senator Nething moved that the Senate stand recessed until 1:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGES TO THE HOUSE  
Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2025  
 Senate Bill No. 2202  
 Senate Bill No. 2221  
 Senate Bill No. 2222  
 Senate Bill No. 2296  
 Senate Bill No. 2324  
 Senate Bill No. 2331  
 Senate Bill No. 2408  
 Senate Bill No. 2431  
 Senate Bill No. 2442

LEO LEIDHOLM, Secretary  
 Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

House Bill No. 1052  
 House Bill No. 1148  
 House Bill No. 1156  
 House Bill No. 1174  
 House Bill No. 1245  
 House Bill No. 1388

LEO LEIDHOLM, Secretary  
 MESSAGES FROM THE HOUSE  
 House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on Senate Bill No. 2126:

Rep. Rylance  
 Rep. Herslip  
 Rep. Wagner

ROY GILBREATH, Chief Clerk  
 House Chamber

Mr. President: I have the honor to return herewith the following, which the House has failed to pass:

Senate Bill No. 2304  
 Senate Bill No. 2545

ROY GILBREATH, Chief Clerk  
 House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on House Bill No. 1252.

ROY GILBREATH, Chief Clerk  
 House Chamber

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:

Senate Bill No. 2420  
 Senate Bill No. 2460  
 Senate Bill No. 2475  
 Senate Bill No. 2476  
 Senate Concurrent Resolution No. 4049

ROY GILBREATH, Chief Clerk

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2031  
 Senate Bill No. 2051  
 Senate Bill No. 2122  
 Senate Bill No. 2148  
 Senate Bill No. 2184  
 Senate Bill No. 2214  
 Senate Bill No. 2218  
 Senate Bill No. 2262  
 Senate Bill No. 2378  
 Senate Bill No. 2406

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 Bill No. 2014.

Refused to concur in the House amendment to:

Senate Bill No. 2005  
 Senate Bill No. 2010  
 Senate Bill No. 2011  
 Senate Bill No. 2548

And the President has appointed as a conference committee to act with a like committee from the House,

Senate Bill No. 2005:

Senator Melland  
 Senator Strinden  
 Senator Maher

Senate Bill No. 2010:

Senator Melland  
 Senator Wenstrom  
 Senator Maher

Senate Bill No. 2011:

Senator Thane  
 Senator Hanson  
 Senator Larson

Senate Bill No. 2548:

Senator Naaden  
 Senator Hanson  
 Senator Maher

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has passed unchanged:

House Bill No. 1074  
 House Concurrent Resolution No. 3106  
 House Concurrent Resolution No. 3108  
 House Concurrent Resolution No. 3109

LEO LEIDHOLM, Secretary

#### POINT OF PERSONAL PRIVILEGE

Senator Barth:

I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President, Ladies, and Gentlemen of the Senate, I learned this morning that the Republican Floor Leader of the House, Representative

Earl Strinden, instructed some employees of our phone pool to deliver copies of all messages relating to the "fun bus" to him. I learned that the content of a phone message, intended for me, was delivered to Representative Strinden.

This is a serious breach of privacy. It is no different than if Representative Strinden opened my mail and read it secretly before I got it.

I request that a joint meeting of the employment committee be called immediately, a hearing be held, witnesses called and a thorough investigation of this matter be conducted. A report should then be delivered to both Houses of this Assembly on the results of this investigation by no later than Tuesday, March 29, 1977.

All members of the Legislature should be concerned about the implications of this irresponsible act. Yesterday's incident leads me to wonder whether Representative Strinden has been using the phone pool as a means of obtaining information on other matters before this assembly.

Does Representative Strinden have all messages for Legislators copied and delivered to him?

Do others use the phone pool to obtain information for political purposes?

These are the same type of tactics used by Haldeman and Ehrlichman to blackmail their enemies.

This is a private communication between two people. It is not meant for anyone else's ears. Does Representative Strinden use the phone pool to obtain messages on the coal severance tax or other political matters.

I submit to you that this is a very serious matter that demands investigation.

#### MOTIONS

Senator Barth moved that the Majority and Minority floor leaders meet with the chairman of the Senate Employment Committee to work out a way to investigate the matter in the proper manner to find out what really happened and why, and to take the proper action if necessary.

Senator Nothing moved that further consideration of Senator Barth's motion be laid over one legislative day, which motion prevailed.

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2001 as printed on pages 1377-1382 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2001:

Senator Lips  
Senator Melland  
Senator Walsh

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2006 as printed on page 1382 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2006:

Senator Thane

Senator Hanson

Senator Maher

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2008 as printed on pages 1382-1383 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2008:

Senator Lips

Senator Naaden

Senator Larson

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill No. 2384 as printed on pages 1383-1385 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

**APPOINTMENT OF A CONFERENCE COMMITTEE**

The President appointed as a conference committee on Senate Bill No. 2384:

Senator Naaden

Senator Melland

Senator Erdman

Senator Nething moved that the Senate recess until 3:15 so that the members can work on conference committees on House Bills, which motion prevailed.

The Senate reconvened, the President presiding.

**RECOGNITION**

Senator Nething announced that the national secretary of the Future Farmers of America, Bruce Maloch, from Emerson, Arkansas was in the chamber. President Sanstead appointed Senators Sands and Krauter to escort Mr. Maloch to the rostrum. Mr. Maloch was introduced to the Senate members and addressed the assembly.

**MOTION**

Senator Nething moved that House Bill No. 1262 be placed at the head of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1262.** A Bill for an Act to provide for a severance tax upon all coal mined; to provide procedures for the imposition, collection, and administration of such tax; to provide for the allocation of moneys collected; to provide an impact program for impacted school districts, cities counties, and other taxing districts; to provide for the establishment of a coal impact office in the office of the governor; to provide for impact loans to be administered by the board of university and school lands; and to provide a penalty.

Which has been read.

Senator Goodman offered the proposed amendments to House Bill No. 1262:

On page 1, line 1, delete everything after the words "A BILL", delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for a severance tax upon all coal mined; to provide procedures for the imposition, collection, and administration of such tax; to provide for the allocation of moneys collected; to provide an impact program for impacted school districts, cities, counties, and other taxing

districts; to provide for the establishment of a coal impact office in the office of the governor; to provide for impact loans to be administered by the board of university and school lands; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. SEVERANCE TAX UPON COAL — IMPOSITION — COMPUTATION OF INCREASES — IN LIEU OF SALES AND USE TAXES — PAYMENT TO THE TAX COMMISSIONER.) There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax in an amount to be determined as follows:

1. Sixty-five cents per ton of two thousand pounds; and
2. For every three points increase in the index of wholesale prices for all commodities prepared by the United States department of labor, bureau of labor statistics, the amount of the severance tax provided in subsection 1 shall be increased one cent per ton of two thousand pounds. For the purposes of this computation, a fractional point increase shall be disregarded if less than one-half point and treated as one full point if one-half point or more. The state tax commissioner shall determine such increases based upon increases in the wholesale price index from the level of such index as of June 1977 to the level of such index as of the last month of the quarter immediately preceding the quarter for which any taxes are due. At no time shall the amount of the severance tax be reduced. If the wholesale price index declines, the severance tax shall remain at the highest level determined prior to such decline, and shall remain at such level until further increases are warranted because of further increases in the wholesale price index beyond the point at which the last increase was determined.

Such severance tax shall be in lieu of any sales or use taxes imposed by law. Each coal mine owner or operator shall remit such tax for each calendar quarter, within thirty days after the end of each quarter, to the state tax commissioner upon such reports and forms as the tax commissioner shall deem necessary. If the method of determining increases in the amount of the severance tax provided in subsection 2 is for any reason held to be invalid, such decision shall not affect the validity of the amount of the tax provided in subsection 1.

SECTION 2. WHEN TAX DUE — WHEN DELINQUENT.) The severance tax as provided in this chapter shall be due within thirty days after the end of each quarter, and if not received by the thirtieth day, shall become delinquent and shall be collected as herein provided. The tax commissioner, upon request and a proper showing of the necessity therefor, may grant an extension of time, not to exceed fifteen days, for paying the tax, and when such a request is granted, the tax shall not be delinquent until the extended period has expired. The tax commissioner shall require a report to be filed quarterly by each owner or operator of a coal mine, in such form as the tax commissioner may specify, to list a full description of the mine, the number of tons of coal severed, the amount of tax due and remitted, and any other information deemed necessary by the tax commissioner for the proper administration of this chapter.

SECTION 3. POWERS OF STATE TAX COMMISSIONER.) The state tax commissioner shall have the power to require any person engaged in such production, and the agent or employee of such person, or purchaser of such coal, or the owner of any royalty interest therein, to furnish any additional information by him deemed to be necessary for the purpose of

correctly computing the amount of said tax, and to examine the books, records, and files of such person, and shall have power to conduct hearings and compel the attendance of witnesses, the production of books, records, and papers of any person, and full authority to make any investigation or hold any inquest deemed necessary to a full and complete disclosure of the true facts as to the amount of production from any coal mine or of any company or other producer thereof, and as to the rendition thereof for taxing purposes.

**SECTION 4. TAX COMMISSIONER TO COMPUTE TAX ON INCORRECT RETURNS.)** The state tax commissioner shall have the power and authority to ascertain and determine whether or not any report or remittances filed with him are correct, and if the owner or operator has made an untrue or incorrect report or remittance, the commissioner shall ascertain the correct amount of taxes due, and give immediate notice to the owner or operator filing the incorrect return or remittance. Any coal mine operator or owner receiving notice from the tax commissioner that he has filed an incorrect return or remittance shall remit the tax assessed by the commissioner within fifteen days of such notice. Any owner or operator aggrieved by a decision of the tax commissioner may make application in writing within fifteen days of notification for a hearing which shall be granted not later than fifteen days after receipt of the application. The tax commissioner may grant or reject, in whole or in part, the contentions of the owner or operator and upon conclusion of the hearing shall proceed to make a final determination of taxes due. Such taxes assessed by the commissioner shall become delinquent five days after the conclusion of the hearing, except in such cases where an owner or operator shall appeal such assessment to the district court of Burleigh County, in which case they shall become delinquent five days following final judicial determination.

**SECTION 5. PENALTY ON DELINQUENCY — FAILURE TO FILE REPORTS.)** Where the severance tax provided for in this chapter shall become delinquent, it shall, as a penalty for such delinquency, bear interest at the rate of eight percent per annum. If the quarterly report is not filed within thirty days after the end of any quarter and taxes due paid, the tax commissioner shall notify the delinquent owner or operator of such delinquency, and if such report and remittance are not filed within an additional fifteen days, the tax commissioner shall notify the public service commission, which shall forthwith suspend such owner's or operator's license or permit until such time as payment is received, or the issues settled to the satisfaction of the tax commissioner.

**SECTION 6. LIEN FOR TAX.)** The severance tax herein referred to shall, at all times, be and constitute a first and paramount lien against the producer's property as the case may be, both real and personal. In all cases where such tax is not paid, it may be recovered in a civil action by the state tax commissioner, brought in the name of the state, in any court of competent jurisdiction of the county where any such property, assets, and effects are located.

**SECTION 7. APPEAL FROM DECISION OF TAX COMMISSIONER.)** Any person aggrieved because of any action or decision of the tax commissioner under the provisions of sections 1 through 8 of this Act may appeal to the district court of Burleigh County.

**SECTION 8. RULES AND REGULATIONS — BOND.)** The tax commissioner is hereby authorized and empowered to prescribe and

promulgate all necessary rules and regulations for the purpose of making and filing of all reports required hereunder and otherwise necessary to the enforcement of sections 1 through 8 of this Act, and may, at his option and discretion, require a sufficient bond from any coal mine operator or owner charged with the making and filing of reports and the payment of the taxes herein imposed, and said bond shall run to the state of North Dakota and shall be conditioned upon the making and filing of reports as required by law or regulation, and for the prompt payment, by the principal therein, of all taxes justly due the state by virtue of the provisions of sections 1 through 8 of this Act.

**SECTION 9. PENALTY.**) Any person intentionally violating any of the provisions of sections 1 through 8 of this Act is guilty of a class A misdemeanor.

**SECTION 10. COAL DEVELOPMENT FUND ESTABLISHED.)** Moneys collected by the state tax commissioner pursuant to the provisions of sections 1 through 9 of this Act shall be paid to the state treasurer and shall be credited to a special fund in the state treasury, to be known as the coal development fund. The moneys accumulated in such fund shall be allocated as provided by law and as appropriated by the legislative assembly.

**SECTION 11. DEFINITIONS.)** As used in sections 11 through 15 of this Act, unless the context or subject matter otherwise requires:

1. "Coal development" means the mining of coal and industries directly related to the processing of coal, including, but not limited to: the generation of electricity from coal or coal products, coal gasification, coal liquefaction, and the manufacture of fertilizer from coal.

2. "Impacted city" means a city which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

3. "Impacted county" means a county which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

4. "Impacted school district" means a public school district which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

5. "Impacted taxing district" means a taxing district as defined in subsection 6 of this section which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

6. "Taxing district" means any political subdivision, other than those included in subsections 2 through 4 of this section, empowered by law to levy taxes.

**SECTION 12. ALLOCATION OF MONEYS IN COAL DEVELOPMENT FUND.)** Moneys deposited in the coal development fund shall be apportioned quarterly by the state treasurer as follows:

1. Thirty-five percent shall be credited to a special fund in the state treasury for distribution through grants by the coal development impact office to impacted cities, counties, school districts, and other taxing districts, subject to appropriation by the legislative assembly.

2. Fifteen percent shall be credited to a special fund in the state treasury to be held in trust to be administered by the board of university and school lands for loans to impacted counties, cities, and school districts as provided in section 13 of this Act. The board of university and



school lands shall have full authority to invest such funds as are not loaned as provided in this chapter and may consult with the state investment board as provided by law. The income, including interest payments on loans, from such trust shall be deposited in the state's general fund. Loan principal payments shall be redeposited in the trust fund. Such trust fund shall be perpetual and held in trust as a replacement for depleted natural resources subject to the provisions of this chapter.

3. Twenty percent shall be allocated to the coal-producing counties and shall be distributed among such counties in such proportion as the number of tons of coal severed in each county bears to the total number of tons of coal severed in the state during such quarterly period. Such allocations shall be apportioned as follows:

a. Thirty percent shall be paid by the county treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census;

b. Forty percent shall be deposited by the county treasurer in the county general fund to be used for general governmental purposes; and

c. Thirty percent shall be apportioned by the county treasurer to school districts within the county on the average daily membership basis, as certified to him by the county superintendent of schools.

4. Thirty percent shall be deposited in the state's general fund.

**SECTION 13: LOANS — TERMS AND CONDITIONS — REPAYMENT.**) The board of university and school lands is authorized to make loans to impacted counties, cities, and school districts from moneys deposited in the trust fund established by subsection 2 of section 12 of this Act. Loans may be made for any purpose for which a grant may be made pursuant to this chapter, but before making any loan the board of university and school lands shall receive the recommendation of the coal development impact office. The board of university and school lands shall prescribe the terms and conditions of such loans within the provisions of this chapter and shall require a warrant executed by the governing body of the county, city, or school district as evidence of such loan. The warrants shall bear interest at a rate not to exceed six percent. The warrants shall be payable only from the allocations of moneys from the coal development fund to the borrowing county, city, or school district and shall not constitute a general obligation of the county, city, or school district nor shall such loans be considered as indebtedness of the county, city, or school district. The terms of the loan shall provide that not less than ten percent of each allocation made to the borrowing county, city, or school district pursuant to this chapter shall be withheld by the state treasurer to repay the principal of the warrants and the interest thereon. The amount withheld by the state treasurer as payment of interest shall be deposited in the general fund and the amount withheld by the state treasurer as payment of principal shall be remitted to the board of university and school lands and deposited by the board in the trust fund provided for in subsection 2 of section 12 of this Act. The warrants executed by the county, city, or school district shall have all of the qualities and incidents of negotiable paper, and shall not be subject to taxation by the state of North Dakota or by any political subdivision thereof.

The board of university and school lands is authorized to sell such warrants to other parties and the proceeds of such sale which constitute principal shall be deposited in the trust fund and that which constitutes interest in the general fund. If the future allocations of moneys to the borrowing county, city, or school district should, for any reason, permanently cease, the loan shall be canceled except that if the county, city, or school district is merged with another county, city, or school district which receives an allocation of moneys from the coal development fund, the surviving county, city, or school district shall be obligated to repay the loan from such allocation. If the loan is canceled due to the permanent cessation of allocations of moneys to the county, city, or school district pursuant to this chapter, the board of university and school lands shall cancel those warrants it holds from such county, city, or school district and shall pay from any moneys in the trust fund provided for in subsection 2 of section 12 of this Act the principal and interest, as it becomes due, on those warrants of the county, city, or school district which are held by another party.

SECTION 14. COAL DEVELOPMENT IMPACT OFFICE — APPOINTMENT OF DIRECTOR.) There is hereby created in the office of the governor a coal development impact office. The director shall be appointed by and shall serve at the pleasure of the governor. The salary of the director shall be set by the governor within the limits of legislative appropriations. The director may employ such other persons as may be necessary and may fix their compensation within the appropriation made for such purpose.

SECTION 15. POWERS AND DUTIES OF COAL DEVELOPMENT IMPACT OFFICE.) The coal development impact office shall:

1. Develop a plan for the assistance, through financial grants for services and facilities, of counties, cities, school districts, and other political subdivisions in a coal development impact area.
2. Advise, study, recommend, and report to the governor and the legislative assembly on the impact to the state and the political subdivisions of the state resulting from coal development.
3. Establish procedures and provide proper forms to political subdivisions for use in making application for funds for impact assistance as provided in this chapter.
4. Make grants to counties, cities, school districts, and other taxing districts as provided in this chapter and within the appropriations made for such purposes. In determining the amount of impact grants for which political subdivisions are eligible, the amount of revenue to which such political subdivisions will be entitled from taxes upon the real property of coal development plants and from other tax or fund distribution formulas provided by law shall be considered."

And renumber the lines, sections, and pages accordingly.

Senator Goodman moved that the amendments be adopted.

Senator Barth requested a roll call vote on the motion to adopt the amendments, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to House Bill No. 1262, the roll was called and there were ayes, 29; nays, 18; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         | •   |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            | •   |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           | •   |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

The amendments were adopted.

Senator Goodman moved that the rules be suspended, that House Bill No. 1262 be placed on the calendar for second reading and final passage as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1262. A Bill for an Act to provide for a severance tax upon all coal mined; to provide procedures for the imposition, collection, and administration of such tax; to provide for the allocation of moneys collected; to provide an impact program for impacted school districts, cities counties, and other taxing districts; to provide for the establishment of a coal impact office in the office of the governor; to provide for impact loans to be administered by the board of university and school lands; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 29; nays, 18; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         | •   |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            | •   |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           | •   |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     | •    | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Hoffner moved that the vote by which House Bill No. 1262 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th order be dispensed with, which motion prevailed.

Senator Lips moved that the amendments to House Bill No. 1001 as recommended by the Committee on Appropriations as printed on pages 1362-1365 of the Senate Journal be adopted.

Senator Hoffner moved that the question be divided on adopting the amendments to House Bill No. 1001 that each section be voted upon separately as follows:





|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

Section 6 amendments, Department of Public Instruction, to House Bill No. 1001 were adopted.

**ROLL CALL**

The question being on adopting the amendments, Section 7, Commissioner of Insurance, to House Bill No. 1001, the roll was called and there were ayes, 29; nays, 18; absent and not voting, 3.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |           |     |      |                  |  |  |
| • BARTH         | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |           |     |      |                  |  |  |
| • BERUBE        | •   |      | • KRAUTER    | •   |      | • NOTHING  |     |      | • STRAND            | •   |      |           |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   | •   |      | • STRINDEN          |     |      |           |     |      |                  |  |  |
| • ERDMAN        | •   |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON        | •   |      |           |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |           |     |      |                  |  |  |
| • FREED         | •   |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE             |     |      |           |     |      |                  |  |  |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |           |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH             | •   |      |           |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        | •   |      | • SANDNESS |     |      | • WENSTROM          |     |      |           |     |      |                  |  |  |
| • HOFFNER       | •   |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |           |     |      |                  |  |  |
| • HOLMBERG      | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      |           |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  | •   |      |                     |     |      |           |     |      |                  |  |  |

Section 7 amendments, Commissioner of Insurance, to House Bill No. 1001 were adopted.

**ROLL CALL**

The question being on adopting the amendments, Section 8, Public Service Commission, to House Bill No. 1001, the roll was called and there were ayes, 41; nays, 6; absent and not voting, 3.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |           |     |      |                  |  |  |
| • BARTH         | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |           |     |      |                  |  |  |
| • BERUBE        | •   |      | • KRAUTER    | •   |      | • NOTHING  |     |      | • STRAND            | •   |      |           |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   | •   |      | • STRINDEN          |     |      |           |     |      |                  |  |  |
| • ERDMAN        | •   |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON        | •   |      |           |     |      |                  |  |  |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS          |     |      |           |     |      |                  |  |  |
| • FREED         | •   |      | • LIPS       |     |      | • RAIT     | •   |      | • THANE             |     |      |           |     |      |                  |  |  |
| • FRITZELL      | •   |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER            |     |      |           |     |      |                  |  |  |
| • GOODMAN       |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH             | •   |      |           |     |      |                  |  |  |
| • HANSON        |     |      | • MAU        | •   |      | • SANDNESS |     |      | • WENSTROM          |     |      |           |     |      |                  |  |  |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT            |     |      |           |     |      |                  |  |  |
| • HOLMBERG      | •   |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT     |     |      |           |     |      |                  |  |  |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  | •   |      |                     |     |      |           |     |      |                  |  |  |

Section 8 amendments, Public Service Commission, to House Bill No. 1001 were adopted.

**ROLL CALL**

The question being on adopting the amendments, Section 9, Commissioner of Agriculture, to House Bill No. 1001, the roll was called and there were ayes, 24; nays, 22; absent and not voting, 4.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | ROLL-CALL |     |      | 1977 LEGISLATURE |  |  |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|-----------|-----|------|------------------|--|--|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS      | N-V | NAYS |                  |  |  |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      |           |     |      |                  |  |  |
| • BARTH         | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG           |     |      |           |     |      |                  |  |  |
| • BERUBE        | •   |      | • KRAUTER    | •   |      | • NOTHING  |     |      | • STRAND            | •   |      |           |     |      |                  |  |  |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   | •   |      | • STRINDEN          |     |      |           |     |      |                  |  |  |
| • ERDMAN        | •   |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON        | •   |      |           |     |      |                  |  |  |

|              |           |          |              |
|--------------|-----------|----------|--------------|
| ● FARRINGTON | ● LEE     | PIETRON  | ● TENNEFOS   |
| ● FREED      | ● LIPS    | RAIT     | ● THANE      |
| ● FRITZELL   | ● LODOEN  | REDLIN   | ● VOSPER     |
| ● GOODMAN    | ● MAHER   | REITEN   | ● WALSH      |
| ● HANSON     | ● MAU     | SANDNESS | ● WENSTROM   |
| ● HOFFNER    | ● MELLAND | SANDS    | ● WRIGHT     |
| ● HOLMBERG   | ● MILLER  | SCHIRADO | MR PRESIDENT |
| ● ISZLER     | ● MORGAN  | SHABLOW  |              |

Section 9 amendments, Commissioner of Agriculture, to House Bill No. 1001 were adopted.

The question being on adopting the amendments to House Bill No. 1001. Senator Hoffner requested a roll call vote, which request was granted.

**ROLL CALL**

The question being on adopting all the proposed amendments to House Bill No. 1001, the roll was called and there were ayes, 29; nays, 18; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             | ●   |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     | ●    | ● KRAUTER    |     | ●    | ● NETHING  |     |      | ● STRAND         | ●   |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     | ●    | ● STRINDEN       |     |      |
| ● ERDMAN            | ●   |      | ● LASHKOWITZ |     | ●    | ● PETERSON |     |      | ● TALLACKSON     | ●   |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     |      | ● PIETRON  |     | ●    | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     | ●    | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     | ●    | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     | ●    | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MAU        |     | ●    | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           | ●   |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     | ●    | ● SCHIRADO |     | ●    | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     | ●    |                  |     |      |

All the proposed amendments to House Bill No. 1001 were adopted.

**CONSIDERATION OF AMENDMENTS**

Senator Lips moved that the amendments to House Bill No. 1002 as recommended by the Committee on Appropriations as printed on pages 1365-1367 of the Senate Journal be adopted.

Senator Strinden moved that the question be divided on adopting the amendments to House Bill No. 1002, that Section 5 be voted upon separately, which motion prevailed.

Senator Hoffner moved that the question be divided on adopting the amendments to House Bill No. 1002, that Section 6 be voted upon separately, which motion prevailed.

Senator Hoffner requested a roll call vote on the motion to adopt Sections 5 and 6 which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments to House Bill No. 1002, except Sections 5 and 6, the roll was called and there were ayes, 45; nays, 2; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     | ●    | ● KRAUTER    |     | ●    | ● NETHING  |     |      | ● STRAND         | ●   |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     | ●    | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     |      | ● PIETRON  |     | ●    | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     | ●    | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     | ●    | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     | ●    | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MAU        |     | ●    | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           | ●   |      | ● MELLAND    |     |      | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     | ●    | ● SCHIRADO |     | ●    | MR PRESIDENT     |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     | ●    |                  |     |      |





|             |            |          |               |
|-------------|------------|----------|---------------|
| BERUBE      | KRAUTER    | NETHING  | STRAND        |
| CHRISTENSEN | LARSON     | ORANGE   | STRINDEN      |
| ERDMAN      | LASHKOWITZ | PETERSON | TALLACKSON    |
| FARRINGTON  | LEE        | PIETRON  | TENNEFOS      |
| FREED       | LIPS       | RAIT     | THANE         |
| FRITZELL    | LODDEN     | REDLIN   | VOSPER        |
| GOODMAN     | MAHER      | REITEN   | WALSH         |
| HANSON      | MAU        | SANDNES  | WENSTROM      |
| HOFFNER     | MELLAND    | SANDS    | WRIGHT        |
| HOLMBERG    | MILLER     | SCHRADD  | MR. PRESIDENT |
| ISZLER      | MORGAN     | SHABLOW  |               |

The amendments to House Bill No. 1026 were adopted.

### MESSAGE TO THE HOUSE

#### Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to:

Senate Bill No. 2001

Senate Bill No. 2006

Senate Bill No. 2008

Senate Bill No. 2384

And the President has appointed as a conference committee to act with a like committee from the House,

Senate Bill No. 2001:

Senator Lips

Senator Melland

Senator Walsh

Senate Bill No. 2006:

Senator Thane

Senator Hanson

Senator Maher

Senate Bill No. 2008:

Senator Lips

Senator Naaden

Senator Larson

Senate Bill No. 2384:

Senator Naaden

Senator Melland

Senator Erdman

LEO LEIDHOLM, Secretary

#### POINT OF PERSONAL PRIVILEGE

Senator Walsh: Mr. President, I rise on a point of personal privilege and request my remarks be printed in the Journal. In recent days, we have heard a great deal in relation to the so called Fun Bus or Buses incident. The people at home are upset and they should be. Legislators who are elected for the purpose of making and changing laws are suddenly finding themselves in the position of breaking laws, and I refer to drinking on the bus or buses while on the State of North Dakota business and pay. This is hypocrisy, these actions and conduct are unbecoming electorate Representatives and Senators of the people of the State of North Dakota.

The press has apparently reported the facts. This is as it should be. Unfortunately there are innocent legislators caught up in the whole mess. This legislature, both House and Senate should probably apologize, I think, to the people of North Dakota for their asinine actions while on the trip to and from Jamestown for the Garrison hearing. I, for one, do at this time, publicly apologize to the people of North Dakota for any action of mine that may have contributed to this fiasco.

Senator Thane moved that the absent Senator be excused, which motion prevailed.

Senator Nething moved that the Senate adjourn until Monday, March 28, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

FIFTY-EIGHTH DAY

Bismarck, March 28, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.  
 The prayer was offered by Rev. Myron Johnson, Seventh-day Adventist Church, Bismarck.

"Dear Father in Heaven,

We rejoice that Your Blessings are freely bestowed to us, new every morning. We thank You, Father, that these Legislators wish to make consecration of themselves to You as their first work every day. Father, We pray this morning for guidance in the decision making of today. Give each Senator clarity of thought and a true spirit of service to their constituency. I thank You for each Legislator who gives of their time and energy to forward the work of the State of North Dakota. Help each of us to be moved today by Your two great commands: To Love God Supremely, and To Love Our Neighbor As Ourselves. In the Name of our Perfect Example of Love, Jesus Christ, We Ask This Prayer, Amen."

The roll was called and all Senators were present.

A quorum was declared by the President.

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Farrington moved that the Conference Committee Report on Senate Bill No. 2141 as printed on page 1370 of the Senate Journal be adopted, which motion prevailed.

Senator Farrington moved that the rules be suspended, that Senate Bill No. 2141 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2141. A Bill for an Act to amend and reenact subsection 6 of section 57-37.1-01 and subsection 1 of section 57-37.1-08 of the North Dakota Century Code, relating to the decedent specifying the location of intangible personal property for estate tax distribution purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |           |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|-----------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |           |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS      | N-V | NAYS |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| ALBERS              |     |      | JACOBSON   |     |      | NAADEN           |     |      | SMYKOWSKI |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| BARTH               |     |      | JONES      |     |      | NELSON           |     |      | SOLBERG   |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| BERUBE              |     |      | KRAUTER    |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| CHRISTENSEN         |     |      | LARSON     |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| ERDMAN              |     |      | LASHKOWITZ | ●   |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| FARRINGTON          |     |      | LEE        |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| FREED               |     |      | LIPS       |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| FRITZELL            |     |      | LODDOEN    |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| GOODMAN             |     |      | MAHER      |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| HANSON              |     |      | MAU        |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      | ●          |     |      | ●                |     |      | ●         |     |      |
| HOFFNER             |     |      | MELLAND    |     |      | ●                |     |      | ●         |     |      |
| ●                   |     |      |            |     |      | ●                |     |      | ●         |     |      |
|                     |     |      |            |     |      | SANDNESS         |     |      | WENSTROM  |     |      |
|                     |     |      |            |     |      | ●                |     |      | ●         |     |      |
|                     |     |      |            |     |      | SANDS            |     |      | WRIGHT    |     |      |
|                     |     |      |            |     |      |                  |     |      |           |     |      |

|            |          |            |               |
|------------|----------|------------|---------------|
| ● HOLMBERG | ● MILLER | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER   | ● MORGAN | ● SHABLOW  |               |

So the bill passed and the title was agreed to.

**MOTION**

Senator Naaden moved that the conference committee report on Senate Bill No. 2164 be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Farrington moved that the Conference Committee Report on Senate Bill No. 2177 as printed on page 1371 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the Conference Committee Report on Senate Bill No. 2178 as printed on page 1371 of the Senate Journal be adopted.

Senator Lashkowitz requested a roll call vote on the motion to adopt the conference committee report on Senate Bill No. 2178, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Senate Bill No. 2178, the roll was called and there were ayes, 36; nays, 14; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| ●                   |     |      | ●         |            |      | ●                |          |      | ●    |               |      |
| ●                   |     | ●    | ●         | JACOBSON   |      | ●                | NAADEN   |      | ●    | SMYKOWSKI     |      |
|                     |     |      | ●         | JONES      |      | ●                | NELSON   |      | ●    | SOLBERG       |      |
| ●                   |     | ●    |           | KRAUTER    | ●    | ●                | NETHING  |      | ●    | STRAND        |      |
| ●                   |     |      |           | LARSON     | ●    | ●                | ORANGE   | ●    | ●    | STRINDEN      |      |
| ●                   |     | ●    |           | LASHKOWITZ | ●    | ●                | PETERSON |      | ●    | TALLACKSON    |      |
| ●                   |     |      | ●         | LEE        |      | ●                | PIETRON  |      | ●    | TENNEFOS      |      |
| ●                   |     |      | ●         | LIPS       |      | ●                | RAIT     | ●    | ●    | THANE         |      |
| ●                   |     | ●    | ●         | LODDEN     |      | ●                | REDLIN   | ●    | ●    | VOSPER        |      |
| ●                   |     |      | ●         | MAHER      | ●    | ●                | REITEN   |      | ●    | WALSH         | ●    |
| ●                   |     |      | ●         | MAU        |      | ●                | SANDNESS |      | ●    | WENSTROM      |      |
| ●                   |     | ●    | ●         | MELAND     |      | ●                | SANDS    |      | ●    | WRIGHT        |      |
| ●                   |     |      | ●         | MILLER     | ●    | ●                | SCHIRADO | ●    | ●    | MR. PRESIDENT |      |
| ●                   |     |      | ●         | MORGAN     |      | ●                | SHABLOW  | ●    |      |               |      |

The conference committee report on Senate Bill No. 2178 was adopted.

Senator Reiten moved that the Conference Committee Report on Senate Bill No. 2233 as printed on page 1371 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the Conference Committee Report on Senate Bill No. 2239 as printed on page 1372 of the Senate Journal be adopted, which motion prevailed.

Senator Solberg moved that the rules be suspended, that Senate Bill No. 2239 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2239. A Bill for an Act to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to amount of statutory fees and the definition of a moving violation.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 5; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |          |      |                  |        |      |      |           |      |
|---------------------|-----|------|-----------|----------|------|------------------|--------|------|------|-----------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |          |      | 1977 LEGISLATURE |        |      |      |           |      |
| YEAS                | N-V | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V    | NAYS | YEAS | N-V       | NAYS |
| ●                   |     |      | ●         | JACOBSON |      | ●                | NAADEN |      | ●    | SMYKOWSKI |      |
| ●                   |     |      | ●         | JONES    |      | ●                | NELSON |      | ●    | SOLBERG   |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Christensen moved that the Conference Committee Report on Senate Bill No. 2417 as printed on page 1372 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the rules be suspended, that Senate Bill No. 2417 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2417. A Bill for an Act to create and enact section 12.1-27.1-03.1 of the North Dakota Century Code, relating to the display of objectionable materials to minors and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •    | HAADEN   |      | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

So the bill passed and the title was agreed to.

Senator Tennefos moved that the Conference Committee Report on Senate Bill No. 2487 as printed on pages 1372-1374 of the Senate Journal be adopted, which motion prevailed.

Senator Tennefos moved that the rules be suspended, that Senate Bill No. 2487 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2487. A Bill for an Act to amend and reenact subsection 54 of section 39-01-01 and subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to the definition of school bus and to the motor vehicle registration fee for buses used for religious or charitable purposes; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 2; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAA DEN        |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             | •   |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Iszler moved that the Conference Committee Report on Senate Bill No. 2519 as printed on page 1374 of the Senate Journal be adopted, which motion prevailed.

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2519 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2519. A Bill for an Act to amend and reenact section 44-04-18 of the North Dakota Century Code, relating to a penalty for violating the open records law.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 48; nays, 1; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAA DEN        |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Vosper moved that the Conference Committee Report on House Bill No. 1325 as printed on pages 1374-1375 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the rules be suspended, that House Bill No. 1325 be placed on second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1325. A Bill for an Act to amend and reenact section 11-14-16 of the North Dakota Century Code, relating to when treasurer shall pay over the funds collected.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll

was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |                |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS           | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI    |     |      |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG      |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND       |     |      |
| • CHRISTENSEN       | •   |      | • LARSON     |           |      | • ORANGE   |     |                  | • STRINDEN     |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PIETRON  |     |                  | • TALLACKSON   |     | •    |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS     |     |      |
| • FREED             | •   |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE        |     |      |
| • FRITZELL          |     |      | • LODDEN     |           |      | • REDLIN   |     |                  | • VOSPER       |     | •    |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH        |     |      |
| • HANSON            |     |      | • MAU        |           |      | • SANDNESS |     |                  | • WENSTROM     |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT       |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           |      | • SHABLOW  |     |                  |                |     |      |

So the bill passed and the title was agreed to.

Senator Farrington moved that the Conference Committee Report on House Bill No. 1476 as printed on page 1375 of the Senate Journal be adopted, which motion prevailed.

Senator Farrington moved that the rules be suspended, that House Bill No. 1476 be placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1476. A Bill for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

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, 36; nays, 12; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL-CALL |      |            |     | 1977 LEGISLATURE |                |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS           | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     | •                | • SMYKOWSKI    |     | •    |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     |                  | • SOLBERG      |     |      |
| • BERUBE            |     |      | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND       |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           | •    | • ORANGE   |     |                  | • STRINDEN     |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |           | •    | • PIETRON  |     |                  | • TALLACKSON   |     |      |
| • FARRINGTON        |     |      | • LEE        |           |      | • PIETRON  |     |                  | • TENNEFOS     |     | •    |
| • FREED             | •   |      | • LIPS       |           |      | • RAIT     |     |                  | • THANE        |     |      |
| • FRITZELL          |     |      | • LODDEN     |           |      | • REDLIN   |     |                  | • VOSPER       |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH        |     |      |
| • HANSON            |     |      | • MAU        |           | •    | • SANDNESS |     |                  | • WENSTROM     |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT       |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR PRESIDENT |     |      |
| • ISZLER            | •   |      | • MORGAN     |           |      | • SHABLOW  |     | •                |                |     |      |

So the bill passed and the title was agreed to.

**MESSAGES FROM THE HOUSE**

**House Chamber**

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

- House Bill No. 1009
- House Bill No. 1013
- House Bill No. 1419
- House Bill No. 1548
- House Bill No. 1565

**ROY GILBREATH, Chief Clerk**

**House Chamber**

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:

Senate Bill No. 2012  
Senate Bill No. 2549

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to return herewith the following, which the House has failed to pass:

Senate Bill No. 2380

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. 2005

Senate Bill No. 2010

Senate Bill No. 2011

Senate Bill No. 2548

Senate Bill No. 2005:

Rep. Wagner

Rep. Unhjem

Rep. Mushik

Senate Bill No. 2010:

Rep. Unhjem

Rep. Eagles

Rep. Opedahl

Senate Bill No. 2011:

Rep. Peterson

Rep. Gunsch

Rep. Fleming

Senate Bill No. 2548:

Rep. Kuchera

Rep. L. Hausauer

Rep. Lardy

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. 1047, and discharged the Conference Committee appointed, and now concurs in the Senate amendments to House Bill No. 1047.

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 2025

Senate Bill No. 2221

Senate Bill No. 2222

Senate Bill No. 2296

Senate Bill No. 2324

Senate Bill No. 2331

Senate Bill No. 2408

Senate Bill No. 2431

Senate Bill No. 2442

ROY GILBREATH, Chief Clerk

MONDAY, MARCH 28, 1977

1415

MESSAGE TO THE HOUSE  
Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

House Bill No. 1262

House Bill No. 1408

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on:

Senate Bill No. 2001

Senate Bill No. 2008

Senate Bill No. 2384

Senate Bill No. 2001:

Rep. Wagner

Rep. Unhjem

Rep. G. Martin

Senate Bill No. 2008:

Rep. Wagner

Rep. Peterson

Rep. Miller

Senate Bill No. 2384:

Rep. Tweten

Rep. Wagner

Rep. Lardy

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1344.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate:

Rep. Stenehjem

Rep. Swiontek

Rep. Lundene

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2002 has had the same under consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2002 be amended as follows:

On page 1 of the engrossed bill, line 17, delete the numerals "9,279,648" and insert in lieu thereof the numerals "9,332,942"

On page 1 of the engrossed bill, line 18, delete the numerals "1,383,633" and insert in lieu thereof the numerals "1,389,633"

On page 1 of the engrossed bill, line 19, delete the numerals "469,811" and insert in lieu thereof the numerals "472,811"

On page 1 of the engrossed bill, line 20, delete the numerals "157,233" and insert in lieu thereof the numerals "159,233"

On page 1 of the engrossed bill, line 21, delete the numerals "11,290,325" and insert in lieu thereof the numerals "11,354,619"



On page 1 of the engrossed bill, line 23, delete the numerals "3,530,924" and insert in lieu thereof the numerals "3,595,218"

On page 2 of the engrossed bill, after line 10, insert the following line:  
"Turkey barn renovation 15,000"

On page 2 of the engrossed bill, line 12, delete the numerals "16,535,668" and insert in lieu thereof the numerals "16,550,668"

On page 2 of the engrossed bill, line 14, delete the numerals "9,803,541" and insert in lieu thereof the numerals "9,818,541"

On page 4 of the engrossed bill, line 6, delete the numerals "14,876,207" and insert in lieu thereof the numerals "14,955,501"

On page 4 of the engrossed bill, line 8, delete the numerals "31,197,840" and insert in lieu thereof the numerals "31,277,134"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The House receded from its amendments. This amendment is in addition to the amendment on pages 521-524 of the Senate Journal.

The purpose of this amendment is to add \$53,294 in salaries and wages, \$6,000 in fees and services, \$3,000 in supplies and materials, and \$2,000 in equipment for an Ag specialist position at the Extension Division. This position will be used for work on specialty crops. This amendment also adds \$15,000 to the Main Experiment Station appropriation for renovation of the turkey barn at the station.

For the Senate

Senator Naaden

Senator Hanson

Senator Walsh

For the House

Rep. Tweten

Rep. Mertens

Rep. Gunsch

Senate Bill No. 2002 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2003 has had the same under consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2003 be amended as follows:

On page 2 of the engrossed bill, line 18, delete the numerals "611,950" and insert in lieu thereof the numerals "637,094"

On page 2 of the engrossed bill, line 24, delete the numerals "951,174" and insert in lieu thereof the numerals "976,318"

On page 2 of the engrossed bill, line 26, delete the numerals "395,599" and insert in lieu thereof the numerals "420,743"

On page 3 of the engrossed bill, line 2, delete the numerals "1,076,104" and insert in lieu thereof the numerals "1,101,248"

On page 3 of the engrossed bill, line 4, delete the numerals "4,608,199" and insert in lieu thereof the numerals "4,633,343"

And renumber the lines accordingly.

Statement of Purpose of the Amendment:

The purpose of this amendment is to add \$25,144 to the Soldiers' Home salary and wage appropriation for the employment of a nurse.

For the Senate

Senator Strinden  
 Senator Thane  
 Senator Maher

For the House

Rep. Kuchera  
 Rep. Unhjem — refused to sign  
 Rep. G. Martin

Senate Bill No. 2003 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2007 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate

Senator Lips  
 Senator Wenstrom  
 Senator Larson

For the House

Rep. Eagles — refused to sign  
 Rep. Horgan  
 Rep. Gunsch

Senate Bill No. 2007 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2045 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate

Senator Vosper  
 Senator Albers  
 Senator Miller

For the House

Rep. Matchie  
 Rep. Walsh  
 Rep. Martinson

Senate Bill No. 2045 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2062 has had the same under consideration and recommends:

That your conference Committee on Senate Bill No. 2062 has been unable to agree and recommends that the Conference Committee be dissolved, and a new conference committee be appointed.

For the Senate

Senator Lee  
 Senator Freed  
 Senator Redlin

For the House

Rep. Rylance  
 Rep. Berg  
 Rep. Kloubec

Senator Lee moved that the report be adopted, which motion prevailed.

## MOTION

Senator Jacobson moved that the President appoint a new conference committee on Senate Bill No. 2062, which motion prevailed.

The President appointed as a conference committee on Senate Bill No. 2062:

Senator Lee  
 Senator Freed  
 Senator Redlin

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2160 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate  
 Senator Vosper  
 Senator Albers  
 Senator Mau

For the House  
 Rep. Martinson  
 Rep. Walsh  
 Rep. Rocheleau

Senate Bill No. 2160 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2277 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate  
 Senator Freed  
 Senator Christensen  
 Senator Schirado

For the House  
 Rep. Stenehjem  
 Rep. Wentz  
 Rep. Beauclair

Senate Bill No. 2277 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2308 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate  
 Senator Lodoen  
 Senator Holmberg  
 Senator Shablow

For the House  
 Rep. Larson  
 Rep. Conmy  
 Rep. Nordby

Senate Bill No. 2308 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2323 has had the same under consideration and recom-

mends:

That the House recede from its amendments and that Senate Bill No. 2323 be amended as follows:

On page 1, line 23 delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "of" insert the word "engrossed"

On page 2, line 15 delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "of" insert the word "engrossed"

On page 3, line 15 delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "of" insert the word "engrossed"

On page 5, line 19 after the period insert the following new sentence: "The advisory committee on elections, as provided for in section 16.1-01-01 of the North Dakota Century Code as created by subsection 5 of section 1 of engrossed House Bill No. 1049 as approved by the forty-fifth legislative assembly, shall approve any electronic voting system prior to acquisition."

On page 8, line 22 after the period insert the following: "The automatic tabulating equipment shall also be sealed in a manner which will ensure that it cannot be tampered with prior to the counting of ballots."

On page 8, line 35 delete the words "district chairman" and insert in lieu thereof the words "legislative district chairmen"

On page 10, line 7 delete the numeral "6" and insert in lieu thereof the numeral "5" and after the word "of" insert the word "engrossed"

On page 10, line 13 after the word "by" insert the word "the" and also place triple parentheses around the word "officials" and insert in lieu thereof the word "judges" and also insert beginning triple parentheses before the word "If"

On page 10, line 15 insert ending triple parentheses after the word "interests."

On page 10, line 16 place beginning triple parentheses before the word "in" and place ending triple parentheses after the word "secrecy" and also place triple parentheses around the word "officials" and insert in lieu thereof the word "judges"

On page 10, line 17 delete the word "durig" and insert in lieu thereof the word "during"

On page 10, line 21 delete the words "in secrecy" and also delete the word "officials" and insert in lieu thereof the word "judges"

On page 10, line 31 delete the numeral "10" and insert in lieu thereof the numeral "8"

On page 10, line 32 after the word "of" insert the word "engrossed"

On page 11, line 21 delete the numeral "10" and insert in lieu thereof the numeral "8"

On page 11, line 22 after the word "of" insert the word "engrossed"

On page 12, line 15 delete the numeral "12" and insert in lieu thereof the numeral "10" and also after the word "of" insert the word "engrossed"

On page 14, line 4 delete the numeral "12" and insert in lieu thereof the numeral "10" and also after the word "of" insert the word "engrossed"

On page 14, line 25 delete the numeral "14" and insert in lieu thereof the numeral "12" and also after the word "of" insert the word "engrossed"

On page 15, line 21 delete the numeral "14" and insert in lieu thereof the numeral "12" and also after the word "of" insert the word "engrossed"

On page 15, line 31 after the word "counted" delete ", and all" and insert in lieu thereof a period and the following language: "An election board and officials shall be appointed from the legislative district in

which the counting center is located, as provided for in section 16.1-05-01 of the North Dakota Century Code as created by section 3 of the engrossed House Bill No. 1049 as approved by the forty-fifth legislative assembly, to supervise the counting of ballots. All"

On page 16, line 10 after the word "by" insert the words "the two" and delete the words "officials of opposed interests" and insert in lieu thereof the word "judges"

On page 16, line 22 delete the words "by an alternate method" and insert in lieu thereof the words "according to section 16.1-15-03 of the North Dakota Century Code as created by section 12 of engrossed House Bill No. 1049, as approved by the forty-fifth legislative assembly."

On page 16, line 24, delete the numeral "15" and insert in lieu thereof the numeral "13"

On page 16, line 25 after the word "of" insert the word "engrossed"

On page 17, line 8 delete the numeral "15" and insert in lieu thereof the numeral "13" and also after the word "of" insert the word "engrossed"

On page 18, line 34 after the period insert the following sentence: "The secretary of state shall approve any electronic voting system prior to acquisition."

On page 22, line 2 after the period insert the following: "The automatic tabulating equipment shall also be sealed in a manner which will ensure that it cannot be tampered with prior to the counting of ballots."

On page 22, line 28 after the word "counted" delete ", and all" and insert in lieu thereof a period and the following language: "An election board and officials shall be appointed from the legislative district in which the counting center is located, as provided for in chapters 16-10 and 16-13 of the North Dakota Century Code. All"

On page 23, line 7 after the word "by" insert the words "the two" and delete the words "officials of opposed interests" and insert in lieu thereof the word "judges"

On page 23, line 17 delete the words "by an alternate method and insert in lieu thereof the words "according to chapters 16-10 and 16-13 of the North Dakota Century Code."

And renumber the lines and pages accordingly.

For the Senate

Senator Sands

Senator Holmberg

Senator Lashkowitz

For the House

Rep. Kretschmar

Rep. Conny

Rep. Beauclair

Senate Bill No. 2323 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2346 has had the same under consideration and recommends:

That the House recede from its amendments and that engrossed

Senate Bill No. 2346 be amended as follows:

On page 1 of the engrossed bill, line 2, after the word "credit" and before the period insert the following: "; and to provide effective dates"

On page 1 of the engrossed bill, line 14, delete the beginning triple parentheses before the word "permanently" and delete the ending triple

parentheses after the word "and"

On page 2 of the engrossed bill, line 15, delete the ending triple parentheses and the word "eighty", insert ending triple parentheses after the word "five" and insert thereafter the word "eighty"

On page 2 of the engrossed bill, line 18, insert triple parentheses around the word "five" and insert thereafter the word "two"

On page 2 of the engrossed bill, line 22, delete the word "seventy-five" and insert in lieu thereof the word "sixty"

On page 2 of the engrossed bill, line 25, delete the word "three" and insert in lieu thereof the word "two" and after the word "thousand" insert the words "four hundred"

On page 2 of the engrossed bill, line 28, after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 29, delete the closing triple parentheses and the word "sixty", insert ending triple parentheses around the word "five" and insert thereafter the word "forty"

On page 2 of the engrossed bill, line 31, delete the word "two" and insert in lieu thereof the word "one", insert triple parentheses around the word "five" and insert thereafter the word "six"

On page 2 of the engrossed bill, line 34, delete the word "seven" and insert in lieu thereof the word "eight"

On page 2 of the engrossed bill, line 35, delete the word "fifty" and insert in lieu thereof the word "twenty"

On page 3 of the engrossed bill, line 2, delete the words "two thousand" and insert in lieu thereof the words "eight hundred"

On page 3 of the engrossed bill, delete lines 4 through 16

On page 3 of the engrossed bill, line 24, delete the beginning triple parentheses

On page 3 of the engrossed bill, line 25, delete the ending triple parentheses after the word "and"

On page 3 of the engrossed bill, line 34, delete the beginning triple parentheses before the word "permanently" and delete the ending triple parentheses after the word "and"

On page 4 of the engrossed bill, line 18, delete the word "three" and insert in lieu thereof the word "four"

On page 4 of the engrossed bill, line 21, delete the word "three" and insert in lieu thereof the word "four"

On page 4 of the engrossed bill, line 22, delete the triple parentheses around the word "one"

On page 4 of the engrossed bill, line 23, delete the word "two", delete the word "fifty" and insert in lieu thereof the word "seventy-five"

On page 4 of the engrossed bill, line 28, insert triple parentheses around the word "March" and insert thereafter the word "June"

On page 5 of the engrossed bill, after line 7, insert the following new section:

"SECTION 2. EFFECTIVE DATES.) The provisions of this Act shall be effective for assessments of property made on or after January 1, 1977, and for payments for rent for periods beginning on or after January 1, 1977."

And renumber the lines and pages accordingly.

For the Senate

Senator Lips

Senator Hanson

Senator Erdman  
 For the House  
 Rep. A. Hausauer  
 Rep. Unhjem  
 Rep. Mushik

Senate Bill No. 2346 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2364 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2364 be amended as follows:

On page 1, line 15, of the engrossed bill delete the word "eighteen" and insert in lieu thereof the word "twenty-one"

On page 1, line 17, delete the word "nineteen" and insert in lieu thereof the word "twenty-one" and also on the same line delete the word "two" and insert in lieu thereof the word "five"

And renumber the lines and pages accordingly.

For the Senate  
 Senator Iszler  
 Senator Freed  
 Senator Schirado

For the House  
 Rep. Richie  
 Rep. Stenehjem  
 Rep. Dotzenrod

Senate Bill No. 2364 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2463 has had the same under consideration and recommends:

That the Senate accede to the House amendments

For the Senate  
 Sen. Lodoen  
 Sen. Reiten  
 Sen. Shablow

For the House  
 Rep. Knudson  
 Rep. Black  
 Rep. Berger

Senate Bill No. 2463 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2471 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill 2471 be amended as follows:

On page 1, line 18 of the engrossed bill, after the word "cent" insert the words "simple interest"

On page 1, line 19, insert beginning triple parentheses before the word "total" and insert ending triple parentheses after the word "amount" and insert in lieu thereof the words "unpaid balance"

And renumber the lines and pages accordingly.

For the Senate

Sen. Lodoen  
Sen. Fritzell  
Sen. Krauter

For the House

Rep. Kloubec  
Rep. Matxner  
Rep. Lokken

Senate Bill No. 2471 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1009 has had the same under consideration and recommends:

House accedes to the Senate amendments.

For the Senate

Sen. Thane  
Sen. Larson  
Sen. Smykowski

For the House

Rep. Tweten  
Rep. Thorsgaard  
Rep. Johnson (refused to sign)

House Bill No. 1009 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1013 has had the same under consideration and recommends:

House accedes to the Senate amendments in HB 1013 and that it be further amended as follows:

On page 1 of the engrossed bill, line 4, following the word "general" insert the following: "; and declaring an emergency"

On page 2 of the engrossed bill, line 24, delete the numerals "1,369,613" and insert in lieu thereof the numerals "1,369,563"

On page 3, following line 15, insert the following:

SECTION 5. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval, insofar as it pertains to the line item "fees and services" in Subdivision 1.

For the Senate

Sen. Thane  
Sen. Hanson  
Sen. Erdman

For the House

Rep. L. Hausauer  
Rep. Eagles  
Rep. Opedahl

House Bill No. 1013 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1419 has had the same under consideration and recommends:

House accedes to the Senate amendments.

For the Senate



Sen. Strinden

Sen. Hanson

Sen. Maher

For the House

Rep. Marsden

Rep. Christensen

Rep. Mertens (refused to sign)

House Bill No. 1419 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1548 has had the same under consideration and recommends:

That the House accede to the Senate amendments.

For the Senate

Sen. Naaden

Sen. Smykowski

Sen. Larson

For the House

Rep. Riehl

Rep. Anderson

Rep. Vander Vorst

House Bill No. 1548 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1565 has had the same under consideration and recommends:

That the House accede to the Senate amendment.

For the Senate

Sen. Vosper

Sen. Jones

Sen. Tallackson

For the House

Rep. Berg

Rep. Weber

Rep. Nicholas

House Bill No. 1565 was placed on the 7th order of business for the succeeding legislative day.

Senator Nothing moved that the Senate recess until 1:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

#### REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Legislative Council Resolutions has had the following under consideration:

Senate Concurrent Resolution No. 4003

Senate Concurrent Resolution No. 4015

Senate Concurrent Resolution No. 4018

Senate Concurrent Resolution No. 4021

Senate Concurrent Resolution No. 4060

Senate Concurrent Resolution No. 4061

Senate Concurrent Resolution No. 4065

Senate Concurrent Resolution No. 4070

Senate Concurrent Resolution No. 4071

Senate Concurrent Resolution No. 4072



|          |         |          |               |
|----------|---------|----------|---------------|
| HANSON   | MAU     | SANDNESS | WENSTROM      |
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

Senate Concurrent Resolution No. 4051 was declared lost.

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1018  
House Bill No. 1084  
House Bill No. 1384  
House Bill No. 1478  
House Bill No. 1525  
House Bill No. 1531  
And Senate Bill No. 2031  
Senate Bill No. 2051  
Senate Bill No. 2122  
Senate Bill No. 2184  
Senate Bill No. 2202  
Senate Bill No. 2214  
Senate Bill No. 2218  
Senate Bill No. 2262  
Senate Bill No. 2378  
Senate Bill No. 2406

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on

Senate Bill No. 2148  
and the Speaker appointed as a new conference committee  
Rep. Timm  
Rep. Scofield  
Rep. Richter

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2141  
Senate Bill No. 2177  
Senate Bill No. 2178  
Senate Bill No. 2233  
Senate Bill No. 2239  
Senate Bill No. 2417  
Senate Bill No. 2487  
Senate Bill No. 2519  
House Bill No. 1325  
House Bill No. 1476

And the committees having been unable to agree, the President appointed as a new conference committee on Senate Bill 2062

Sen. Lee  
Sen. Freed  
Sen. Redlin

LEO LEIDHOLM, Secretary

**MOTION**

Senator Nething moved that the Senate recess until 3:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

**REPORTS OF PROCEDURAL COMMITTEE**

Mr. President:

Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

- Senate Bill No. 2042
- Senate Bill No. 2153
- Senate Bill No. 2179
- Senate Bill No. 2190
- Senate Bill No. 2276
- Senate Bill No. 2421
- Senate Bill No. 2482

and find the same correctly engrossed and enrolled.

**SENATOR STRAND, Chairman**

Senator Mau moved that the report be adopted, which motion prevailed.

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

- Senate Bill No. 2147
- Senate Bill No. 2149
- Senate Bill No. 2162
- Senate Bill No. 2285
- Senate Bill No. 2295
- Senate Bill No. 2328
- Senate Bill No. 2349
- Senate Bill No. 2356
- Senate Bill No. 2478
- Senate Bill No. 2501
- Senate Bill No. 2518
- Senate Bill No. 2532

Senate Concurrent Resolution No. 4044

And find the same correctly Enrolled.

**SENATOR STRAND, Chairman**

Senator Mau moved that the report be adopted, which motion prevailed.

**MOTION**

Senator Nething moved that House Bill 1026 be moved to the head of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1026. A Bill for an Act to create and enact a new subsection to section 15-40.1-08 of the North Dakota Century Code, relating to foundation payments for special education pupils between certain ages; to amend and reenact sections 15-40.1-06 and 15-40.1-16 of the North Dakota Century Code, relating to increasing the educational support payment and the transportation aid payment.

Which has been read.

Senator Melland proposed amendments to engrossed House Bill 1026 as follows:

In addition to the amendments proposed by the Senate Appropriations Committee, or so much thereof as may be adopted, engrossed House Bill No. 1026 is further amended as follows:

On page 1 of the engrossed bill, line 13, delete the words "under the compulsory age for school attendance" and insert in lieu thereof the words "between certain ages"

On page 5 of the engrossed bill, line 29, after the word "attendance" insert the following: ", but not less than three years of age."

And renumber the lines accordingly

Senator Melland moved that the amendments be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill 1026 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Hoffner proposed the following amendments to engrossed House Bill 1026:

#### 1. TEXTBOOK FEES

Engrossed House Bill No. 1026 as amended by the Senate (see pages 1322 and 1323, S.J.) is further amended as follows:

On page 1 of the engrossed bill as amended by the Senate, line 1, after the word "Act" insert the following: "to prohibit school boards from selling textbooks to pupils or otherwise charging unauthorized fees, to allow school boards to establish authorized fees, to withhold foundation payments if prohibited fees are required, to exempt postsecondary instructional programs, to require school boards to reduce textbook, and unauthorized activity, fees by not less than twenty percent the first year after the effective date of this Act and not less than an additional twenty percent each year thereafter, and to provide additional payments to school districts for such purposes;"

On page 1 of the engrossed bill as amended by the Senate, after the words and semicolon "transportation aid payment;" insert the following: "to repeal sections 15-43-07, 15-43-08, 15-43-09, and 15-43-10 of the North Dakota Century Code, relating to selling textbooks to pupils, purchase of textbooks from families moving from a school district, discretionary authority of school districts to provide free textbooks, and prescribing the duty of parents or guardians of pupils to furnish textbooks,"

In the engrossed bill as amended by the Senate, immediately following the enacting clause insert the following:

#### "SECTION 1. PUBLIC POLICY — DEFINITION.)

1. It is the policy of this state that public education shall be free. No pupil shall be denied an education because of economic inability to furnish textbooks necessary for advancement in or graduation from the public school system. No school board shall sell textbooks nor otherwise charge fees to pupils except as provided by law.

2. For the purposes of this Act, "textbooks" shall include textbooks, workbooks, and other supplies necessary for participation in any instructional course accepted to satisfy the graduation requirements of the particular school district. It shall not include personal or consumable items, such as pencils, paper, pens, erasers, notebooks, or other items of personal use or products which a student may purchase at his option, such as student publications, class rings, annuals, and similar items.

SECTION 2. VOLUNTARY FEES.) A school board is authorized to require payment of the following fees:

1. A security deposit for the return of textbooks, materials, supplies, or equipment, and may require pupils to furnish personal or consumable

items.

2. Admission fees or charges for extracurricular or noncurricular activities where attendance is optional.

3. Fees or premiums for any authorized, voluntary student health and accident benefit plan.

4. Fees for personal physical education and athletic equipment and apparel. Any pupil may provide his own equipment or apparel if it meets reasonable health and safety standards established by the board.

5. Fees in any program where the resultant product becomes the personal property of the pupil.

6. Fees for behind-the-wheel drivers' education training.

7. Other fees and charges permitted by statute. This Act shall not preclude the operation of a school store where pupils may purchase school supplies and materials. A board may waive any fee if any pupil or his parent or guardian shall be unable to pay such fees. No pupil's rights or privileges, including the receipt of grades or diplomas, may be denied or abridged for nonpayment of fees.

SECTION 3. ADOPTION OF ADDITIONAL FEES — PENALTY.) A school board may adopt additional fees not inconsistent with the provisions of this Act. Any school district which requires the payment of fees prohibited by this Act shall forfeit foundation payments in an amount equal to the twenty percent the district is required to reduce such fees.

SECTION 4. POSTSECONDARY INSTRUCTIONAL PROGRAMS.) A school board may charge reasonable fees for goods and services provided in connection with any postsecondary instructional program, including vocational and technical programs, adult or continuing education programs, and similar educational programs beyond the secondary level or outside established elementary or secondary education programs.

SECTION 5. SCHEDULE OF IMPLEMENTATION.) Any school board which shall require payment of prohibited fees upon the effective date of this Act shall reduce the total amount of such fees by not less than twenty percent during the first year following the effective date of this Act and shall further reduce such fees by not less than twenty percent each subsequent year. These reductions shall be upon a district's total amount of fees, and may vary as to actual percentage reductions for individual pupils and particular fees.

SECTION 6. TEXTBOOK REPLACEMENT REVENUES.) To carry out the purposes of this Act, the superintendent of public instruction shall pay each school district ten dollars for each student each year of the biennium to replace textbook and activity fee revenues. Such payment may be included within a foundation program payment authorized by section 15-40.1-05, except local school districts shall have discretion as to the application of these revenues. Such revenues shall not be restricted to textbook use only."

After the section of the engrossed bill amending section 15-40.1-16 of the North Dakota Century Code, insert the following new section:

"REPEAL.) Sections 15-43-07, 15-43-08, 15-43-09, and 15-43-10 of the North Dakota Century Code are hereby repealed."

And renumber the lines, sections, and pages accordingly.

## 2. KINDERGARTEN

Engrossed House Bill No. 1026 as amended by the Senate (see pages 1322 and 1323, S.J.) is further amended as follows:

On page 1 of the engrossed bill as amended by the Senate, in the title, after the words "create and enact" delete the words "a new subsection" and insert in lieu thereof the words "two new subsections"

On page 1 of the engrossed bill as amended by the Senate, in the title after the words "compulsory age for school attendance" insert the following: "and to provide foundation aid payments for kindergarten"

In the section of the engrossed bill as amended by the Senate containing the new subsection to section 15-40.1-08, after the words "each classroom or for each teacher" insert the following new subsection:

"For elementary schools providing kindergartens established according to the provisions of section 15-45-01, there shall be paid that amount of money resulting from multiplying the factor .49 times the educational support per pupil as provided in section 15-40.1-06 for each of the first twenty-five pupils in average daily membership for one hundred eighty half days or ninety full days during the calendar year in each classroom or for each teacher, except that no payment shall be made for more than twenty-five pupils in average daily membership in each classroom or for each teacher. For elementary schools providing such kindergartens for ninety half days or forty-five full days during the calendar year, there shall be paid that amount of money resulting from multiplying the factor .25 times the educational support per pupil as provided in section 15-40.1-06 under the same conditions as otherwise provided by this subsection."

And renumber the lines, subsections, and pages accordingly.

#### 3. ADDITIONAL PER-PUPIL PAYMENTS

Engrossed House Bill No. 1026 as amended by the Senate (see pages 1322 and 1323, S.J.) is further amended as follows:

In the section of the engrossed bill amending section 15-40.1-06 of the North Dakota Century Code, in subsection 2 thereof, after the word and triple parentheses "(((forty)))" delete the word "sixty-five", and insert in lieu thereof the word "seventy-five"

In the section of the engrossed bill amending section 15-40.1-06 of the North Dakota Century Code, in subsection 2 thereof, after the word and triple parentheses "(((ninety)))" delete the word "forty", and insert in lieu thereof the word "fifty"

And renumber the lines accordingly

#### 4. ADDITIONAL TRANSPORTATION AID

Engrossed House Bill No. 1026 as amended by the Senate (see pages 1322 and 1323, S.J.) is further amended as follows:

In the section of the engrossed bill amending section 15-40.1-16 of the North Dakota Century Code, after the word and triple parentheses "(((twelve)))" delete the word "fifteen" and insert in lieu thereof the word "seventeen"

In the section of the engrossed bill amending section 15-40.1-16 of the North Dakota Century Code, after the word and triple parentheses "(((twenty-six)))" delete the word "thirty-one" and insert in lieu thereof the word "thirty-four"

And renumber the lines accordingly.

Senator Hoffner moved that the amendments be adopted.

Senator Hoffner moved that the question be divided on voting upon the proposed amendments to House Bill 1026, that the following sections be voted upon separately as follows:

1. Textbook fees





|          |         |          |               |
|----------|---------|----------|---------------|
| GOODMAN  | MAHER   | REITEN   | WALSH         |
| HANSON   | MAU     | SANDNESS | WENSTROM      |
| HOFFNER  | MELLAND | SANDS    | WRIGHT        |
| HOLMBERG | MILLER  | SCHIRADO | MR. PRESIDENT |
| ISZLER   | MORGAN  | SHABLOW  |               |

The proposed amendments, Section 3, Additional per-pupil payments, to House Bill 1026 passed.

Senator Melland requested to be excused from voting on the proposed amendment, Section 4, Additional transportation aid to House Bill 1026.

Senator Nething moved that Senator Melland be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on adopting the proposed amendments, Section 4, Additional transportation aid, to House Bill 1026, the roll was called and there were 27 ayes; 23 nays; absent and not voting 0.

| NORTH DAKOTA SENATE |      |      |            |      |      |                  |      |      |               |      |      |
|---------------------|------|------|------------|------|------|------------------|------|------|---------------|------|------|
| REGULAR SESSION     |      |      | ROLL-CALL  |      |      | 1977 LEGISLATURE |      |      |               |      |      |
| YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS | YEAS          | N.V. | NAYS |
| •                   |      |      | JACOBSON   | •    |      | NAADEN           | •    |      | SMYKOWSKI     | •    |      |
| •                   |      |      | JONES      | •    |      | NELSON           | •    |      | SOLBERG       | •    |      |
| •                   |      |      | KRAUTER    | •    |      | NETHING          | •    |      | STRAND        | •    |      |
| •                   |      |      | LARSON     | •    |      | ORANGE           | •    |      | STRINDEN      | •    |      |
| •                   |      |      | LASHKOWITZ | •    |      | PETERSON         | •    |      | TALLACKSON    | •    |      |
| •                   |      |      | LEE        | •    |      | PIETRON          | •    |      | TENNEFOS      | •    |      |
| •                   |      |      | LIPS       | •    |      | RAIT             | •    |      | THANE         | •    |      |
| •                   |      |      | LUDOLF     | •    |      | REDLIN           | •    |      | VOSPER        | •    |      |
| •                   |      |      | MAHER      | •    |      | REITEN           | •    |      | WALSH         | •    |      |
| •                   |      |      | MAU        | •    |      | SANDNESS         | •    |      | WENSTROM      | •    |      |
| •                   |      |      | MELLAND    | •    |      | SANDS            | •    |      | WRIGHT        | •    |      |
| •                   |      |      | MILLER     | •    |      | SCHIRADO         | •    |      | MR. PRESIDENT |      |      |
| •                   |      |      | MORGAN     | •    |      | SHABLOW          | •    |      |               |      |      |

The proposed amendments, Section 4, Additional transportation aid to House Bill 1026 passed.

Senator Nething proposed the following amendments to engrossed House Bill No. 1026:

On the last printed page of the engrossed bill, following the last line, insert the following section:

“LEGISLATIVE INTENT.” It is the intent of the legislative assembly that all school district employees, including administrators, classroom teachers, and custodial staff, receive salaries commensurate with the level of other public employees in North Dakota who have made a comparable education investment and have an equivalent responsibility.”

And renumber the lines, sections, and pages accordingly.

Senator Miller requested to be excused from voting on the proposed amendment due to a conflict of interest.

Senator Nething moved that Senator Miller be permitted to vote, which motion prevailed.

Senator Nething moved that the amendment be adopted, which motion lost on a voice vote.

Senator Hoffner moved that the rules be suspended, that House Bill No. 1026 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1026.** A Bill for an Act to create and enact a new subsection to section 15-40.1-08 of the North Dakota Century Code, relating to foundation payments for special education pupils between certain ages; to amend and reenact sections 15-40.1-06 and 15-40.1-16 of the North Dakota Century Code, relating to increasing the educational support payment and the transportation aid payment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1322-1323) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| REGULAR SESSION |  |  |              |  |  | NORTH DAKOTA SENATE |  |  |                 |  |  | 1977 LEGISLATURE |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
|-----------------|--|--|--------------|--|--|---------------------|--|--|-----------------|--|--|------------------|--|--|------|--|--|------|--|--|------|--|--|------|--|--|
| YEAS            |  |  | N.V.         |  |  | NAYS                |  |  | YEAS            |  |  | N.V.             |  |  | NAYS |  |  | YEAS |  |  | N.V. |  |  | NAYS |  |  |
| • ALBERS        |  |  | • JACOBSON   |  |  | • NAADEN            |  |  | • SMYKOWSKI     |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • BARTH         |  |  | • JONES      |  |  | • NELSON            |  |  | • SOLBERG       |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • BERUBE        |  |  | • KRAUTER    |  |  | • NETHING           |  |  | • STRAND        |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • CHRISTENSEN   |  |  | • LARSON     |  |  | • ORANGE            |  |  | • STRINDEN      |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • ERDMAN        |  |  | • LASHKOWITZ |  |  | • PETERSON          |  |  | • TALLACKSON    |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • FARRINGTON    |  |  | • LEE        |  |  | • PIETRON           |  |  | • TENNEFOS      |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • FREED         |  |  | • LIPS       |  |  | • RAIT              |  |  | • THANE         |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • FRITZELL      |  |  | • LODGEN     |  |  | • REDLIN            |  |  | • VOSPER        |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • GOODMAN       |  |  | • MAHER      |  |  | • REITEN            |  |  | • WALSH         |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • HANSON        |  |  | • MAU        |  |  | • SANDNESS          |  |  | • WENSTROM      |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • HOFNER        |  |  | • MELLAND    |  |  | • SANDS             |  |  | • WRIGHT        |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • HOLMBERG      |  |  | • MILLER     |  |  | • SCHIRADO          |  |  | • MR. PRESIDENT |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |
| • ISZLER        |  |  | • MORGAN     |  |  | • SHABLOW           |  |  |                 |  |  |                  |  |  |      |  |  |      |  |  |      |  |  |      |  |  |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1026 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**MOTION**

Senator Nething moved that House Bill No. 1002 be placed at the head of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1002. Budgets — Department of Accounts and Purchases** — A Bill for an Act making an appropriation for defraying the expenses of various divisions thereof of the state of North Dakota and which are under the supervision of the director of accounts and purchases.

Which has been read.

Senator Melland proposed the following amendment to engrossed House Bill No. 1002:

On page 2 of the engrossed bill as amended by the Senate, after the words "Grand total general fund appropriation" delete the numerals "3,817,591" and insert in lieu thereof the numerals "2,217,248"

On page 3 of the engrossed bill as amended by the Senate, after the words "Grand total all funds H.B. 1002" delete the numerals "11,156,973" and insert in lieu thereof the numerals "10,056,630"

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

To reflect the correct totals on House Bill No. 1002.

Senator Melland moved that the amendments be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**House Bill No. 1002. Budgets — Department of Accounts and Purchases** — A Bill for an Act making an appropriation for defraying the expenses of various divisions thereof of the state of North Dakota and which are under the supervision of the director of accounts and purchases.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ

pages 1365-1367) the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |            |                  |                 |      |
|---------------------|-----|------|--------------|-----|------------|------------------|-----------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |            | 1977 LEGISLATURE |                 |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS       | YEAS             | N-V             | NAYS |
| ● ALBERS            |     | ●    | ● JACOBSON   |     | ● NAADEN   |                  | ● SMYKOWSKI     |      |
| ● BARTH             |     | ●    | ● JONES      |     | ● NELSON   |                  | ● SOLBERG       |      |
| ● BERUBE            |     | ●    | ● KRAUTER    |     | ● NETHING  |                  | ● STRAND        |      |
| ● CHRISTENSEN       |     | ●    | ● LARSON     |     | ● ORANGE   |                  | ● STRINDEN      |      |
| ● ERDMAN            |     | ●    | ● LASHKOWITZ |     | ● PETERSON |                  | ● TALLACKSON    |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     | ● PIETRON  |                  | ● TENNEFOS      |      |
| ● FRED              |     | ●    | ● LIPS       |     | ● RAIT     |                  | ● THANE         |      |
| ● FRITZELL          |     | ●    | ● LODDEN     |     | ● REDLIN   |                  | ● VOSPER        |      |
| ● GOODMAN           |     | ●    | ● MAHER      |     | ● REITEN   |                  | ● WALSH         |      |
| ● HANSON            |     | ●    | ● MAU        |     | ● SANDNESS |                  | ● WENSTROM      |      |
| ● HOFFNER           |     | ●    | ● MELLAND    |     | ● SANDS    |                  | ● WRIGHT        |      |
| ● HOLMBERG          |     | ●    | ● MILLER     |     | ● SCHIRADO |                  | ● MR. PRESIDENT |      |
| ● ISZLER            |     | ●    | ● MORGAN     |     | ● SHABLOW  |                  |                 |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1002 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

Senator Melland moved that the reading of the amendments on the 6th order be dispensed with, which motion prevailed.

Senator Melland moved that the amendments to House Bill No. 1007 as recommended by the Committee on Appropriations as printed on pages 1367 and 1368 of the Senate Journal be defeated, which motion prevailed.

Senator Melland proposed amendments to engrossed House Bill No. 1007 as follows:

On page 1 of the engrossed bill, line 4, after the word "institutions" insert the following: "; and declaring an emergency"

On page 2 of the engrossed bill, line 34, delete the numerals "680,528" and insert in lieu thereof the numerals "675,664"

On page 3 of the engrossed bill, line 4, delete the numerals "1,239,380" and insert in lieu thereof the numerals "1,234,516"

On page 3 of the engrossed bill, line 6, delete the numerals "1,177,710" and insert in lieu thereof the numerals "1,172,846"

On page 3 of the engrossed bill, line 9, delete the numerals "1,947,150" and insert in lieu thereof the numerals "1,941,159"

On page 3 of the engrossed bill, line 16, delete the numerals "2,790,448" and insert in lieu thereof the numerals "2,784,457"

On page 3 of the engrossed bill, line 18, delete the numerals "2,284,399" and insert in lieu thereof the numerals "2,278,408"

On page 5 of the engrossed bill, after line 12, insert the following: "(The above line item entitled "land, structures, and major improvements" in subdivision 12 of this Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval.)"

On page 5 of the engrossed bill, line 13, delete the numerals "35,174,672" and insert in lieu thereof the numerals "35,163,817"

On page 5 of the engrossed bill, line 15, delete the numerals "43,429,930" and insert in lieu thereof the numerals "43,419,075"

On page 6 of the engrossed bill, after line 12, insert the following new sections:

"SECTION 7. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the \$535,500 increase in Grafton state school salaries and wages and the increase of \$158,230 in the San Haven state

hospital salaries and wages be for the purpose of increasing primary care personnel salaries and wages. It is the intent of the legislative assembly that the average of the salaries in each of the classifications relating to primary care be near the midpoint after the increases referred to in this section are given. It is not the intent of the legislative assembly that everyone within each classification receive the same salary. It is the intent of the legislative assembly that the institutions work closely with representatives of the central personnel division so that any salary increases given to primary care personnel will be compatible with the central personnel division pay grades for such classifications at the institutions referred to in this section and the state hospital.

SECTION 8. EMERGENCY.) This Act is hereby declared to be an emergency measure and shall be in full force and effect from and after its passage and approval on such items as are designated to be made available immediately on passage and approval."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of the amendment is to reduce the salaries and wages line item for Radio Communications by \$4,864, the State Industrial School by \$5,991 to reflect a five percent per year increase and the necessary amount for fringe benefits.

It is the intent that \$535,500 in the Grafton State School budget, and \$158,230 in the San Haven State Hospital budget, added to the salaries and wages line items by the House, be utilized to increase salaries of primary care employees within Central Personnel Division salary ranges.

Senator Melland moved that the amendments be adopted, which motion prevailed.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-seventh day and recommends that the same be corrected as follows:

On page 1394, line 31, delete the numbers 2100 and insert in lieu thereof the numbers 2011

Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-sixth day and recommends that the same be corrected as follows:

On page 1374, line 37, after the name Holmberg, insert "- refused to sign"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Farrington moved that the report be adopted, which motion prevailed.

#### REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2011 has had the same under consideration and recommends:

That the Senate accedes to the House amendments.

For the Senate

Senator Thane

Senator Hanson

Senator Larson

For the House

Rep. Peterson  
Rep. Gunsch  
Rep. Fleming

Senate Bill No. 2011 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2126 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate

Senator Melland  
Senator Strinden  
Senator Maher

For the House

Rep. Rylance  
Rep. Herslip  
Rep. Wagner

Senate Bill No. 2126 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2297 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2297 be amended as follows:

On page 1, line 10 of the engrossed bill, delete the second word "and" and insert in lieu thereof a comma and also on line 10, after the number "2" insert the following: ", and 3"

On page 1, line 17, delete the word "and" and also on line 17, after the third comma insert the following: "and 49-22-23,"

On page 2, line 15, delete the words "sixty-nine" and insert in lieu thereof the words "one hundred fifteen"

On page 2, line 27, following the period insert the following:

"The provision of this subdivision shall not apply to any person operating an oil or gas pipeline gathering system."

On page 6, line 24, after the word "chapter" insert the following new language: ", including but not limited to applications, notices and hearings, and may forthwith issue a certificate of site compatibility, a route permit, or both, with such conditions as the commission may require"

On page 13, line 16, following the second word "the" insert the word "general"

On page 13, line 17, delete the words "provided for in subsection 3 of section 49-22-22"

On page 13, line 26, delete the word "and" and insert in lieu thereof a comma and also on line 26, after the number "2" insert ", and 3"

On page 14, following line 32, insert the following:

"3. All fees collected under the provisions of this chapter shall be deposited in the ((state treasury and credited to a special account to be designated as the energy conversion and transmission facility siting fund. This fund shall be available to the commission, and, subject to legislative appropriation, may be expended for the administration and enforcement of this chapter and in processing applications for certificates or permits in accordance with the provisions of this chapter)) general fund."

On page 14, line 34, delete the word "and" and also on line 34, after "49-22-12" insert ", and 49-22-23"

And renumber the lines, subdivisions and pages accordingly.

For the Senate

Senator Nelson

Senator Fritzell

Senator Krauter

For the House

Rep. Walsh

Rep. Matchie — Refused to sign

Rep. Murphy

Senate Bill No. 2297 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2381 has had the same under consideration and recommends:

That the House recede from their amendments and the engrossed bill be amended as follows:

On page 3, delete all of line 26, and insert in lieu thereof the following: "voting on the question at any regular or special election;"

On page 3, line 31, after the word "agreement" delete "or any amendment thereto which"

On page 3, delete all of lines 32 through 34 to the period

On page 4, line 3, after the word "electors" insert the following:

"voting on the question at any regular or special election;"

On page 4, line 4, after the word "cities" delete "who voted in the previous"

On page 4, line 5, delete "gubernatorial election"

On page 5, line 24, after the word "electors" insert the following:

"voting on the question at any regular or special election"

On page 5, line 24, after the word "cities" delete "who voted in the"

On page 5, line 25, delete "previous gubernatorial election"

On page 5, line 26, after the word "agreement" insert "when completed"

On page 7, line 26, after the word "voted" delete the following: "in the previous gubernatorial" and insert in lieu thereof "on the question in the last regular or special"

On page 10, line 6, after the word "cities" delete "who voted in the" and insert in lieu thereof the following:

"voting on the question at the last regular or special"

On page 10, line 7, delete "previous gubernatorial"

On page 14, line 31, after the word "cities" delete the word "who" and insert in lieu thereof the words "voting on the question at any regular or special"

On page 14, line 32, delete "voted in the previous gubernatorial"

On page 17, line 11, delete the word "(provided)"

On page 17, delete all of lines 12 through 15

On page 18, line 18, after the word "cities" delete "who voted in the previous" and insert in lieu thereof the words "voting on the question at any regular or special"

On page 18, line 19, delete the word "gubernatorial"

On page 22, line 1, delete the words ", subject to approval by not less than"

On page 22, delete all of line 2

On page 22, line 3, delete the words "cities who voted in the previous gubernatorial election,"

On page 22, line 7, after the word "agency" insert a period and delete the rest of the line

On page 22, delete all of lines 8 through 12

On page 23, line 35, delete the words "shall not" and insert in lieu thereof the word "may"

On page 24, line 4, delete the words "shall not" and insert in lieu thereof the word "may"

And renumber the pages and lines accordingly.

And when so amended, recommends the same do pass.

For the Senate

Senator Lodoen

Senator Reiten

Senator Shablow

For the House

Rep. Conmy

Rep. G. Larson

Rep. Nordby

Senate Bill No. 2381 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2479 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2479 be amended as follows:

On page 1, line 12, after the word "larger" delete the word "estate,"

And renumber the lines and pages accordingly.

For the Senate

Senator Freed

Senator Holmberg

Senator Schirado

For the House

Rep. Conmy

Rep. Stenehjern

Rep. Hill

Senate Bill No. 2479 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1018 has had the same under consideration and recommends:

House accedes to the Senate amendments.

For the Senate

Senator Melland

Senator Thane

Senator Barth

For the House

Rep. Marsden

Rep. Thorsgaard

Rep. Fleming

House Bill No. 1018 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1084 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1084 be amended as follows:

On page 2, line 23, of the engrossed bill, delete the word "twenty-five" and insert in lieu thereof the word "twenty"

On page 2, line 25, after the comma, insert the words "unless such census is greater than 4,000 in which case only fifteen percent of the number of persons enumerated in the school census shall be required."

On page 2, line 25, delete the word "but" and insert in lieu thereof the word "However,"

On page 2, line 25, after the word "not" delete the word "less" and insert in lieu thereof the word "fewer"

On page 2, line 27, after the word "has" delete the word "less" and insert in lieu thereof the word "fewer"

On page 2, line 29, after the word "with" delete the word "less" and insert in lieu thereof the word "fewer"

And renumber the lines and pages accordingly.

For the Senate

Senator Sandness

Senator Nelson

Senator Tallackson

For the House

Rep. Larson

Rep. Erickson

Rep. Jacobson

House Bill No. 1084 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1384 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1384 be amended as follows:

On page 1, line 11, of the engrossed bill place beginning triple parentheses before the number "2" and also on line 11, delete the words "county superintendent of schools."

On page 1, line 17, before the word "seven" delete beginning triple parentheses

On page 1, line 18, after the word "hundred" delete ending triple parentheses and also on line 18, delete the words "eight thousand three hundred sixty"

On page 1, line 20, before the word "Eight" delete beginning triple parentheses and after the word "hundred" delete ending triple parentheses and also on line 20, delete the words "Nine thousand four"

On page 1, line 21, delete the words "hundred sixty"

On page 1, line 24, before the word "Eight" delete beginning triple parentheses and after the word "hundred" delete ending triple parentheses and also on line 24, delete the words "Nine thousand"

On page 2, line 1, delete the words "seven hundred ninety"

On page 2, line 13, before the word "from" delete beginning triple parentheses

On page 2, line 15, after the word "commissioners" delete ending triple parentheses



On page 2, line 16, delete the words "eighteen thousand dollars" and also on line 16, after the period place ending triple parentheses

On page 3, line 17, place triple parentheses around the word "increase" and insert in lieu thereof the word "set"

On page 3, line 20, place beginning triple parentheses before the first comma

On page 3, line 22, after the word "increase" and before the period place ending triple parentheses

And renumber the lines and pages accordingly.

For the Senate

Senator Reiten

Senator Lodoen

Senator Mau

For the House

Rep. Metz

Rep. Lang

Rep. Jacobson

House Bill No. 1384 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1478 has had the same under consideration and recommends:

That the House accede to the Senate amendments.

For the Senate

Senator Jones

Senator Albers

Senator Barth

For the House

Rep. Dotzenrod

Rep. Russell

Rep. Rocheleau

House Bill No. 1478 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1525 has had the same under consideration and recommends:

That the House accede to the Senate amendments.

For the Senate

Senator Freed

Senator Nelson

Senator Krauter

For the House

Rep. Tinjum

Rep. Langley

Rep. Kloubec

House Bill No. 1525 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1531 has had the same under consideration and recommends:

That the House accede to the Senate amendment and that engrossed House Bill No. 1531 be further amended as follows:

On page 1, line 9 of the engrossed bill after the word "physician" delete  
 " , nurse, dentist, optometrist,"

On page 1, line 10 delete the word "pharmacist," and also on line 10  
 after the first word "or" delete the word "any"

And renumber the lines and pages accordingly.

For the Senate

Senator Holmberg

Senator Sands

Senator Lashkowitz

For the House

Rep. Richie

Rep. Stenehjem

Rep. Hill

House Bill No. 1531 was placed on the 7th order of business on the  
 calendar for the succeeding legislative day.

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has  
 adopted the conference committee report on:

House Bill No. 1567

And the committees having been unable to agree, the Speaker ap-  
 pointed as a new conference committee:

House Bill No. 1567:

- Rep. Langley

Rep. Lokken

Rep. Kloubec

ROY GILBREATH, Chief Clerk

#### MOTIONS

Senator Solberg moved that the President appoint a committee of three  
 to act with a like committee from the House as a new conference com-  
 mittee on Senate Bill 2148, which motion prevailed.

The President appointed as a conference committee on Senate Bill No.  
 2148:

Senator Strand

Senator Iszler

Senator Lashkowitz

Senator Reiten moved that the President appoint a committee of three  
 to act with a like committee from the House as a new conference com-  
 mittee on House Bill No. 1567, which motion prevailed.

The President appoint as a conference committee on House Bill No.  
 1567:

Senator Tennesfos

Senator Reiten

Senator Krauter

#### 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 Senate Bill No. 2148:

Senator Strand

Senator Iszler

Senator Lashkowitz

LEO LEIDHOLM, Secretary

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2042

Senate Bill No. 2147

Senate Bill No. 2149  
 Senate Bill No. 2153  
 Senate Bill No. 2162  
 Senate Bill No. 2179  
 Senate Bill No. 2190  
 Senate Bill No. 2276  
 Senate Bill No. 2285  
 Senate Bill No. 2295  
 Senate Bill No. 2328  
 Senate Bill No. 2349  
 Senate Bill No. 2356  
 Senate Bill No. 2421  
 Senate Bill No. 2478  
 Senate Bill No. 2482  
 Senate Bill No. 2501  
 Senate Bill No. 2518  
 Senate Bill No. 2532

Senate Concurrent Resolution No. 4044

And the President signed the same in the presence of the Senate.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:

Senate Bill No. 2042  
 Senate Bill No. 2147  
 Senate Bill No. 2149  
 Senate Bill No. 2153  
 Senate Bill No. 2162  
 Senate Bill No. 2179  
 Senate Bill No. 2190  
 Senate Bill No. 2276  
 Senate Bill No. 2285  
 Senate Bill No. 2295  
 Senate Bill No. 2328  
 Senate Bill No. 2349  
 Senate Bill No. 2356  
 Senate Bill No. 2421  
 Senate Bill No. 2478  
 Senate Bill No. 2482  
 Senate Bill No. 2501  
 Senate Bill No. 2518  
 Senate Bill No. 2532

Senate Concurrent Resolution No. 4044

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 transmit herewith the following:

House Bill No. 1063  
 House Bill No. 1124  
 House Bill No. 1135  
 House Bill No. 1165  
 House Bill No. 1191

House Bill No. 1205  
House Bill No. 1209  
House Bill No. 1211  
House Bill No. 1231  
House Bill No. 1255  
House Bill No. 1295  
House Bill No. 1296  
House Bill No. 1298  
House Bill No. 1324  
House Bill No. 1331  
House Bill No. 1337  
House Bill No. 1355  
House Bill No. 1368  
House Bill No. 1410  
House Bill No. 1411  
House Bill No. 1426  
House Bill No. 1433  
House Bill No. 1440  
House Bill No. 1461  
House Bill No. 1462  
House Bill No. 1479  
House Bill No. 1480  
House Bill No. 1514  
House Bill No. 1535  
House Bill No. 1592  
House Concurrent Resolution No. 3098  
House Concurrent Resolution No. 3099  
House Concurrent Resolution No. 3103  
House Concurrent Resolution No. 3104

Which the Speaker has signed and your signature is respectfully requested.

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. 2006:

Rep. Kuchera  
Rep. Christensen  
Rep. Opedahl

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on Senate Bill No. 2239.

ROY GILBREATH, Chief Clerk

Senator Nothing moved that after the reading of House Bill No. 1007, the Senate adjourn until Tuesday, March 29, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



FIFTY-NINTH DAY

Bismarck, March 29, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. Norman E. Winkelman, Calvary United Methodist Church, Bismarck.

"Almighty God, our Heavenly Father, we praise you today as the creator of our lives and the source of our wisdom and strength. Grant each of us today to be filled with your love and compassion.

As the Senate today moves into a very busy schedule, give them clear minds to understand the issues involved, open hearts to feel the leading of your spirit, and convictions to make decisions in keeping with your love and guidance.

Thank you for the strength and guidance you give to each of us daily. Help us always to respond to you in love and obedience. Amen."

The roll was called and all Senators were present except Senator Mau. A quorum was declared by the President.

COMMUNICATION  
STATE OF NORTH DAKOTA  
Executive Office

March 28, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 26, 1977, I signed Senate Bill No. 2068.

Sincerely yours,  
ARTHUR A. LINK  
Governor

REPORTS OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4023 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4028 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4030 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4055 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4056 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4057 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4058 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4062 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4063 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4064

has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4066 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4067 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4078 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4082 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4083 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred Senate Concurrent Resolution No. 4085 has had the same under consideration and recommends that the same be indefinitely postponed.

SEN. SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed and the report was adopted.

#### MOTION

Senator Nothing moved that House Bills No. 1001, 1006, and 1007 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1001. — BUDGETS — Elected State Officials — A Bill for an Act making an appropriation for defraying expenses of various



departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

Which has been read.

Senator Melland proposed the following amendments to House Bill No. 1001:

On page 3 of the engrossed bill, line 5, delete the numerals "1,561,165" and insert in lieu thereof the numerals "1,399,210"

On page 3 of the engrossed bill, line 6, delete the numerals "251,994" and insert in lieu thereof the numerals "227,595"

On page 3 of the engrossed bill, line 7, delete the numerals "21,646" and insert in lieu thereof the numerals "8,000"

On page 3 of the engrossed bill, line 10, delete the numerals "1,862,911" and insert in lieu thereof the numerals "1,662,911"

On page 5 of the engrossed bill, line 27, subdivision 17, as amended by the Senate, after the words "Salaries and wages" delete the numerals "645,226" and insert in lieu thereof the numerals "702,811"

On page 5 of the engrossed bill, line 28, subdivision 17, as amended by the Senate, after the words "Fees and services" delete the numerals "200,559" and insert in lieu thereof the numerals "229,819"

On page 5 of the engrossed bill, line 29, subdivision 17, as amended by the Senate, after the words "Supplies and materials" delete the numerals "41,960" and insert in lieu thereof the numerals "44,960"

On page 5 of the engrossed bill, line 30, subdivision 17, as amended by the Senate, after the word "Equipment" delete the numerals "11,414" and insert in lieu thereof the numerals "13,714"

On page 5 of the engrossed bill, line 31, subdivision 17, as amended by the Senate, after the words "Total all funds" delete the numerals "899,159" and insert in lieu thereof the numerals "991,304"

On page 5 of the engrossed bill, line 32, subdivision 17, as amended by the Senate, after the words "Less federal funds" delete the numerals "15,400" and insert in lieu thereof the numerals "68,847"

On page 5 of the engrossed bill, line 33, subdivision 17, as amended by the Senate, after the words "Total general fund transfer and appropriation" delete the numerals "883,759" and insert in lieu thereof the numerals "922,457"

On page 7 of the engrossed bill, line 4, section 3, as amended by the Senate, after the words "Grand total general fund appropriation" delete the numerals "16,783,923" and insert in lieu thereof the numerals "16,622,621"

On page 7 of the engrossed bill, line 5, section 3, as amended by the Senate, after the words "Grand total special funds appropriated" delete the numerals "3,607,036" and insert in lieu thereof the numerals "3,660,483"

On page 7 of the engrossed bill, line 6, section 3, as amended by the Senate, after the words "Grand total all funds H.B. 1001" delete the numerals "20,390,959" and insert in lieu thereof the numerals "20,283,104"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

State Auditor

This amendment reduces the State Auditor's budget by \$200,000; \$161,955 in salaries and wages, \$24,399 in fees and services, and \$13,646 in

data processing. The budget, when so reduced, provides for 14 new auditors, seven during the first year, and seven during the second year of the biennium.

Agriculture Commissioner

This amendment restores the following funds for the pesticide program:

|                             |          |
|-----------------------------|----------|
| Salaries and wages:         |          |
| Program developer           | \$32,400 |
| 3 part-time inspectors      | 4,554    |
| 3 regional inspectors       | 13,800   |
| Secretary ½ time            | 6,831    |
| Total salaries and wages    | \$57,585 |
| Fees and services           | \$29,260 |
| Supplies and materials      | 3,000    |
| Equipment                   | 2,300    |
| Total for Pesticide Program | \$92,145 |
| Estimated Income            | 53,447   |
| Total General Fund          | \$38,698 |

This amount is \$6,831 less than the executive budget since the above funds allow for a half-time secretary rather than a full-time secretary.

Senator Melland moved that the amendments be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1001 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**House Bill No. 1001. — BUDGETS — Elected State Officials — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof 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, (SJ page 1362 - 1365) the roll was called and there were ayes, 47; nays, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |      |      |              |      |      |            |      |      |                  |      |                 |
|---------------------|------|------|--------------|------|------|------------|------|------|------------------|------|-----------------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      |            |      |      | 1977 LEGISLATURE |      |                 |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS            |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAA DEN  |      |      |                  |      | • SMYKOWSKI     |
| • BARTH             |      |      | • JONES      |      |      | • NELSON   |      |      |                  |      | • SOLBERG       |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING  |      |      |                  |      | • STRAND        |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE   |      |      |                  |      | • STRINDEN      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON |      |      |                  |      | • TALLACKSON    |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON  |      |      |                  |      | • TENNEFOS      |
| • FREED             |      |      | • LIPS       |      |      | • RAIT     |      |      |                  |      | • THANE         |
| • FRITZELL          |      |      | • LODOEN     |      |      | • REDLIN   |      |      |                  |      | • VOSPER        |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN   |      |      |                  |      | • WALSH         |
| • HANSON            |      |      | • MAU        |      |      | • SANDNESS |      |      |                  |      | • WENSTROM      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS    |      |      |                  |      | • WRIGHT        |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO |      |      |                  |      | • MR. PRESIDENT |
| • ISZLER            |      |      | • MORGAN     |      |      | • SHABLOW  |      |      |                  |      |                 |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Nething moved that the vote by which House Bill No. 1001 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1006. Budgets—A Bill for An Act making an appropriation for defraying expenses of the various departments and**

various divisions thereof, of the state of North Dakota; and declaring an emergency.

Which has been read.

Senator Lashkowitz proposed the following amendments to House Bill No. 1006:

On page 1 of the engrossed bill, delete lines 19 through 22.

On page 2 of the engrossed bill, delete lines 26 through 29.

Senator Lashkowitz moved that the amendments be adopted, which motion lost.

Senator Mau moved that the question be divided, that Section 5 of the bill be voted upon separately, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1321 - 1322) except Section 5, the roll was called and there were ayes, 47; nays, 3; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    | •   | •    | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed, the title was agreed to, except for Section 5, and the emergency clause carried.

**ROLL CALL**

The question being on the final passage of Section 5, House Bill No. 1006, the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          | •   |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Section 5 of the House Bill No. 1006 passed.

Senator Nething moved that the vote by which House Bill No. 1006 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1007. Budgets — Director of Institutions — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and which are under the supervision of the director of institutions; and declaring an emergency.**

Which has been read.

Senator Lips proposed the following amendments to House Bill No. 1007:

On page 2 of the engrossed bill, line 7, delete the underscored numerals "2,427,040" and insert in lieu thereof the numerals "2,427,040"

On page 2 of the engrossed bill, after line 7, insert the following line: "Contingency 303,612"

On page 2 of the engrossed bill, line 8, delete the numerals "2,427,040" and insert in lieu thereof the numerals "2,730,652"

On page 2 of the engrossed bill, line 9, delete the numerals "980,340" and insert in lieu thereof the numerals "1,121,940"

On page 2 of the engrossed bill, line 10, delete the numerals "1,446,700" and insert in lieu thereof the numerals "1,608,712"

On page 5 of the engrossed bill, line 13, as amended by the Senate, after the words "Grand total general fund appropriation" delete the numerals "35,163,817" and insert in lieu thereof the numerals "35,325,829"

On page 5 of the engrossed bill, line 14, delete the numerals "8,255,258" and insert in lieu thereof the numerals "8,396,858"

On page 5 of the engrossed bill, line 15, as amended by the Senate, after the words "Grand total all funds H.B. 1007" delete the numerals "43,419,075" and insert in lieu thereof the numerals "43,722,687"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of amendment:

This amendment adds \$303,612 to the Statewide Communications appropriation of which \$162,012 is from the general fund and \$141,600 is estimated income for possible communication system rate increases during the 1977-79 biennium. It is intended that if the rate increases require additional funds over \$303,612, the Director of Institutions will request the Emergency Commission to approve expenditures of such additional funds.

Senator Lips moved that the amendments be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that House Bill No. 1007 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

House Bill No. 1007. Budgets — Director of Institutions — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and which are under the supervision of the director of institutions; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1434 and 1435) the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |      |      |              |      |      |                  |      |              |
|---------------------|------|------|--------------|------|------|------------------|------|--------------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      | 1977 LEGISLATURE |      |              |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS             | N.V. | NAYS         |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN         |      | • SMYKOWSKI  |
| • BARTH             |      |      | • JONES      |      |      | • NELSON         |      | • SOLBERG    |
| • BERUBF            |      |      | • KRAUTER    |      |      | • NETHING        |      | • STRAND     |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE         |      | • STRINDEN   |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON       |      | • TALLACKSON |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON        |      | • TENNEFOS   |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • FREED    | • LIPS    | • RAIT     | • THANE       |
| • FRITZELL | • LODDEN  | • REDLIN   | • VOSPER      |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH       |
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Nothing moved that the vote by which House Bill No. 1007 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

**Senate Concurrent Resolution No. 4053.** A concurrent resolution for the amendment of subsection 7 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the method of selection of the State Commissioner of Higher Education.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 3; nays, 45; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     | •    | JACOBSON   | •   | •    | NAADEN           | •   | SMYKOWSKI     |
| •                   |     | •    | JONES      | •   | •    | NELSON           | •   | SOLBERG       |
| •                   |     | •    | KRAUTER    | •   | •    | NETHING          | •   | STRAND        |
| •                   |     | •    | LARSON     | •   | •    | ORANGE           | •   | STRINDEN      |
| •                   |     | •    | LASHKOWITZ | •   | •    | PETERSON         | •   | TALLACKSON    |
| •                   |     | •    | LEE        | •   | •    | PIETRON          | •   | TENNEFOS      |
| •                   |     | •    | LIPS       | •   | •    | RAIT             | •   | THANE         |
| •                   |     | •    | LODDEN     | •   | •    | REDLIN           | •   | VOSPER        |
| •                   |     | •    | MAHER      | •   | •    | REITEN           | •   | WALSH         |
| •                   |     | •    | MAU        | •   | •    | SANDNESS         | •   | WENSTROM      |
| •                   |     | •    | MELLAND    | •   | •    | SANDS            | •   | WRIGHT        |
| •                   |     | •    | MILLER     | •   | •    | SCHIRADO         | •   | MR. PRESIDENT |
| •                   |     | •    | MORGAN     | •   | •    | SHABLOW          | •   |               |

Senate Concurrent Resolution No. 4053 was declared lost.

**Senate Concurrent Resolution No. 4054.** A concurrent resolution for the amendment of subsection 2 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the qualifications and appointment of members of the State Board of Higher Education.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 4; nays, 45; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     | •    | JACOBSON   | •   | •    | NAADEN           | •   | SMYKOWSKI     |
| •                   |     | •    | JONES      | •   | •    | NELSON           | •   | SOLBERG       |
| •                   |     | •    | KRAUTER    | •   | •    | NETHING          | •   | STRAND        |
| •                   |     | •    | LARSON     | •   | •    | ORANGE           | •   | STRINDEN      |
| •                   |     | •    | LASHKOWITZ | •   | •    | PETERSON         | •   | TALLACKSON    |
| •                   |     | •    | LEE        | •   | •    | PIETRON          | •   | TENNEFOS      |
| •                   |     | •    | LIPS       | •   | •    | RAIT             | •   | THANE         |
| •                   |     | •    | LODDEN     | •   | •    | REDLIN           | •   | VOSPER        |
| •                   |     | •    | MAHER      | •   | •    | REITEN           | •   | WALSH         |
| •                   |     | •    | MAU        | •   | •    | SANDNESS         | •   | WENSTROM      |
| •                   |     | •    | MELLAND    | •   | •    | SANDS            | •   | WRIGHT        |
| •                   |     | •    | MILLER     | •   | •    | SCHIRADO         | •   | MR. PRESIDENT |
| •                   |     | •    | MORGAN     | •   | •    | SHABLOW          | •   |               |

Senate Concurrent Resolution No. 4054 was declared lost.



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     | ●    | ● SOLBERG        |     |      |
| ● BERUBE            |     | ●    | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     | ●    | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LIPS       |     | ●    | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FRED              |     |      | ● LODOEN     |     |      | ● RAIT     |     | ●    | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● MAHER      |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAU        |     |      | ● REITEN   |     |      | ● WALSH          |     | ●    |
| ● HANSON            |     |      | ● MELLAND    |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MILLER     |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MORGAN     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      |              |     |      | ● SHABLOW  |     | ●    |                  |     |      |

So the bill passed and the title was agreed to.

#### MOTION

Senator Nething moved that House Bills No. 1003 and 1004 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1003.** Budgets — Judicial Branch — A Bill for an Act making an appropriation for defraying expenses of the judicial branch of the government of the state of North Dakota.

Which has been read.

Senator Lips offered the following amendments to House Bill No. 1003:

The amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, after line 1, lines 6 and 8, after line 8, and lines 10 and 12 are hereby amended as follows:

In the amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, after line 1 on page 1128 of the Senate Journal insert the following line:

"On page 1 of the engrossed bill, line 19, delete the numerals "1,548,133" and insert in lieu thereof the numerals "1,558,681"

In the amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, line 6, delete the numerals "2,022,633" and insert in lieu thereof the numerals "2,033,181"

In the amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, line 8, delete the numerals "1,862,490" and insert in lieu thereof the numerals "1,873,038"

In the amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, after line 8 on page 1128 of the Senate Journal insert the following lines:

"On page 2 of the engrossed bill, line 14, delete the numerals "56,402" and insert in lieu thereof the numerals "58,854"

On page 2 of the engrossed bill, line 18, delete the numerals "96,702" and insert in lieu thereof the numerals "99,154"

On page 2 of the engrossed bill, line 20, delete the numerals "46,507" and insert in lieu thereof the numerals "48,959"

In the amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, line 10, delete the numerals "3,947,979" and insert in lieu thereof the numerals "3,960,979"

In the amendments to engrossed House Bill No. 1003 as printed on page 1128 of the Senate Journal, line 12, delete the numerals "4,258,317" and insert in lieu thereof the numerals "4,271,317"

Statement of Purpose of Amendment:

The purpose of this amendment is to add \$10,548 to the Supreme Court

salary and wage line item and \$2,452 to the Judicial Qualifications Committee salary and wage line item for upgrading employee salaries.

Senator Lips moved that the amendments be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that House Bill No. 1003 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1003. Budgets — Judicial Branch — A Bill for an Act making an appropriation for defraying expenses of the judicial branch of the government of the state of North Dakota.**

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1127,1128) the roll was called and there were ayes, 40; nays, 10; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |           |      |            |     |                  |                 |     |      |
|---------------------|-----|------|--------------|-----------|------|------------|-----|------------------|-----------------|-----|------|
| REGULAR SESSION     |     |      |              | ROLL CALL |      |            |     | 1977 LEGISLATURE |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V       | NAYS | YEAS       | N-V | NAYS             | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |           |      | • NAADEN   |     |                  | • SMYKOWSKI     |     | •    |
| • BARTH             |     |      | • JONES      |           |      | • NELSON   |     | •                | • SOLBERG       |     |      |
| • BERUBE            |     | •    | • KRAUTER    |           |      | • NETHING  |     |                  | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |           | •    | • ORANGE   |     |                  | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |           |      | • PETERSON |     |                  | • TALLACKSON    |     |      |
| • FARRINGTON        |     | •    | • LEE        |           |      | • PIETRON  |     |                  | • TENEFOS       |     |      |
| • FREED             |     |      | • LIPS       |           |      | • RAIT     |     | •                | • THANE         |     |      |
| • FRITZELL          |     |      | • LODDEN     |           |      | • REOLIN   |     |                  | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |           |      | • REITEN   |     |                  | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |           | •    | • SANDNESS |     |                  | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |           |      | • SANDS    |     |                  | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |           |      | • SCHIRADO |     |                  | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |           | •    | • SHABLOW  |     | •                |                 |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1003 was passed, be reconsidered and the motion to reconsider be laid on the table.

Which motion prevailed.

**House Bill No. 1004. Personal Property Tax Replacement and Homestead Tax Credit — A Bill for an Act to provide an appropriation for the replacement of personal property taxes and homestead tax credit, and the distribution of such moneys.**

Which has been read.

Senator Lips offered the following amendments to House Bill No. 1004: On page 1, line 10, delete the numerals "24,900,000" and insert in lieu thereof the numerals "24,300,000"

On page 1, line 20, delete the numerals "2,500,000" and insert in lieu thereof the numerals "2,900,000"

And renumber the lines accordingly.

Senator Lips moved that the amendments be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that House Bill No. 1004 be placed on the calendar for second reading and final passage, which motion prevailed.

**House Bill No. 1004. Personal Property Tax Replacement and Homestead Tax Credit — A Bill for an Act to provide an appropriation for the replacement of personal property taxes and homestead tax credit, and the distribution of such moneys.**

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    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODGEN     |     |      | ● REDIN    |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the vote by which House Bill No. 1004 was passed, be reconsidered and the motion to reconsider be laid on the table. Which motion prevailed.

House Bill No. 1477. A Bill for an Act to provide a county mill levy for planning purposes.

Which has been read.

Senator Farrington offered the following amendments to House Bill No. 1477:

On page 1 of the engrossed bill, line 13, after the period insert the following: "The proceeds of a levy pursuant to this section shall be used only for county planning purposes, and shall not be used to directly fund a regional planning council. However, proceeds of a levy pursuant to this Act may be used by the levying county to enter into a contract with a regional planning council for single county planning services for the levying county."

And renumber the lines accordingly.

Senator Farrington moved that the amendments be adopted, which motion prevailed.

Senator Melland moved that the Senate reconsider its action by which the amendments to House Bill No. 1477, as printed on page 1286 of the Senate Journal, were adopted, which motion prevailed.

Senator Farrington moved that the amendments to House Bill No. 1477 as printed on page 1286 of the Senate Journal not be adopted, which motion prevailed.

Senator Holmberg moved that the rules be suspended, that House Bill No. 1477 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

House Bill No. 1477. A Bill for an Act to provide a county mill levy for planning purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 26; nays, 24; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON |     |      | ● NAADEN |     |      | ● SMYKOWSKI      |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FRED        | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

**MOTION**

Senator Nething moved that House Bills 1001, 1003, 1004, 1006 and 1007 be messaged to the House immediately, which motion prevailed.

**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. 1001
- House Bill No. 1003
- House Bill No. 1004
- House Bill No. 1006
- House Bill No. 1007

LEO LEIDHOLM, Secretary

**Senate Chamber**

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

- House Bill No. 1002
- House Bill No. 1026

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 Concurrent Resolution No. 4086

ROY GILBREATH, Chief Clerk

**House Chamber**

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on House Bill No. 1041.

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. 2027

ROY GILBREATH, Chief Clerk

**HOUSE AMENDMENTS TO SENATE BILL No. 2027**

On page 1, line 2 of the engrossed bill, after the word "towers" insert the following: "; to provide for state reimbursement for the loss of revenue to counties and other taxing districts; and to provide an appropriation"

On page 2, following line 15, insert the following:

"SECTION 3. TRANSMISSION TOWER CREDIT — CERTIFICATION.) Prior to March 1, 1979, and of each year thereafter, the county auditor of each county shall certify to the state tax commissioner on forms prescribed by him the name and address of each person to

whom the credit provided in section 2 of this Act was allowed for the preceding year, the amount of the credit allowed, the total of the tax mill rates of all taxing districts, exclusive of any state mill rates, that was applied to other real estate in such taxing districts for the preceding year, and such other information as may be prescribed by the tax commissioner.

The tax commissioner shall audit such certifications, make such corrections as may be required, and certify to the state treasurer for payment to each county on or before July 1, 1979, and of each year thereafter, the sum of the amounts computed by multiplying the credit allowed for each such transmission tower in the county for the preceding year by the total of the tax mill rates, exclusive of any state mill rates, that was applied to other real estate in such taxing districts for that year.

The county treasurer upon receipt of the payment from the state treasurer shall forthwith apportion and distribute it to the county and to the local taxing districts of the county on the basis on which the general real estate tax for the preceding year is apportioned and distributed.

Supplemental certifications by the county auditor and by the state tax commissioner and supplemental payments by the state treasurer may be made after the dates prescribed herein to make such corrections as may be necessary because of errors therein or because of approval of any application for abatement filed by a person because the exemption provided for in section 2 of this Act was not allowed in whole or in part.

SECTION 4. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000.00, or so much thereof as may be necessary, to the state treasurer for the reimbursement of county tax credits as provided in this Act, for the biennium beginning July 1, 1977, and ending June 30, 1979. If the appropriation provided in this Act is not sufficient to cover the credits allowed, the state treasurer shall pay only the amount of funds available and a method of proration shall be used that provides each county the same proportion of these funds as the percent of total funds it would have received if the appropriation had been sufficient."

And renumber the lines and pages accordingly.

#### House Chamber

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 2042  
Senate Bill No. 2147  
Senate Bill No. 2149  
Senate Bill No. 2153  
Senate Bill No. 2162  
Senate Bill No. 2179  
Senate Bill No. 2190  
Senate Bill No. 2276  
Senate Bill No. 2285  
Senate Bill No. 2295  
Senate Bill No. 2328  
Senate Bill No. 2349  
Senate Bill No. 2356  
Senate Bill No. 2421  
Senate Bill No. 2478

Senate Bill No. 2482  
Senate Bill No. 2501  
Senate Bill No. 2518  
Senate Bill No. 2532  
Senate Concurrent Resolution No. 4044  
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1063  
House Bill No. 1124  
House Bill No. 1135  
House Bill No. 1165  
House Bill No. 1191  
House Bill No. 1205  
House Bill No. 1209  
House Bill No. 1211  
House Bill No. 1231  
House Bill No. 1255  
House Bill No. 1295  
House Bill No. 1296  
House Bill No. 1298  
House Bill No. 1324  
House Bill No. 1331  
House Bill No. 1337  
House Bill No. 1355  
House Bill No. 1368  
House Bill No. 1410  
House Bill No. 1411  
House Bill No. 1426  
House Bill No. 1433  
House Bill No. 1440  
House Bill No. 1461  
House Bill No. 1462  
House Bill No. 1479  
House Bill No. 1480  
House Bill No. 1514  
House Bill No. 1535  
House Bill No. 1592

House Concurrent Resolution No. 3098  
House Concurrent Resolution No. 3099  
House Concurrent Resolution No. 3103  
House Concurrent Resolution No. 3104

And the President signed the same in the presence of the Senate.

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2042  
Senate Bill No. 2147  
Senate Bill No. 2149  
Senate Bill No. 2153  
Senate Bill No. 2162  
Senate Bill No. 2179

Senate Bill No. 2190  
 Senate Bill No. 2276  
 Senate Bill No. 2285  
 Senate Bill No. 2295  
 Senate Bill No. 2328  
 Senate Bill No. 2349  
 Senate Bill No. 2356  
 Senate Bill No. 2421  
 Senate Bill No. 2478  
 Senate Bill No. 2482  
 Senate Bill No. 2501  
 Senate Bill No. 2518  
 Senate Bill No. 2532

Were delivered to the Governor for his approval on March 29, 1977.

SENATOR STRAND, Chairman

#### REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4044

Was delivered to the Secretary of State on March 29, 1977.

SENATOR STRAND, Chairman

#### MOTION

Senator Christensen moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1344, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1344:

Senator Christensen  
 Senator Peterson  
 Senator Orange

#### MOTION

Senator Nething moved that the Senate stand in recess until 1:30 P.M., which motion prevailed.

The Senate reconvened, President Sanstead presiding.

#### POINT OF PERSONAL PRIVILEGE

Senator Iszler:

Mein Sehr Geehrter Heer Wayne Sanstead und Meir Seer Geehrte Mitglieder der North Dakota Senate. Die Senator Harry Iszler möchten alle Mitglieder der North Dakota Senate etwas von unserer deutsche Geschichte in Russland erzählen.

Nord Dakota hat viele Einwohner die von Deutscher aus Russland abstammung sind. In der Zählung von 1920 hat unser Staat Nord Dakota beinahe 70,000 Deutschen aus Russland und das ist fast zweimal so viel wie irgend ein anderer Staat in der U.S.A. zu dieser Zeit.

Unsere Deutschen sind hauptsächlich Schwartz meer Deutschen die Ursprünglich gleich nach dem Anfang des 19 Jahrhunderts von Deutschland nach Russland gewandert sind, weil sie religiöse und militär Freiheit gesucht haben. Zum Anfang war das Leben sehr schwer aber mit der Zeit geht alles ziemlich gut. Alle haben gute Wohnungen, genug Land, and ein ziemlich schönes Leben.

Das Leben hat sich aber mit der Zeit geändert. Die Russen machen den Deutschen immer mehr schwerigkeiten und endlich in 1871 hat sich die Sache ganz geändert, weil nach dieser Zeit müssen alle deutschen

Männer die in Russland wohnen wollen und für das Militär fähig sind, eine Militär Dienst dienen. Weil viele Leute nicht in die Militär möchten, kommen viele nach Amerika und nach 1884 kommen viele nach Nord Dakota.

Diesen Sommer möchten wir Sie die Senatoren und Repräsentanten von unserem Staat für unsere jährliche Tagung von der North Dakota Historical Society of Germans from Russia einladen. Die Tagung findet von dem 7.-9. Jule im Holiday Inn in Bismarck, North Dakota staat. Unsere Tagungen sind immer eine gute Gelegenheit um etwas zu lernen und viel spass zu haben. Hoffentlich kommen Sie alle nach Bismarck.

#### TRANSLATION:

My very honorable President Wayne Sanstead and my very honorable members of the North Dakota Senate. Senator Harry Iszler, would like to relate to the members of the North Dakota Senate a little history of the Germans in Russia.

North Dakota has many citizens who are descendents of Germans from Russia. In the 1920 census there were almost 70,000 people in North Dakota who were of German Russian descent and that is twice as many as any other state in the United States.

Our Germans are mainly Black Sea Germans, who at the beginning of the 19th century migrated from Germany to Russia. Seeking religious freedom and freedom from military conscription, at first life was very difficult but with hard work things improved. Housing was good, land was abundant and everyone enjoyed a good life.

In time things began to change. The Russian government imposed so many burdens and hardships on the Germans, that by 1871 things had changed entirely. Any German man who wanted to reside in Russia and was eligible had to serve a time in the military. As this was one of the reasons they left Germany, many migrated to America and by 1884 many came to North Dakota.

This summer we would like to invite all the Senators and Representatives of the State of North Dakota to the annual convention of the North Dakota Historical Society of Germans from Russia that will be held July 7-9 at the Holiday Inn in Bismarck. You will have the opportunity to learn a little more of our culture and of course, to have lots of fun. We hope you can all come to Bismarck.

#### MOTION

Senator Nething moved that all of the Senate Concurrent Resolutions be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4023. A concurrent resolution directing the legislative council to conduct an interim study to examine the effectiveness of the state's disaster prevention, preparedness, response, and recovery programs and to determine the feasibility of future legislation to better enable the state and its political subdivisions to meet all types of disasters and emergencies.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4023 was declared lost.

Senate Concurrent Resolution No. 4028. A concurrent resolution directing the Legislative Council to conduct a study of the minute keeping practices and procedures of public bodies.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4028 was declared lost.

Senate Concurrent Resolution No. 4030. A concurrent resolution directing the Legislative Council to conduct a study of products liability and related insurance problems.

Was read the second time.

The question being on the final adoption of the resolution, Senator Naaden requested a roll call vote, which request was granted.

#### ROLL CALL

The roll was called and there were ayes, 36; nays, 13; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS |               |
| •                   |     |      | JACOBSON  | •          |      | •                | NAADEN   | •    | SMYKOWSKI     |
| •                   |     |      | •         | JONES      |      | •                | NELSON   | •    | SOLBERG       |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  | •    | STRAND        |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   | •    | STRINDEN      |
|                     |     | •    | •         | LASHKOWITZ |      | •                | PETERSON | •    | TALLACKSON    |
|                     |     | •    | •         | LEE        |      | •                | PIETRON  | •    | TENNEFOS      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     | •    | THANE         |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   | •    | VOSPER        |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   | •    | WALSH         |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS | •    | WENSTROM      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    | •    | WRIGHT        |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO | •    | MR. PRESIDENT |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |               |

Senate Concurrent Resolution No. 4030 was declared adopted.

#### MOTION

Senator Nething moved that the Senate recess until 3:30 P.M. which motion prevailed.

The Senate reconvened, the President presiding.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 1063  
 House Bill No. 1124  
 House Bill No. 1135  
 House Bill No. 1165  
 House Bill No. 1191  
 House Bill No. 1205  
 House Bill No. 1209  
 House Bill No. 1211  
 House Bill No. 1231  
 House Bill No. 1255  
 House Bill No. 1295  
 House Bill No. 1296  
 House Bill No. 1298  
 House Bill No. 1324  
 House Bill No. 1331  
 House Bill No. 1337  
 House Bill No. 1355  
 House Bill No. 1368  
 House Bill No. 1410  
 House Bill No. 1411  
 House Bill No. 1426  
 House Bill No. 1433

House Bill No. 1440  
 House Bill No. 1461  
 House Bill No. 1462  
 House Bill No. 1479  
 House Bill No. 1480  
 House Bill No. 1514  
 House Bill No. 1535  
 House Bill No. 1592  
 House Concurrent Resolution No. 3098  
 House Concurrent Resolution No. 3099  
 House Concurrent Resolution No. 3103  
 House Concurrent Resolution No. 3104  
 Which the President has signed.

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 Bill No. 2307.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1344:

Senator Christensen

Senator Peterson

Senator Orange

LEO LEIDHOLM, Secretary

#### REPORTS 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. 2092  
 Senate Bill No. 2136  
 Senate Bill No. 2159  
 Senate Bill No. 2175  
 Senate Bill No. 2187  
 Senate Bill No. 2192  
 Senate Bill No. 2208  
 Senate Bill No. 2213  
 Senate Bill No. 2220  
 Senate Bill No. 2242  
 Senate Bill No. 2269  
 Senate Bill No. 2289  
 Senate Bill No. 2290  
 Senate Bill No. 2334  
 Senate Bill No. 2339  
 Senate Bill No. 2444  
 Senate Bill No. 2459  
 Senate Bill No. 2467  
 Senate Bill No. 2529  
 Senate Bill No. 2546  
 Senate Resolution No. 12  
 Senate Resolution No. 14



Senate Resolution No. 16  
 Senate Concurrent Resolution No. 4020  
 Senate Concurrent Resolution No. 4043  
 Senate Concurrent Resolution No. 4050  
 And find the same correctly Enrolled.

SEN. STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2071  
 Senate Bill No. 2145  
 Senate Bill No. 2157  
 Senate Bill No. 2185  
 Senate Bill No. 2204  
 Senate Bill No. 2302  
 Senate Bill No. 2355  
 Senate Bill No. 2372  
 Senate Bill No. 2425  
 Senate Bill No. 2427  
 Senate Bill No. 2498  
 Senate Bill No. 2539

And find the same correctly Engrossed and Enrolled.

SEN. STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2038  
 Senate Bill No. 2071  
 Senate Bill No. 2092  
 Senate Bill No. 2136  
 Senate Bill No. 2145  
 Senate Bill No. 2157  
 Senate Bill No. 2159  
 Senate Bill No. 2175  
 Senate Bill No. 2185  
 Senate Bill No. 2187  
 Senate Bill No. 2192  
 Senate Bill No. 2204  
 Senate Bill No. 2208  
 Senate Bill No. 2213  
 Senate Bill No. 2220  
 Senate Bill No. 2242  
 Senate Bill No. 2269  
 Senate Bill No. 2289  
 Senate Bill No. 2290  
 Senate Bill No. 2302  
 Senate Bill No. 2334  
 Senate Bill No. 2339  
 Senate Bill No. 2355  
 Senate Bill No. 2372  
 Senate Bill No. 2425

Senate Bill No. 2427  
 Senate Bill No. 2444  
 Senate Bill No. 2459  
 Senate Bill No. 2467  
 Senate Bill No. 2498  
 Senate Bill No. 2529  
 Senate Bill No. 2539  
 Senate Bill No. 2546  
 Senate Concurrent Resolution No. 4020  
 Senate Concurrent Resolution No. 4043  
 Senate Concurrent Resolution No. 4050  
 Senate Resolution No. 12  
 Senate Resolution No. 14  
 Senate Resolution No. 16

And the President signed the same in the presence of the Senate.

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1001-1003-1006-1007 and the Speaker has appointed as a conference committee to act with a like committee from the Senate:

House Bill No. 1001:

Rep. Marsden  
 Rep. L. Hausauer  
 Rep. Fleming

House Bill No. 1003:

Rep. Unhjem  
 Rep. Gunsch  
 Rep. Johnson

House Bill No. 1006:

Rep. Kuchera  
 Rep. Gunsch  
 Rep. Horgan

House Bill No. 1007:

Rep. Eagles  
 Rep. Kuchera  
 Rep. Kelly

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on House Bill No. 1010 and having been unable to agree, the Speaker appointed as a new conference committee:

Rep. Unhjem  
 Rep. Marsden  
 Rep. Lardy

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to transmit herewith the following, which the House has passed and your favorable consideration is requested on:

House Bill No. 1313

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1002-1026-1262-1408 and the Speaker has appointed as a conference committee to act with a like committee from the Senate:

House Bill No. 1002:

Rep. Marsden  
Rep. Unhjem  
Rep. Lardy

House Bill No. 1026:

Rep. Wagner  
Rep. Knudson  
Rep. Jacobson

House Bill No. 1262:

Rep. Gackle  
Rep. A. Hausauer  
Rep. Backes

House Bill No. 1408:

Rep. G. Larson  
Rep. Black  
Rep. Berger

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. 2062:

Rep. Rylance  
Rep. Berg  
Rep. Kloubec

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President:

I have the honor to inform you that the following changes have been made in conference committee appointments:

Senate Bill No. 2010

Rep. Mushik replaces Rep. Opedahl

Senate Bill No. 2006

Rep. Johnson replaces Rep. Opedahl

ROY GILBREATH, Chief Clerk

## CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Naaden moved that the Conference Committee Report on Senate Bill No. 2002 as printed on pages 1415 and 1416 of the Senate Journal be adopted, which motion prevailed.

Senator Naaden moved that the rules be suspended, that Senate Bill No. 2002 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

## SECOND READING OF SENATE BILLS

Senate Bill No. 2002. Extension Division and Experiment Stations — A Bill for an Act making an appropriation for defraying expenses of the extension division and the experiment stations of the North Dakota state university of agriculture and applied science.

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    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM   |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT     |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |              |

So the bill passed and the title was agreed to.

Senator Strinden moved that the Conference Committee Report on Senate Bill No. 2003 as printed on page 1416 of the Senate Journal be adopted, which motion prevailed.

Senator Strinden moved that the rules be suspended, that Senate Bill No. 2003 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2003. Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 3; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |              |
|---------------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI  |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS   |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER     |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM   |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT     |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | MR PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |              |

So the bill passed and the title was agreed to.

Senator Lips moved that the Conference Committee Report on Senate Bill No. 2007 as printed on page 1417 of the Senate Journal be adopted, which motion prevailed.

Senator Thane moved that the Conference Committee Report on Senate Bill No. 2011 as printed on page 1435 of the Senate Journal be adopted, which motion prevailed.

Senator Thane moved that the rules be suspended, that Senate Bill No. 2011 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2011. BUDGETS — A Bill for an Act making an ap-

proprietion for defraying expenses of various departments and various divisions thereof 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, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Vosper moved that the Conference Committee Report on Senate Bill No. 2045 as printed on page 1417 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the rules be suspended, that Senate Bill No. 2045 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2045. A Bill for an Act to prohibit discrimination in employment because of race, color, religion, national origin, sex, age, or marital status; and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 11; nays, 39; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Bill No. 2045 was declared lost.

Senator Melland moved that the Conference Committee Report on Senate Bill No. 2126 as printed on page 1436 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the Conference Committee Report on Senate Bill No. 2160 as printed on page 1418 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the rules be suspended, that Senate Bill No. 2160 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Shablow moved that the Senate reconsider its action by which the conference committee report on Senate Bill No. 2160 was adopted, which motion lost.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2160.** A Bill for an Act to amend and reenact sections 62-01-08 and 62-01-09 and subsection 4 of section 62-01-14 of the North Dakota Century Code, relating to regulation of the sale of pistols.

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, 33; nays, 16; absent and not voting, 1.

| REGULAR SESSION     |     |      |              |     |      |            |     |      | 1977 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        |  |  |  |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      |                  |     |      |               |     | • SMYKOWSKI |  |  |  |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     | •    |                  |     |      |               |     | • SOLBERG   |  |  |  |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      |                  |     |      | • STRAND      |     |             |  |  |  |
| • CHRISTENSEN       |     | •    | • LARSON     |     |      | • ORANGE   |     |      |                  |     |      | • STRINDEN    |     | •           |  |  |  |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |     |      |                  |     |      | • TALLACKSON  |     | •           |  |  |  |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     | •    |                  |     |      | • TENNEFOS    |     | •           |  |  |  |
| • FRED              |     | •    | • LIPS       |     |      | • RAIT     |     |      |                  |     |      | • THANE       |     | •           |  |  |  |
| • FRITZELL          |     | •    | • LODGEN     |     |      | • REITEN   |     | •    |                  |     |      | • VOSPER      |     | •           |  |  |  |
| • GOODMAN           |     | •    | • MAHER      |     |      | • SANDNESS |     |      |                  |     |      | • WALSH       |     | •           |  |  |  |
| • HANSON            |     | •    | • MAU        |     |      | • SANDS    |     |      |                  |     |      | • WENSTROM    |     | •           |  |  |  |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SCHIRADO |     |      |                  |     |      | • WRIGHT      |     | •           |  |  |  |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SHABLOW  |     | •    |                  |     |      | MR. PRESIDENT |     |             |  |  |  |
| • ISZLER            |     | •    | • MORGAN     |     | •    |            |     |      |                  |     |      |               |     |             |  |  |  |

So the bill passed and the title was agreed to.

Senator Christensen moved that the Conference Committee Report on Senate Bill No. 2164 as printed on pages 1370 and 1371 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the rules be suspended, that Senate Bill No. 2164 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2164.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-02-05, 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, 25-02-17, and 25-02-18 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, the establishment, powers, duties, and authority of county mental health boards, and the liability of certain officers for detention of mentally ill persons, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

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     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| ● ALBERS            |     |      | JACOBSON     |     | ●    | ● NAADEN         |     | ● SMYKOWSKI     |
| ● BARTH             |     |      | ● JONES      |     | ●    | ● NELSON         |     | ● SOLBERG       |
| ● BERUBE            |     |      | ● KRAUTER    |     | ●    | ● NETHING        |     | ● STRAND        |
| ● CHRISTENSEN       |     |      | ● LARSON     |     | ●    | ● ORANGE         |     | ● STRINDEN      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     | ●    | ● PETERSON       |     | ● TALLACKSON    |
| ● FARRINGTON        |     |      | ● LEE        |     | ●    | ● PIETRON        |     | ● TENNEFOS      |
| ● FREED             |     |      | ● LIPS       |     | ●    | ● RAIT           |     | ● THANE         |
| ● FRITZELL          |     |      | ● LODDEN     |     | ●    | ● REDLIN         |     | ● VOSPER        |
| ● GOODMAN           |     |      | ● MAHER      |     | ●    | ● REITEN         |     | ● WALSH         |
| ● HANSON            |     |      | ● MAU        |     | ●    | ● SANDNESS       |     | ● WESTROM       |
| ● HOFFNER           |     |      | ● MELLAND    |     | ●    | ● SANDS          |     | ● WRIGHT        |
| ● HOLMBERG          |     |      | ● MILLER     |     | ●    | ● SCHIRADO       |     | ● MR. PRESIDENT |
| ● ISZLER            |     |      | ● MORGAN     |     | ●    | ● SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Freed moved that the Conference Committee Report on Senate Bill No. 2277 as printed on page 1418 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the Senate reconsider its action by which it adopted the conference committee report on Senate Bill 2277, which motion prevailed.

Senator Freed moved that the Senate do not adopt the conference committee report on Senate Bill No. 2277, and that a new conference committee be appointed, which motion prevailed.

The President appointed as a new conference committee to act with a like committee from the House on Senate Bill No. 2277:

Senator Freed

Senator Christensen

Senator Schirado

Senator Nelson moved that the Conference Committee Report on Senate Bill No. 2297 as printed on pages 1436 and 1437 of the Senate Journal be adopted, which motion prevailed.

Senator Nelson moved that the rules be suspended, that Senate Bill No. 2297 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2297. A Bill for an Act to create and enact sections 49-22-05.1, 49-22-07.1, 49-22-07.2, 49-22-12.1, and 49-22-14.1 of the North Dakota Century Code, relating to inventory of exclusion areas, letters of intent prior to construction of energy conversion or transmission facilities, waiver of procedures and time schedules, emergency certification, and cooperation with state and federal agencies; to amend and reenact subsections 8, 10, 11, and 12 of section 49-22-03, sections 49-22-04, 49-22-07, 49-22-08, 49-22-10, 49-22-11, 49-22-13, 49-22-19, 49-22-21, and subsections 1, 2 and 3 of section 49-22-22 of the North Dakota Century Code, relating to definitions, ten-year plans of utilities, certificates of site compatibility, application for a certificate of site compatibility, designation of sites and corridors, approval of routes within corridors, public hearings, requests for rehearings, penalties, and application fees; to repeal sections 49-22-05, 49-22-06, 49-22-12, and 49-22-23, relating to inventory of potential sites, energy conversion and transmission facility development plans, and emergency certification.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG     |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL      |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH       |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

Senator Lodoen moved that the Conference Committee Report on Senate Bill No. 2308 as printed on page 1418 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2308 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2308. A Bill for an Act to authorize creation of rural ambulance service districts, setting forth the powers and duties of such districts, authorizing the levy of a tax, and setting limits on the indebtedness of such districts.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| ● ALBERS        |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |               |
| ● BARTH         |     |      | ● JONES      |     |      | ● NELSON         |     | ● SMYKOWSKI   |
| ● BERUBE        |     |      | ● KRAUTER    |     |      | ● NETHING        |     | ● SOLBERG     |
| ● CHRISTENSEN   |     |      | ● LARSON     |     |      | ● ORANGE         |     | ● STRAND      |
| ● ERDMAN        |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     | ● STRINDEN    |
| ● FARRINGTON    |     |      | ● LEE        |     |      | ● PIETRON        |     | ● TALLACKSON  |
| ● FREED         |     |      | ● LIPS       |     |      | ● RAIT           |     | ● TENNEFOS    |
| ● FRITZELL      |     |      | ● LODGEN     |     |      | ● REDLIN         |     | ● THANE       |
| ● GOODMAN       |     |      | ● MAHER      |     |      | ● REITEN         |     | ● VOSPER      |
| ● HANSON        |     |      | ● MAU        |     |      | ● SANDNESS       |     | ● WALSH       |
| ● HOFFNER       |     |      | ● MELLAND    |     |      | ● SANDS          |     | ● WENSTROM    |
| ● HOLMBERG      |     |      | ● MILLER     |     |      | ● SCHIRADO       |     | ● WRIGHT      |
| ● ISZLER        |     |      | ● MORGAN     |     |      | ● SHABLOW        |     | MR. PRESIDENT |

So the bill passed and the title was agreed to.

Senator Sands moved that the Conference Committee Report on Senate Bill No. 2323 as printed on pages 1418-1420 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2323 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2323. A Bill for an Act to create and enact sections 16.1-06-10.1, 16.1-06-10.2, 16.1-06-11.1, 16.1-06-11.2, 16.1-06-12.1, 16.1-06-14.1, 16.1-06-18.1, 16.1-13-23.1, and 16.1-15-09.1 of the North Dakota Century Code, relating to the use of electronic voting systems and the requirements of such systems; to amend and reenact sections 16.1-06-03, 16.1-06-04, 16.1-06-05, 16.1-07-13, subsection 1 of section 16.1-11-17, subsection 2 of section 16.1-11-22, sections 16.1-13-05, 16.1-13-31, 16.1-13-32, 16.1-15-08, 16.1-15-09, sub-



section 4 of section 16.1-16-01, and section 16.1-16-07 of the North Dakota Century Code as contained in House Bill No. 1049 as approved by the forty-fifth legislative assembly, relating to supplying electronic voting systems, and using electronic voting systems at elections; and to provide a penalty; or, in the alternative, to create and enact chapter 16-23 of the North Dakota Century Code, relating to the use of electronic voting systems; and to provide a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      | ROLL-CALL           |     |      | ROLL-CALL  |     |      | ROLL-CALL        |     |      |
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        | •   |      | • JACOBSON          |     |      | • NAADEN   | •   |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODOEN            |     |      | • REDLIN   |     |      | • VOSPER         | •   |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER        |     |      | • MORGAN            | •   |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Lips moved that the Conference Committee Report on Senate Bill No. 2346 as printed on pages 1420-1421 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2346 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2346. A Bill for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit; and to provide effective dates.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 0; absent and not voting, 4.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      | ROLL-CALL           |     |      | ROLL-CALL  |     |      | ROLL-CALL        |     |      |
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        | •   |      | • JACOBSON          |     |      | • NAADEN   | •   |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LEE               |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED         |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODOEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      |                  |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Iszler moved that the Conference Committee Report on Senate Bill No. 2364 as printed on page 1422 of the Senate Journal be adopted, which motion prevailed.

Senator Iszler moved that the rules be suspended, that Senate Bill No. 2364 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2364. A Bill for an Act to amend and reenact section 27-08-08 of the 1975 Supplement to the North Dakota Century Code, relating to salaries of judges of county courts of increased jurisdiction.

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, 37; nays, 13; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            | •   |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           | •   | • THANE         |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS       | •   | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        | •   |                 |

So the bill passed and the title was agreed to.

Senator Lodoen moved that the Conference Committee Report on Senate Bill No. 2381 as printed on pages 1437 and 1438 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2381 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2381. A Bill for an Act to create and enact chapter 40-33.2 of the North Dakota Century Code, relating to municipal power agencies, authorizing, creating, and defining their powers and responsibilities, authorizing the issuance of bonds and notes; 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, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         | •   | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          | •   |      | • LODOEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     | •   |      | • SHABLOW        |     |                 |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Lodoen moved that the Conference Committee Report on Senate Bill No. 2463 as printed on page 1422 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2463 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2463.** A Bill for an Act to amend and reenact sections 40-57-03, 40-57-04, 40-57-07, 40-57-14, and 40-57-18 of the North Dakota Century Code, relating to municipalities; certain municipal bonds; authorizing municipalities to enter into certain loan agreements; and relating to costs to be financed by certain municipal bonds; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Lodoen moved that the Conference Committee Report on Senate Bill No. 2471 as printed on page 1422 of the Senate Journal be adopted, which motion prevailed.

Senator Lodoen moved that the rules be suspended, that Senate Bill No. 2471 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2471.** A Bill for an Act to amend and reenact Section 13-04-01 of the North Dakota Century Code, relating to installment loan charges.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49, nays, 1; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING        |     |      | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS   |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE      |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH      |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM    |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

Senator Freed moved that the Conference Committee Report on Senate Bill No. 2479 as printed on page 1438 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2479 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2479. A Bill for an Act to amend and reenact subsection 2 of section 32-15-22 of the North Dakota Century Code, relating to the assessment of damages in eminent domain.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAA DEN  |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOIBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Lips moved that the Conference Committee Report on House Bill No. 1009 as printed on page 1423 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the Conference Committee Report on House Bill No. 1013 as printed on page 1423 of the Senate Journal be adopted, which motion prevailed.

Senator Thane moved that the rules be suspended, that House Bill No. 1013 be placed on second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1013. Budgets — Adjutant General — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the office of the adjutant general; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |           |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|-----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |           |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS      | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAA DEN |     |      | • SMYKOWSKI      |     |      |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG     |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Melland moved that the Conference Committee Report on House Bill No. 1018 as printed on page 1438 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the Conference Committee Report on House Bill No. 1084 as printed on page 1439 of the Senate Journal be adopted, which motion prevailed.

Senator Sandness moved that the rules be suspended, that House Bill No. 1084 be placed on second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF HOUSE BILLS

**House Bill No. 1084.** A Bill for an Act to amend and reenact section 57-15-14 of the North Dakota Century Code relating to petitions for school district tax levy limitation elections.

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    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Reiten moved that the Conference Committee Report on House Bill No. 1384 as printed on pages 1439 and 1440 of the Senate Journal be adopted, which motion lost on a division vote.

Senator Strinden moved that the Conference Committee Report on House Bill No. 1419 as printed on pages 1423 and 1424 of the Senate Journal be adopted, which motion prevailed.

Senator Jones moved that the Conference Committee Report on House Bill No. 1478 as printed on page 1440 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the Conference Committee Report on House Bill No. 1525 as printed on page 1440 of the Senate Journal be adopted, which motion prevailed.

Senator Holmberg moved that the Conference Committee Report on House Bill No. 1531 as printed on pages 1440 and 1441 of the Senate Journal be adopted, which motion prevailed.

Senator Holmberg moved that the rules be suspended, that House Bill No. 1531 be placed on second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF HOUSE BILLS

**House Bill No. 1531.** A Bill for an Act to require reports to law enforcement officers by physicians and others of injuries caused by a knife, gun, or pistol or other criminal conduct, and providing a penalty.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |     |               |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |      |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V | NAYS          |
| ●                   |     |      | ●         |            |      | ●                |          |      | ●    |     |               |
| ●                   |     |      | ●         | JACOBSON   |      | ●                | NAADEN   |      | ●    |     | SMYKOWSKI     |
| ●                   |     |      | ●         | JONES      |      | ●                | NELSON   |      | ●    |     | SOLBERG       |
| ●                   |     |      | ●         | KRAUTER    |      | ●                | NETHING  |      | ●    |     | STRAND        |
| ●                   |     |      | ●         | LARSON     |      | ●                | ORANGE   |      | ●    |     | STRINDEN      |
| ●                   |     |      | ●         | LASHKOWITZ |      | ●                | PETERSON |      | ●    |     | TALLACKSON    |
| ●                   |     |      | ●         | LEE        |      | ●                | PIETRON  |      | ●    |     | TENNEFOS      |
| ●                   |     |      | ●         | LIPS       |      | ●                | RAIT     |      | ●    |     | THANE         |
| ●                   |     |      | ●         | LODOEN     |      | ●                | REDLIN   |      | ●    |     | VOSPER        |
| ●                   |     |      | ●         | MAHER      |      | ●                | REITEN   |      | ●    |     | WALSH         |
| ●                   |     |      | ●         | MAU        |      | ●                | SANDNESS |      | ●    |     | WENSTROM      |
| ●                   |     |      | ●         | MELLAND    |      | ●                | SANDS    |      | ●    |     | WRIGHT        |
| ●                   |     |      | ●         | MILLER     |      | ●                | SCHIRADO |      |      |     | MR. PRESIDENT |
| ●                   |     |      | ●         | MORGAN     |      | ●                | SHABLOW  |      |      |     |               |

So the bill passed and the title was agreed to.

Senator Naaden moved that the Conference Committee Report on House Bill No. 1548 as printed on page 1424 of the Senate Journal be adopted, which motion prevailed.

Senator Vosper moved that the Conference Committee Report on House Bill No. 1565 as printed on page 1424 of the Senate Journal be adopted, which motion prevailed.

### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-eighth day and finds the same to be correct.

Your committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-sixth day and recommends that the same be corrected as follows:

On page 1382, delete lines 28, 29 and 30.

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Shablow moved that the report be adopted, which motion prevailed.

### MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1001, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1001:

Senator Melland

Senator Lips

Senator Larson

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1002, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1002:

Senator Melland  
 Senator Strinden  
 Senator Maher

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1003, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1003:

Senator Lips  
 Senator Wenstrom  
 Senator Erdman

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1006, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1006:

Senator Thane  
 Senator Strinden  
 Senator Maher

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1007, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1007:

Senator Melland  
 Senator Hanson  
 Senator Walsh

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1010, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1010:

Senator Melland  
 Senator Hanson  
 Senator Erdman

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1026, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1026:

Senator Strinden  
 Senator Thane  
 Senator Orange

Senator Goodman moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman  
 Senator Jacobson  
 Senator Barth

Senator Sands moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1408, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1408:

Senator Farrington  
 Senator Holmberg  
 Senator Berube

MESSAGES TO THE HOUSE  
 Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:

Senate Bill No. 2038  
 Senate Bill No. 2071  
 Senate Bill No. 2092  
 Senate Bill No. 2136  
 Senate Bill No. 2145  
 Senate Bill No. 2157  
 Senate Bill No. 2159  
 Senate Bill No. 2175  
 Senate Bill No. 2185  
 Senate Bill No. 2187  
 Senate Bill No. 2192  
 Senate Bill No. 2204  
 Senate Bill No. 2208  
 Senate Bill No. 2213  
 Senate Bill No. 2220  
 Senate Bill No. 2242  
 Senate Bill No. 2269  
 Senate Bill No. 2289  
 Senate Bill No. 2290  
 Senate Bill No. 2302  
 Senate Bill No. 2334  
 Senate Bill No. 2339  
 Senate Bill No. 2355  
 Senate Bill No. 2372  
 Senate Bill No. 2425  
 Senate Bill No. 2427  
 Senate Bill No. 2444  
 Senate Bill No. 2459  
 Senate Bill No. 2467  
 Senate Bill No. 2498  
 Senate Bill No. 2529  
 Senate Bill No. 2539  
 Senate Bill No. 2546

Senate Concurrent Resolution No. 4020

Senate Concurrent Resolution No. 4043

Senate Concurrent Resolution No. 4050

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 President has appointed as a conference committee to act with a like committee from the House, on:



House Bill No. 1001:  
 Senator Melland  
 Senator Lips  
 Senator Larson  
 House Bill No. 1002:  
 Senator Melland  
 Senator Strinden  
 Senator Maher  
 House Bill No. 1003:  
 Senator Lips  
 Senator Wenstrom  
 Senator Erdman  
 House Bill No. 1006:  
 Senator Thane  
 Senator Strinden  
 Senator Maher  
 House Bill No. 1007:  
 Senator Melland  
 Senator Hanson  
 Senator Walsh  
 House Bill No. 1010:  
 Senator Melland  
 Senator Hanson  
 Senator Erdman  
 House Bill No. 1026:  
 Senator Strinden  
 Senator Thane  
 Senator Orange  
 House Bill No. 1262:  
 Senator Goodman  
 Senator Jacobson  
 Senator Barth  
 House Bill No. 1408:  
 Senator Farrington  
 Senator Holmberg  
 Senator Berube

LEO LEIDHOLM, Secretary  
 MESSAGE FROM THE HOUSE  
 House Chamber

Mr. President: I have the honor to transmit herewith the following:

House Bill No. 1087  
 House Bill No. 1129  
 House Bill No. 1184  
 House Bill No. 1273  
 House Bill No. 1330  
 House Bill No. 1340  
 House Bill No. 1365

Which the Speaker has signed and your signature is respectfully requested.

ROY GILBREATH, Chief Clerk  
 REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Resolution No. 12  
 Senate Resolution No. 14  
 Senate Resolution No. 16

Were delivered to the Secretary of State on March 29, 1977.

SENATOR STRAND, Chairman

REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2008 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that Senate Bill No. 2008 be further amended as follows:

In addition to the amendments to engrossed Senate Bill No. 2008 as adopted by the House on March 18, 1977, engrossed Senate Bill No. 2008 is hereby amended as follows:

On page 1 of the engrossed bill, line 9, as amended by the House, after the word "of" delete the numerals "222,599,750.00" and insert in lieu thereof the numerals "222,619,750.00"

On page 1 of the engrossed bill, line 17, after the words "Fees and services" delete the numerals "7,838,234" and insert in lieu thereof the numerals "7,858,234"

On page 2 of the engrossed bill, line 2, as amended by the House, after the words "Total highway fund appropriation" delete the numerals "222,599,750" and insert in lieu thereof the numerals "222,619,750"

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to include an additional \$10,000 per year for the production of the Horizon Magazine in the Travel Department of the State Highway Department.

For the Senate

Senator Lips  
 Senator Naaden  
 Senator Larson

For the House

Rep. Wagner  
 Rep. Peterson  
 Rep. Miller

Senate Bill No. 2008 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2062 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2062 be amended as follows:

On page 9, line 1 of the engrossed bill, delete the word "determing" and insert in lieu thereof the word "determining"

On page 9, line 22, after the period insert the following:

"Provided, however, the commission may, by resolution, reserve unto itself final approval authority over any specific water permit in excess of 5,000 acre feet."

And renumber the lines and pages accordingly.

For the Senate

Senator Lee  
 Senator Freed

Senator Redlin  
 For the House  
 Rep. Rylance  
 Rep. Kloubec  
 Rep. Berg

Senate Bill No. 2062 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2148 has had the same under consideration and recommends:

That the Senate accede to House amendment and that Senate Bill 2148 be further amended as follows:

Page 1, line 18 after the numeral 39-06.1 delete the beginning triple parentheses

Page 1, line 20 after the numeral 39-06.1-05 delete the ending triple parentheses

Page 1, line 20 after 39-06.1-05.add the following:

No suspension or revocation shall be imposed for convictions for driving under suspension or revocation in another state if a valid North Dakota license or permit was in effect at the time of the violation.

And renumber the lines and pages accordingly.

For the Senate  
 Senator Strand, Chairman  
 Senator Iszler  
 Senator Lashkowitz

For the House  
 Rep. Timm  
 Rep. Scofield  
 Rep. Richter

Senate Bill No. 2148 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2548 has had the same under consideration and recommends:

That the Senate accede to the House Amendments and that Senate Bill No. 2548 be further amended as follows:

On page 1, line 3, after the word "plan" insert the words "and estimate of costs"

On page 1, line 17, after the word "plan" insert the words "and estimate of costs"

And renumber the lines accordingly.

For the Senate  
 Senator Naaden  
 Senator Hanson  
 Senator Maher

For the House  
 Rep. Kuchera  
 Rep. L. Hausauer  
 Rep. Lardy

Senate Bill No. 2548 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1041 has had the same under consideration and recommends:

That the House accede to the Senate amendments.

For the Senate

Senator Fritzell  
Senator Lodoen  
Senator Krauter

For the House

Rep. Rylance  
Rep. Matchie  
Rep. Kermott

House Bill No. 1041 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1252 has had the same under consideration and recommends:

Senate recedes from their amendments.

For the Senate

Senator Wenstrom  
Senator Erdman  
Senator Naaden — refused to sign

For the House

Rep. Peterson  
Rep. L. Hausauer  
Rep. Mertens

House Bill No. 1252 was placed on the 7th order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has refused to adopt the Conference Committee Report on Senate Bill No. 2277.

And the President has appointed as a new conference committee to act with a like committee from the House:

Senator Freed  
Senator Christensen  
Senator Schirado

LEO LEIDHOLM, Secretary

Senator Thane moved that the absent Senator be excused, which motion prevailed.

Senator Nething moved that the Senate adjourn until Wednesday, March 30, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## SIXTIETH DAY

Bismarck, March 30, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. Myron Johnson, Seventh-Day Adventist Church, Bismarck.

Lord God of Heaven, we wish to thank You for so lavishly blessing our country with good. We praise You for the moisture that has so recently fallen across this state. The land was parched and You have provided water. Father, as Your children, we ought to hunger and thirst after righteousness. Pour out a rich blessing to each of us, that we might more fully experience Your way of life and respond with right doing. Purge out selfishness, conceit, and hatred from our hearts and give us a true spirit of christian concern.

Bless I pray today, each of these legislators. Help them to know the difference between what is politically expedient and what is intrinsically right and grant them the courage to do the latter.

For we ask this prayer in Jesus name, Amen.

The roll was called and all Senators were present except Senators Jones and Rait.

A quorum was declared by the President.

## MESSAGES FROM THE HOUSE

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on Senate Bill No. 2178.

And the Speaker appointed as a new conference committee:

Rep. Kretschmar

Rep. Wentz

Rep. Lundene

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 2038

Senate Bill No. 2071

Senate Bill No. 2092

Senate Bill No. 2136

Senate Bill No. 2145

Senate Bill No. 2157

Senate Bill No. 2159

Senate Bill No. 2175

Senate Bill No. 2185

Senate Bill No. 2187

Senate Bill No. 2192

Senate Bill No. 2204

Senate Bill No. 2208

Senate Bill No. 2213

Senate Bill No. 2220  
 Senate Bill No. 2242  
 Senate Bill No. 2269  
 Senate Bill No. 2289  
 Senate Bill No. 2290  
 Senate Bill No. 2302  
 Senate Bill No. 2334  
 Senate Bill No. 2339  
 Senate Bill No. 2355  
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 Senate Bill No. 2425  
 Senate Bill No. 2427  
 Senate Bill No. 2444  
 Senate Bill No. 2459  
 Senate Bill No. 2467  
 Senate Bill No. 2498  
 Senate Bill No. 2529  
 Senate Bill No. 2539  
 Senate Bill No. 2546  
 Senate Concurrent Resolution No. 4020  
 Senate Concurrent Resolution No. 4043  
 Senate Concurrent Resolution No. 4050  
 Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1087  
 House Bill No. 1129  
 House Bill No. 1184  
 House Bill No. 1273  
 House Bill No. 1330  
 House Bill No. 1340  
 House Bill No. 1365

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 1087  
 House Bill No. 1129  
 House Bill No. 1184  
 House Bill No. 1273  
 House Bill No. 1330  
 House Bill No. 1340  
 House Bill No. 1365

Which the President has signed.

LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has reconsidered its action by which it refused to concur in the Senate amendments to House Bill No. 1003, and discharged the Conference Committee appointed, and now concurs in the Senate amendments to House Bill No. 1003.

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. 2277:

Rep. Stenehjem  
Rep. Wentz  
Rep. Beauclair

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEES

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4020  
Senate Concurrent Resolution No. 4043  
Senate Concurrent Resolution No. 4050  
Were delivered to the Secretary of State on March 30, 1977.

SENATOR STRAND, Chairman

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2038  
Senate Bill No. 2071  
Senate Bill No. 2092  
Senate Bill No. 2136  
Senate Bill No. 2145  
Senate Bill No. 2157  
Senate Bill No. 2159  
Senate Bill No. 2175  
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Senate Bill No. 2427  
Senate Bill No. 2444  
Senate Bill No. 2459  
Senate Bill No. 2467  
Senate Bill No. 2498  
Senate Bill No. 2529  
Senate Bill No. 2539  
Senate Bill No. 2546

Were delivered to the Governor for his approval on March 30, 1977.

SENATOR STRAND, Chairman



**MOTION.**

Senator Lips moved that the Conference Committee on House Bill No. 1003 be dissolved, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Lips moved that the Conference Committee Report on Senate Bill No. 2008 as printed on page 1481 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2008 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2008. Highway Department — A Bill for an Act making an appropriation for defraying the expenses of the state highway department.

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 |      |      |              |      |      |  |  |  |
|-----------------|------|------|--------------|------|------|------------|------|------|---------------------|------|------|--------------|------|------|--|--|--|
| REGULAR SESSION |      |      |              |      |      |            |      |      | ROLL CALL           |      |      |              |      |      |  |  |  |
| YEAS            | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS |  |  |  |
| ● ALBERS        |      |      | ● JACOBSON   |      |      | ● NAADEN   |      |      | ● SMYKOWSKI         |      |      | ● SMYKOWSKI  |      |      |  |  |  |
| ● BARTH         |      |      | ● JONES      | ●    |      | ● NELSON   |      |      | ● SOLBERG           |      |      | ● SOLBERG    |      |      |  |  |  |
| ● BERUBE        |      |      | ● KRAUTER    |      |      | ● NETHING  |      |      | ● STRAND            |      |      | ● STRAND     |      |      |  |  |  |
| ● CHRISTENSEN   |      |      | ● LARSON     |      |      | ● ORANGE   |      |      | ● STRINDEN          |      |      | ● STRINDEN   |      |      |  |  |  |
| ● ERDMAN        |      |      | ● LASHKOWITZ |      |      | ● PETERSON |      |      | ● TALLACKSON        |      |      | ● TALLACKSON |      |      |  |  |  |
| ● FARRINGTON    |      |      | ● LEE        | ●    |      | ● PIETRON  |      |      | ● TENNEFOS          |      |      | ● TENNEFOS   |      |      |  |  |  |
| ● FREED         |      |      | ● LIPS       |      |      | ● RAIT     | ●    |      | ● THANE             |      |      | ● THANE      |      |      |  |  |  |
| ● FRITZELL      |      |      | ● LODOEN     |      |      | ● REDLIN   |      |      | ● VOSPER            |      |      | ● VOSPER     |      |      |  |  |  |
| ● GOODMAN       |      |      | ● MAHER      |      |      | ● REITEN   |      |      | ● WALSH             |      |      | ● WALSH      |      |      |  |  |  |
| ● HANSON        |      |      | ● MAU        |      |      | ● SANDNESS |      |      | ● WENSTROM          |      |      | ● WENSTROM   |      |      |  |  |  |
| ● HOFFNER       |      |      | ● MELLAND    |      |      | ● SANDS    |      |      | ● WRIGHT            |      |      | ● WRIGHT     |      |      |  |  |  |
| ● HOLMBERG      |      |      | ● MILLER     |      |      | ● SCHIRADO |      |      | MR. PRESIDENT       |      |      |              |      |      |  |  |  |
| ● ISZLER        |      |      | ● MORGAN     |      |      | ● SHABLOW  |      |      |                     |      |      |              |      |      |  |  |  |

So the bill passed and the title was agreed to.

Senator Lee moved that the Conference Committee Report on Senate Bill No. 2062 as printed on page 1481 of the Senate Journal be adopted, which motion prevailed.

Senator Lee moved that the rules be suspended, that Senate Bill No. 2062 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2062. A Bill for an Act to create and enact sections 61-04-01.1, 61-04-01.2, 61-04-02.1, 61-04-04.1, 61-04-06.1, 61-04-06.2, 61-04-06.3, 61-04-15.1, 61-04-29, 61-04-30, and 61-04-31 of the North Dakota Century Code, relating to the basis for the appropriation of water and the definition of terms therein involved, to the granting of water permits and their terms, to priority of water rights, to emergency or temporary authorization, to fees, to change in point of diversion or purpose of use, to reservations of waters, to the enforcement powers of the water commission and state engineer, and to penalties; to amend and reenact sections 61-04-01, 61-04-02, 61-04-03, 61-04-04, 61-04-05, 61-04-06, 61-04-07, 61-04-09, 61-04-14, 61-04-15, 61-04-17, 61-04-22, 61-04-23, 61-04-24, and 61-04-26 of the North Dakota Century Code, relating to the need for a water permit, to permit applications and the criteria for the issuance of water permits, to the application of water to a beneficial use, to transfer of water permits, to the filing of documents affecting water rights, and to the forfeiture of water rights; to repeal sections 61-01-01.1, 61-01-02, subsection 1 of section 61-03-

05, 61-04-07.1, 61-04-16, and 61-14-05 of the North Dakota Century Code, relating to priority of water rights, to the attachment of conditions on a water permit, to the right to use water, to referees in water actions in court, and to changes in the place of diversion; and providing a penalty.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 44; nays, 5; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             | ●   |      | ● JONES      |     | ●    | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           | ●   |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER      | ●   |      |
| ● GOODMAN           |     |      | ● MAHER      | ●   |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Strand moved that the Conference Committee Report on Senate Bill No. 2148 as printed on page 1482 of the Senate Journal be adopted, which motion prevailed.

Senator Strand moved that the rules be suspended, that Senate Bill No. 2148 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

Senator Strand moved that the rules be suspended, that Senate Bill No. 2148 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2148. A Bill for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to suspensions of licenses in another state, and to repeal subsection 9 of section 39-06-03 of the North Dakota Century Code, relating to what persons shall not be licensed.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 48; nays, 2; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     | ●    |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN         |     |      | ● VOSPER      | ●   |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Naaden moved that the Conference Committee Report on

Senate Bill No. 2548 as printed on page 1482 of the Senate Journal be adopted, which motion prevailed.

Senator Naaden moved that the rules be suspended, that Senate Bill No. 2548 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

### SECOND READING OF SENATE BILLS

Senate Bill No. 2548. A Bill for an Act making an appropriation to the North Dakota state water commission for the purpose of the investigation, design, and development of a plan and estimate of costs for the supplementation of the water resources of Dickinson and southwestern North Dakota with water from the Missouri River.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 47; nays, 2; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|-----------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      | •                | NAADEN   |      |      | SMYKOWSKI     | •    |
| •                   |     |      | •         | JONES      |      | •                | NELSON   |      | •    | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •                | NETHING  |      |      | STRAND        | •    |
| •                   |     |      | •         | LARSON     |      | •                | ORANGE   |      |      | STRANDEN      | •    |
| •                   |     |      | •         | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •                | PIETRON  |      | •    | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •                | RAIT     |      | •    | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •                | REDLIN   |      | •    | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •                | REITEN   |      | •    | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •                | SANDNESS |      | •    | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •                | SANDS    |      | •    | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •                | SCHIRADO |      |      | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •                | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

Senator Fritzell moved that the Conference Committee Report on House Bill No. 1041 as printed on pages 1482 & 1483 of the Senate Journal be adopted, which motion prevailed.

Senator Wenstrom moved that the Conference Committee Report on House Bill No. 1252 as printed on page 1483 of the Senate Journal be adopted.

Senator Jones moved the previous question, which motion prevailed.

The question being on the motion to adopt the conference committee report on House Bill No. 1252, the motion lost on a voice vote, and the conference committee report on House Bill No. 1252 was not adopted.

Senator Freed moved that Senate Bill No. 2277 be placed at the head of the 7th order of business, which motion prevailed.

### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2277 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that SB 2277 be further amended as follows:

On page 2, line 14 of the engrossed bill, after the word "within" delete the word "fourteen" and insert in lieu thereof the word "thirty"

On page 2, line 18, after the period insert the following sentence:

"A lessor is not required to pay interest on security deposits if the period of occupancy was less than nine months in duration."

And renumber the lines and pages accordingly.

For the Senate

Senator Freed

Senator Christensen  
 Senator Schirado

For the House

Rep. Stenehjem  
 Rep. Wentz  
 Rep. Beauclair

Senator Freed moved that the report be adopted, which motion prevailed.

Senator Freed moved that the Conference Committee Report on Senate Bill No. 2277 as printed on page 1418 of the Senate Journal be adopted, which motion prevailed.

Senator Freed moved that the rules be suspended, that Senate Bill No. 2277 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2277.** A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to lease security deposits on real property and dwellings; the return of such deposits with interest upon termination of a lease; deposit amounts which may be withheld by a lessor and conditions under which amounts may be withheld; recovery by a lessee for wrongful withholding of security deposits; providing for transfer of security deposits upon a change of ownership; and binding the lessor holding the lease at the time of termination to return the security deposit.

Which has been read.

Senators Tennefos, Orange and Tallackson requested to be excused from voting due to a conflict of interest on this bill.

Senator Nething moved that the Senators be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |      |            |      |                  |          |      |      |               |      |
|---------------------|-----|------|------|------------|------|------------------|----------|------|------|---------------|------|
| REGULAR SESSION     |     |      |      |            |      | 1977 LEGISLATURE |          |      |      |               |      |
| ROLL-CALL           |     |      |      |            |      |                  |          |      |      |               |      |
| YEAS                | N-V | NAYS | YEAS | N-V        | NAYS | YEAS             | N-V      | NAYS | YEAS | N-V           | NAYS |
| •                   |     | •    | •    | JACOBSON   | •    | •                | NAADEN   | •    | •    | SMYKOWSKI     | •    |
| •                   |     |      | •    | JONES      |      | •                | NELSON   |      | •    | SOLBERG       |      |
| •                   |     |      | •    | KRAUTER    |      | •                | NETHING  |      | •    | STRAND        |      |
| •                   |     | •    | •    | LARSON     |      | •                | ORANGE   |      | •    | STRINDEN      | •    |
| •                   |     |      | •    | LASHKOWITZ |      | •                | PETERSON |      | •    | TALLACKSON    | •    |
| •                   |     |      | •    | LEE        | •    | •                | PIETRON  |      | •    | TENNEFOS      | •    |
| •                   |     |      | •    | LIPS       |      | •                | RAIT     |      | •    | THANE         | •    |
| •                   |     |      | •    | LODOEN     | •    | •                | REIDIN   |      | •    | VOSPER        |      |
| •                   |     |      | •    | MAHER      |      | •                | REITEN   | •    | •    | WALSH         |      |
| •                   |     |      | •    | MAU        |      | •                | SANDNESS | •    | •    | WENSTROM      |      |
| •                   |     |      | •    | MELLAND    |      | •                | SANDS    | •    | •    | WRIGHT        | •    |
| •                   |     |      | •    | MILLER     |      | •                | SCHIRADO |      | •    | MR. PRESIDENT |      |
| •                   |     |      | •    | MORGAN     | •    | •                | SHABLOW  |      |      |               |      |

So the bill passed and the title was agreed to.

**FIRST READING OF HOUSE BILLS**

**House Bill No. 1313.** A Bill for an Act to amend and reenact section 15-10-19 of the North Dakota Century Code, relating to the definition of a nonresident student for tuition purposes at institutions under the board of higher education, and reducing the age from twenty-one to eighteen.

Which was read the first time and referred to the Committee on Appropriations.

Senator Sands moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee

on House Bill No. 1384, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1384:

Senator Sands  
 Senator Farrington  
 Senator Mau

Senator Nething moved that the Senate recess until 1:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE 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. 2552

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1028  
 House Bill No. 1037  
 House Bill No. 1178  
 Senate Bill No. 2141  
 Senate Bill No. 2233  
 Senate Bill No. 2417  
 Senate Bill No. 2487  
 Senate Bill No. 2519

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on House Bill No. 1264.

And the Speaker appointed as a new conference committee:

Rep. Kretschmar  
 Rep. Strinden  
 Rep. Backes

ROY GILBREATH, Chief Clerk

COMMUNICATION

Law Firm

RINGSACK, WEBB & RICE

817 Hill Avenue

Grafton, North Dakota 58237

March 28, 1977

Lt. Gov. Wayne G. Sanstead  
 President, North Dakota Senate  
 State Capitol Building  
 Bismarck, North Dakota 58505  
 Dear Lt. Gov. Sanstead:

At its 1977 annual convention held in Fargo, North Dakota, on Friday, 25 March, 1977, the National Guard Association of North Dakota passed the enclosed "Resolution of Appreciation". It is the hope of the association that the content of this Resolution would be conveyed by you to the members of the Senate and perhaps inserted in the Senate Journal.

Yours very truly,  
 Rodney S. Webb  
 MAJOR, JAGC, NDARNG  
 Staff Judge Advocate

## RESOLUTION OF APPRECIATION

WHEREAS, The Legislature of the State of North Dakota has consistently supported the concept of a strong and viable National Guard which is ready and able to participate in the defense of the United States in time of war, as well as to assist on a local basis in a time of natural disaster or crisis; and,

WHEREAS, The National Guard requires legislative support in its programs for recruiting and retention of young men and women who are capable of performing the federal and local missions of the Guard.

NOW THEREFORE, BE IT RESOLVED by the National Guard Association of North Dakota that this organization does hereby express its appreciation to the 45th North Dakota Legislative Assembly for the support it has given to the North Dakota National Guard.

Senator Lips moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1252, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1252:

Senator Naaden  
 Senator Hanson  
 Senator Erdman

## FIRST READING OF SENATE RESOLUTIONS

Committee on Delayed Bills Introduced:

Senate Resolution No. 20. A resolution thanking the District 5 Cowbelles and the North Dakota Beef Commission for furnishing beef broth to committee members during their deliberations.

Was read the first time.

Senator Nething moved that the rules be suspended, that Senate Resolution No. 20 not be printed as a bill, not referred to a committee, but 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. 20

Introduced by Committee on Delayed Bills.

A resolution thanking the District 5 Cowbelles and the North Dakota Beef Commission for furnishing beef broth to committee members during their deliberations.

WHEREAS, the North Dakota Beef Commission provided the "moola" for the fixings; and

WHEREAS, the "U.S. Choice" District 5 Cowbelles delighted the palates of all committee members by serving "prime" beef broth; and

WHEREAS, committee members looked forward to Thursdays when the beef replaced the "bull"; and

WHEREAS, the imbibing of beef broth enabled committee members to chew the cud and to trim the fat from many a bill; and

WHEREAS, the imbibing of beef broth soothed the scarred hide of many a senator and prevented the locking of horns in committee; and

WHEREAS, the imbibing of beef broth helped to gird the loins of the "herd" in preparation for the slaughter of floor action;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the Senate commend the District 5 Cowbelles and the North Dakota Beef Commission for providing "substance" to the legislative process by furnishing hearty beef broth to all Senate committee members

during the Forty-fifth Legislative Assembly.

BE IT FURTHER RESOLVED, that the Secretary of State forward duly enrolled copies of this resolution to the members of the District 5 Cowbelles and the North Dakota Beef Commission.

#### SECOND READING OF SENATE RESOLUTIONS

**Senate Resolution No. 20.** A resolution thanking the District 5 Cowbelles and the North Dakota Beef Commission for furnishing beef broth to committee members during their deliberations.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Resolution No. 20 was declared adopted on a voice vote.

#### REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4011 has had the same under consideration and recommends that the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4011 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4012 has had the same under consideration and recommends that the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4012 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4013 has had the same under consideration and recommends that the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4013 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4024 has had the same under consideration and recommends that the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4024 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4075 has had the same under consideration and recommends that the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4075 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 4055.** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of assisting local authorities to develop local energy codes or of adopting a statewide code for energy conservation in building construction.

Was read the second time.

#### ROLL CALL

The question being on the final adoption of the resolution, Senator Hanson requested a roll call vote, which request was granted.

The roll was called and there were ayes, 23; nays, 25; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| • ALBERS            |     | •    |           | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     | •    |
| • BARTH             |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       | •    |
| • BERUBE            |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        | •    |
| • CHRISTENSEN       |     |      |           | LARSON     | •    |      | ORANGE   | •    | •                | STRINDEN      | •    |
| • ERDMAN            |     | •    | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    | •    |
| • FARRINGTON        |     | •    |           | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      | •    |
| • FREED             |     | •    |           | LIPS       |      | •    | RAIT     |      | •                | THANE         | •    |
| • FRITZELL          |     | •    |           | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        | •    |
| • GOODMAN           |     | •    |           | MAHER      |      | •    | REITEN   |      | •                | WALSH         | •    |
| • HANSON            |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      | •    |
| • HOFFNER           |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        | •    |
| • HOLMBERG          |     | •    | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT | •    |
| • ISZLER            |     | •    |           | MORGAN     | •    |      | SHABLOW  |      | •                |               |      |

Senate Concurrent Resolution No. 4055 was declared lost.

Senate Concurrent Resolution No. 4056. A concurrent resolution directing a Legislative Council study of the organization and financing of special education.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4056 was declared lost.

Senate Concurrent Resolution No. 4057. A concurrent resolution directing the Legislative Council to conduct a study of the North Dakota noxious weeds law, chapter 63-01.1, to provide a more effective and efficient procedure for controlling and eradicating noxious weeds on all lands within North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4057 was declared lost.

Senate Concurrent Resolution No. 4058. A concurrent resolution directing the Legislative Council to study the pace at which state agencies, institutions, and political subdivisions are complying with laws requiring accessibility to and usability of public buildings and facilities by physically handicapped persons.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, Senator Lashkowitz requested a roll call vote, which request was granted.

The roll was called and there were yeas, 19; nays, 29; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| • ALBERS            |     |      |           | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI     | •    |
| • BARTH             |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       | •    |
| • BERUBE            |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        | •    |
| • CHRISTENSEN       |     |      |           | LARSON     | •    |      | ORANGE   | •    | •                | STRINDEN      | •    |
| • ERDMAN            |     | •    | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    | •    |
| • FARRINGTON        |     | •    |           | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      | •    |
| • FREED             |     | •    |           | LIPS       |      | •    | RAIT     |      | •                | THANE         | •    |
| • FRITZELL          |     | •    |           | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        | •    |
| • GOODMAN           |     | •    |           | MAHER      |      | •    | REITEN   |      | •                | WALSH         | •    |
| • HANSON            |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      | •    |
| • HOFFNER           |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        | •    |
| • HOLMBERG          |     | •    | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR. PRESIDENT | •    |
| • ISZLER            |     | •    |           | MORGAN     | •    |      | SHABLOW  |      | •                |               |      |

Senate Concurrent Resolution No. 4058 was declared lost.

Senate Concurrent Resolution No. 4062. A concurrent resolution directing a Legislative Council interim study of laws providing closure of areas having high fire hazards.

Was read the second time.



Senate Concurrent Resolution No. 4062 was declared lost.

Senate Concurrent Resolution No. 4063. A concurrent resolution directing the Legislative Council, with the assistance of other appropriate agencies and consultants, to conduct a comprehensive study of various programs and plans to provide state employees with insurance benefits.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4063 was declared adopted.

Senate Concurrent Resolution No. 4064. A concurrent resolution directing the Legislative Council to conduct a study of the manner in which state buildings are planned and designed in response to the scarcity and high cost of energy.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4064 was declared lost.

Senator Nething moved that the Senate recess until 3:30 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

#### MESSAGES TO THE HOUSE

##### Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2002

Senate Bill No. 2003

Senate Bill No. 2007

Senate Bill No. 2011

Senate Bill No. 2126

Senate Bill No. 2160

Senate Bill No. 2164

Senate Bill No. 2297

Senate Bill No. 2308

Senate Bill No. 2323

Senate Bill No. 2346

Senate Bill No. 2364

Senate Bill No. 2381

Senate Bill No. 2463

Senate Bill No. 2471

Senate Bill No. 2479

LEO LEIDHOLM, Secretary

##### Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

House Bill No. 1009

House Bill No. 1013

House Bill No. 1018

House Bill No. 1084

House Bill No. 1419

House Bill No. 1478

House Bill No. 1525

House Bill No. 1531

House Bill No. 1548

House Bill No. 1565

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has not adopted the conference committee report on House Bill No. 1384 and the President appointed as a new conference committee:

House Bill No. 1384:  
 Senator Sands  
 Senator Farrington  
 Senator Mau

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has not adopted the conference committee report on House Bill No. 1252 and the President appointed as a new conference committee:

Senator Naaden  
 Senator Hanson  
 Senator Erdman

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Concurrent Resolution No. 4030

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on Senate Bill No. 2045, but that Senate Bill No. 2045 then failed to pass.

LEO LEIDHOLM, Secretary

## MOTION

Senator Freed moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1264, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1264:

Senator Freed  
 Senator Sands  
 Senator Schirado

## REPORTS OF STANDING COMMITTEES

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4004 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, delete the word "and" and insert in lieu thereof a comma, and after the numeral "62" insert the following: ", 180, and 181"

On page 1, line 4, before the period insert the following: ", the levy and collection of a poll tax, and the general powers of the legislature regarding tax matters"

On page 1, line 9, delete the word "repeal" and insert in lieu thereof the word "repeals"; delete the word "and" and insert in lieu thereof a comma; and after the numeral "62" insert the following: ", 180, and 181"

On page 1, line 10, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 15, delete the word "and" and insert in lieu thereof a

comma and after the numeral "62" insert the following: ", 180, and 181"  
And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4004 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4007 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4007 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4008 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4008 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4009 has had the same under consideration and recommends that the same be amended as follows:

On page 1, line 1, after the numeral "214" insert the following: "and sections 1 through 25 of the transition schedule"

On page 1, line 4, just before the period insert the following: "and to the transition of governmental functions from territorial government to state government"

On page 1, line 9, delete the word "repeal" and insert in lieu thereof the word "repeals" and after the numeral "214" insert the following: "and sections 1 through 25 of the transition schedule"

On page 1, line 10, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 15, after the numeral "214" insert the following: "and sections 1 through 25 of the transition schedule"

On page 1, line 16, delete the word "is" and insert in lieu thereof the word "are"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4009 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Committee on Constitutional Revision to whom was referred Senate Concurrent Resolution No. 4010 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR WENSTROM, Chairman

Senate Concurrent Resolution No. 4010 was placed on the 11th order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4066. A concurrent resolution requesting the legislative council to study the laws relating to residence

for poor relief purposes, North Dakota Century Code chapter 50-02, and to determine the adequacy of the provisions of this chapter.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4066 was declared lost.

Senate Concurrent Resolution No. 4067. A concurrent resolution directing the Legislative Council to study special assessment obligations at state institutions and procedures for determining special assessments related to state institutions.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4067 was declared lost.

Senate Concurrent Resolution No. 4078. A concurrent resolution directing a Legislative Council study of the teachers' fund for retirement.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4078 was declared lost.

Senate Concurrent Resolution No. 4082. A concurrent resolution directing a study by the Legislative Council of alternative methods of taxation of severed mineral interests.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4082 was declared lost.

Senate Concurrent Resolution No. 4083. A concurrent resolution directing the Legislative Council to study the function and authority of credit unions and the relationship of credit unions, banks, and savings and loan associations to one another.

Was read the second time.

Senator Lodoen requested a roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 35; nays, 14; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |                  |      |      |     |                 |   |
|---------------------|-----|------|--------------|-----|------|------------|------------------|------|------|-----|-----------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            | 1977 LEGISLATURE |      |      |     |                 |   |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V              | NAYS | YEAS | N-V | NAYS            |   |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |                  | •    |      |     | • SMYKOWSKI     | • |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |                  |      | •    |     | • SOLBERG       |   |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |                  |      | •    |     | • STRAND        |   |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE   |                  | •    |      |     | • STRINDEN      |   |
| • ERDMAN            |     | •    | • LASHKOWITZ |     |      | • PETERSON |                  |      | •    |     | • TALLACKSON    |   |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |                  |      | •    |     | • TENNEFOS      |   |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |                  |      | •    |     | • THANE         |   |
| • FRITZELL          |     | •    | • LODDEN     |     |      | • REDLIN   |                  |      | •    |     | • VOSPER        |   |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN   |                  |      | •    |     | • WALSH         | • |
| • HANSON            |     | •    | • MAU        |     |      | • SANDNESS |                  |      | •    |     | • WENSTROM      |   |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |                  |      | •    |     | • WRIGHT        | • |
| • HOLMBERG          |     | •    | • MILLER     |     |      | • SCHIRADO |                  |      |      |     | • MR. PRESIDENT |   |
| • ISZLER            |     | •    | • MORGAN     |     |      | • SHABLOW  |                  |      |      |     |                 |   |

Senate Concurrent Resolution No. 4083 was declared adopted.

Senator Nething moved that the vote by which Senate Concurrent Resolution No. 4083 was adopted be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Senate Concurrent Resolution No. 4085. A concurrent resolution directing the Legislative Council to conduct a study of the need for and feasibility of establishing a state housing finance agency in North Dakota.

Was read the second time.

The question being on the final adoption of the resolution. Senate Concurrent Resolution No. 4085 was declared lost.

#### POINT OF PERSONAL PRIVILEGE

Senator Redlin: Mr. President, I rise on a point of personal privilege. The sponsors of Senate Concurrent Resolution No. 4073 and the Natural Resources Committee contemplate that several hearings will be held during the study and review of the capacity of the State Water Commission and the state engineer to aid in the development of water resource projects. We believe these hearings should be held in different areas of our state to gain the maximum input from all interested persons with a minimum of inconvenience to them.

This legislature has considered bills seeking to provide bonding methods for the financing of water resource development. This resolution would direct the Legislative Council to carefully review the revenue bonding authority of the Water Commission designed to meet this need.

Comprehensive water resource development will require large amounts of capital, some of which may be provided by revenue bonding. We anticipate constructive suggestions from persons who have demonstrated a vital concern for water development financing by their interest in such legislation during this session.

#### POINT OF PERSONAL PRIVILEGE

Senator Lashkowitz: Members of the Senate, I intend to vote against the items on the consent calendar for the reasons that we have not been provided with cost figures of these proposed studies; therefore, we have been shown no priorities that would enable me to make the type of a decision that is necessary to live with. Also, the performance that I have noted during this session indicates that the type of legislation that we have had before us impresses upon me that we do not have a research arm of the Legislative Assembly, rather the present structuring of the Legislative Council is geared and designed to draft bills rather than to develop the type of strong evidence that will support legislation when it comes before this assembly. I have seen repeatedly legislation amended and defeated that has emerged from the so called studies. I have also been told that these studies cost from \$10,000 and on up. Therefore, until such time as we develop a research arm of this Legislative Assembly rather, rather than simply a bill drafting mechanism, I cannot in good conscious support the type of study that is envisioned or called a study as it appears on the consent calendar.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON THE CONSENT CALENDAR

**Senate Concurrent Resolution No. 4003.** A concurrent resolution directing the Legislative Council, with the assistance of citizen advisors, to create a permanent interim committee to study the North Dakota Constitution and to make recommendations regarding constitutional revision.

**Senate Concurrent Resolution No. 4015.** A concurrent resolution directing the Legislative Council, with the assistance of the State Board for Vocational Education and the State Office of Adult Education, to study the needs and financing of adult and vocational education.

**Senate Concurrent Resolution No. 4018.** A concurrent resolution directing a Legislative Council study of the legislative process with

emphasis on the appropriate use of the time available to the Legislative Assembly for regular sessions; on the interim process, on the use of standing and interim committees, and on the provision and use of staff.

**Senate Concurrent Resolution No. 4021.** A concurrent resolution urging a moratorium on structural changes in the North Dakota judicial system and directing a Legislative Council study of the state's judicial system.

**Senate Concurrent Resolution No. 4060.** A concurrent resolution directing the legislative council to conduct a study of the criminal justice system in North Dakota.

**Senate Concurrent Resolution No. 4061.** A concurrent resolution directing the Legislative Council to conduct a study of general fund revenues and expenditures during the biennium.

**Senate Concurrent Resolution No. 4065.** A concurrent resolution directing the Legislative Council to study the purchasing practices of state government.

**Senate Concurrent Resolution No. 4070.** A concurrent resolution directing the Legislative Council to study the feasibility of and necessity for a Midwestern Regional Education Compact.

**Senate Concurrent Resolution No. 4071.** A concurrent resolution directing the Legislative Council to study the alternative methods of providing an equitable means of airport financing.

**Senate Concurrent Resolution No. 4072.** A concurrent resolution directing a Legislative Council study of costs incurred by state agencies and institutions during the 1977-1979 biennium because of energy development activities in North Dakota.

**Senate Concurrent Resolution No. 4073.** A concurrent resolution directing the Legislative Council to study and review the capacity of the State Water Commission to aid in the development of irrigation and other water resource development projects.

**Senate Concurrent Resolution No. 4074.** A concurrent resolution directing the Legislative Council to study the feasibility of reorganizing and consolidating the administrative, management, and budgetary responsibilities of state government into a department of executive management or a department of administration.

**Senate Concurrent Resolution No. 4076.** A concurrent resolution directing the legislative council to study the use to which moneys should be put that are received by the state from the United States Secretary of the Treasury from sales, bonuses, royalties and rentals the United States receives from its mineral interests in public lands in North Dakota.

**Senate Concurrent Resolution No. 4077.** A concurrent resolution directing the Legislative Council to conduct a study of the internal organization, policies, and programs of human service and mental health and retardation centers.

**Senate Concurrent Resolution No. 4079.** A concurrent resolution directing an interim study by the Legislative Council of the feasibility of enacting comprehensive human rights legislation in North Dakota.

**Senate Concurrent Resolution No. 4081.** A concurrent resolution directing the Legislative Council to study the purposes and effects of the Municipal Industrial Development Act.

**Senate Concurrent Resolution No. 4088.** A concurrent resolution directing the Legislative Council to conduct a study of North Dakota's drug laws, penalties, and sentencing procedures and practices.

**Senate Concurrent Resolution No. 4089.** A concurrent resolution

directing the Legislative Council to study the feasibility and desirability of regulating the transfer of control of banking institutions.

Which were read the second time.

#### ROLL CALL

The question being on the final adoption of the resolutions the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAJT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOPFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the resolutions were adopted.

Senator Nething moved that the vote by which Senate Concurrent Resolutions No. 4003, 4015, 4018, 4021, 4060, 4061, 4065, 4070, 4071, 4072, 4073, 4074, 4076, 4077, 4079, 4081, 4088 and 4089 were adopted be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

Senator Jones: Mr. President, I rise on a point of personal privilege. Mr. President, ladies and gentlemen of the Senate, I think this is my first point of personal privilege this session, probably my last. I do intend to take just a few seconds of my good Senator friends, because the list of the bills that are going to be studied really kind of saddens me. I am not slamming the committee nor am I slamming anybody, but you can go down that list and not find one pertaining to agriculture at all. From what I can see going through the list over in the House, there might be one that could be construed as being affiliated or paying attention to agriculture and agriculture is the very thing that makes all the money that all these other functions can spend. I don't really know why this is, perhaps we in the industry are lack luster in getting resolutions in. Perhaps when the committee sits and looks at it, if there is one pertaining to agriculture, it is awful easy to mark it down. In the 44th session we did have some very good bills and I think for the first time in many years we had an interim agriculture committee. Can you imagine that, the State of North Dakota, the first time for years and it looks like this time will be again one of the most agricultural states, and we will not have an interim agriculture committee. So I hope in the next session, for those of you who come back, do something about it, because it can help; it is one of our responsibilities as legislators to be doing what we can for our largest and most important industry, the one that supports all the rest, and thank you very much for letting me say it.

#### POINT OF PERSONAL PRIVILEGE

Senator Smykowski: Mr. President, I rise on a point of personal privilege. Mr. President, members of the assembly, Council staff, at the beginning of our committee work, put out a list of possible categories that these resolutions would possibly fit under. One resolution, Senate Concurrent Resolution No. 4057 fit in the area of agriculture. It fell into the





The veto of the Governor on House Bill No. 1350 was sustained.

REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1313 has had the same under consideration and recommends that the same do pass.

SENATOR LIPS, Chairman

House Bill No. 1313 was placed on the 14th order of business on the calendar for the succeeding legislative day.

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 House Bill No. 1028 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "reenact" delete the word "section" and insert in lieu thereof the word "sections" and on the same line, after "11-10.1-01" insert the following: ", 11-10.1-05 and 11-10.1-07"

On page 1, line 3, after the word "equalization" and before the period insert the following: "and city and township assessors"

On page 1, line 22, delete the word "commissioners" and insert in lieu thereof the words "governing bodies"

On page 2, line 19, after the period insert the following: "Vacancies in the office of county director of tax equalization shall be filled in the same manner as the original appointment."

SECTION 2. AMENDMENT.) Section 11-10.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10.1-05. POWERS AND DUTIES OF COUNTY DIRECTOR OF TAX EQUALIZATION —QUALIFICATIONS OF ASSESSORS.)

1. The county director of tax equalization shall have the power, duty, and responsibility to call upon and confer with township and city assessors in the county and to instruct them in the preparation and proper use of land maps and property record cards, the preparation of assessment books, the changes in assessment laws and regulations, the determination of proper standards of value, the use of proper classifications of property, and the authority to require attendance at meetings, to the end that a uniform assessment of all personal and real property in the county will prevail.

2. On January 1, 1981, the county director of tax equalization shall succeed to all the powers and duties of assessors of townships, cities, and unorganized districts within such county, except that any city or township may, at its option by resolution of its governing body, employ an assessor who shall retain such powers, duties, and responsibilities of his office. The resolution of a city or township governing body to employ an assessor shall continue in force until rescinded by the governing body. Notwithstanding any other provision of law to the contrary, the state supervisor of assessments shall confer with representatives of the county commissioners, city governing bodies, state township officers' association, and personnel at North Dakota state university to establish minimum requirements for such city and township assessors. Such standards shall reflect their limited jurisdiction and need not be equal to those minimum requirements set for county directors of tax equalization. Any courses of instruction included in those minimum requirements shall be conducted by the county director of tax equalization who may

cooperate with other county directors of tax equalization in holding joint classes. The county director of tax equalization may call upon the state supervisor of assessments for such materials and assistance as may be required. No person shall serve as a city or township assessor for longer than twelve months before being certified by the state supervisor of assessments as having met such minimum requirements. The expenses and salaries of city and township assessors shall be paid by the city or township exercising this option.

SECTION 3. AMENDMENT.) Section 11-10.1-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

11-10.1-07. JOINT COUNTY DIRECTOR OF TAX EQUALIZATION — COUNTY DIRECTORS MAY ALSO BE CITY ASSESSORS OR TOWNSHIP ASSESSORS.) The respective boards of county commissioners of two or more counties may by agreement and resolutions of the respective boards of county commissioners employ a joint county director of tax equalization who shall act as county director of tax equalization for each of the counties participating in such agreement. The salary and expense of such joint county director of tax equalization and that of his office and staff shall be prorated among the counties participating in accordance with the assessed valuation of the counties concerned or upon such other basis as may be agreed upon by the respective boards of county commissioners. The respective boards of county commissioners, acting jointly, shall appoint such joint county director of tax equalization on the same basis and in the same manner as a county director of tax equalization may be appointed for a single county. Such joint county director of tax equalization may be discharged upon the resolution of the board of county commissioners of any county participating in the agreement. Any participating county may withdraw from such joint agreement upon resolution of the board of county commissioners and by giving written notice to the boards of county commissioners of the other participating counties at least ninety days in advance of July first of the year of withdrawal. The joint county director of tax equalization shall have all the powers and duties of the county director of tax equalization of a single county and shall keep all records of assessment for each county entirely separate from the records of other counties which he or she serves. The governing boards of a county and ((a)) of any city, or any township may by agreement and resolutions of the respective boards, employ a joint county director of tax equalization and city or township assessor."

And renumber the lines accordingly.

For the Senate

Senator Wright

Senator Farrington

Senator Redlin

For the House

Rep. A. Hausauer

Rep. Crabtree

Rep. Laughlin

House Bill No. 1028 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1037 has had the same under consideration and recommends:

That the House accede to the Senate amendment  
For the Senate

Senator Jacobson

Senator Freed

Senator Redlin

For the House

Rep. Maixner

Rep. Tinjum

Rep. Schindler

House Bill No. 1037 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1178 has had the same under consideration and recommends:

That the Senate recede from its amendments and the bill be amended as follows:

On page 1, line 5 of the engrossed bill, after the numerals "38-14-02," delete the following: "subsections 2 and 3 of section 39-14-04" and insert in lieu thereof "subsection 2 of section 38-14-04" and on the same line after the second comma insert "subsections 1, 2, 3, and 14 of section 38-14-05,"

On page 1, line 8, after the word "permit," delete the words "expedited amendments to existing permits and"

On page 1, delete all of line 9 and insert in lieu thereof the following new language: "topography of reclaimed land, suitable plant growth material requirement, drainage on reclaimed land,"

On page 2, line 8, after the word "constructed" insert the following new language: "related to mining activities"

On page 2, delete all of lines 31-35

On page 3, delete all of lines 1-20

On page 3, after line 20, insert the following new sections:

SECTION 5. AMENDMENT.) Subsections 1, 2, and 3 of section 38-14-05 of the 1975 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. (((The operator shall regrade the area to approximately the original contour or topography unless a different contour or topography shall be required by the commission in order to carry out the purposes and intent of this chapter.))) The operator shall backfill and regrade the mined area to the gentlest topography consistent with adjacent unmined landscape elements in order to develop a postmined landscape that will provide for maximum moisture retention, maximum stability, and minimum soil losses from runoff and erosion, unless a different contour or topography shall be required by the commission in order to carry out the purpose and intent of this chapter.

2. The operator shall, in such a manner as shall be required by the commission, save, segregate, and respread (((, suitable plant growth material within the permit area up to a maximum of five feet; provided, however, that if up to five feet of such material is not available within the permit area, all suitable plant growth material that is available shall be spread over the regraded area as prescribed by the commission))) all soil material within the permit area determined by the commission to be suitable for plant growth. In the interest of achieving the maximum reclamation provided for in this chapter, the operator may, or at the

direction of the commission shall, utilize such soil amendments as described in subsection 17 of section 38-14-02.

3. The operator shall establish natural drainage compatible with the topography on all reclaimed land, and shall impound, drain, or treat all runoff water so as to minimize soil erosion, drainage to agricultural lands, and pollution of streams and other waters.

SECTION 6. AMENDMENT.) Subsection 14 of section 38-14-05 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

14. If ((the)) a surface owner's domestic or livestock water supply has been disrupted, or diminished in quality or quantity by surface mining operations, the operator shall, at no cost to the surface owner, make such repairs, alterations, or construction as will ensure the delivery to the surface owner of that quality and quantity of water available to such surface owner prior to mining. Repairs, alterations, or construction required herein shall be considered to be a part of reclamation for the purposes of subsection 3 of section 38-14-07.

And renumber the lines, pages and sections accordingly.

For the Senate

Senator Jacobson

Senator Freed

Senator Redlin

For the House

Rep. Maixner

Rep. Tinjum

Rep. Schindler

House Bill No. 1178 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### 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 finds the same to be correct.

Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-eighth day and recommends that the same be corrected as follows:

On page 1441 delete lines 22 and 29 through 32

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Shablow moved that the report be adopted, which motion prevailed.

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 House, on House Bill No. 1384:

Rep. Metz

Rep. Conmy

Rep. Jacobson

ROY GILBREATH, Chief Clerk

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2008

Senate Bill No. 2062

Senate Bill No. 2148  
Senate Bill No. 2277  
Senate Bill No. 2548  
House Bill No. 1041

Senator Nething moved that after the reading of Senate Concurrent Resolutions 4004, 4007, 4008, 4009, 4010, 4011, 4012, 4013, 4024 and 4075 and House Bill No. 1313, the Senate adjourn until Thursday, March 31, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

LEO LEIDHOLM, Secretary

## SIXTY-FIRST DAY

Bismarck, March 31, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. Ron Norman, Bismarck Baptist Church.

O Lord, Thou hast searched us and known us. Thou dost know when we sit down and when we rise up; Thou dost understand our thoughts from afar. Thou art intimately acquainted with all our ways. Even before there is a word on our tongue, behold, O Lord, thou dost know it all.

Be gracious to us, O God, according to Thy loving kindness; according to the greatness of Thy compassion blot out our transgressions. Wash us thoroughly from our iniquity, and cleanse us from our sin.

Create in us clean hearts, O God, And renew a steadfast spirit within us. Do not cast us away from Thy presence, And do not take Thy Holy Spirit from us. Restore to us the joy of Thy salvation, and sustain us with a willing spirit.

O Lord, open our lips, that our mouths may declare Thy praise. For thou dost not delight in sacrifice, otherwise we would give it; Thou art not pleased with burnt offerings. The sacrifices of God are a broken spirit; A broken and a contrite heart, O God, thou wilt not despise.

Search us, O God, and know our hearts. Try us and know our anxious thoughts; and see if there be any hurtful ways in us, and lead us in the everlasting way.

We pray this in our Saviour's name, Amen.

The roll was called and all Senators were present except Senator Naaden.

A quorum was declared by the President.

## MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit House Bill No. 1350 which the Senate has failed to pass over the Governor's veto.

The vote on House Bill No. 1350 is: 24 Ayes; 26 Nays; 0 Absent, not voting.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Concurrent Resolution No. 4003

Senate Concurrent Resolution No. 4015

Senate Concurrent Resolution No. 4018

Senate Concurrent Resolution No. 4021

Senate Concurrent Resolution No. 4060

Senate Concurrent Resolution No. 4061  
 Senate Concurrent Resolution No. 4063  
 Senate Concurrent Resolution No. 4065  
 Senate Concurrent Resolution No. 4070  
 Senate Concurrent Resolution No. 4071  
 Senate Concurrent Resolution No. 4072  
 Senate Concurrent Resolution No. 4073  
 Senate Concurrent Resolution No. 4074  
 Senate Concurrent Resolution No. 4076  
 Senate Concurrent Resolution No. 4077  
 Senate Concurrent Resolution No. 4079  
 Senate Concurrent Resolution No. 4081  
 Senate Concurrent Resolution No. 4083  
 Senate Concurrent Resolution No. 4088  
 Senate Concurrent Resolution No. 4089

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended.

House Bill No. 1477

Leo Leidholm, Secretary

#### CONSIDERATION OF AMENDMENTS

Senator Thane moved that the reading of the amendments on the 6th order be dispensed with, which motion prevailed.

Senator Wenstrom moved that the amendments to Senate Concurrent Resolution 4004 as recommended by the Committee on Constitutional Revision as printed on pages 1497 and 1498 of the Senate Journal be adopted, which motion prevailed.

Senator Wenstrom moved that the amendments to Senate Concurrent Resolution 4009 as recommended by the Committee on Constitutional Revision as printed on page 1498 of the Senate Journal be adopted, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4007. A concurrent resolution to repeal section 180 of the Constitution of the State of North Dakota, relating to the levy, collection, and disposition of an annual poll tax.

Was read the second time.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 1; nays, 48; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
|                     |     | •    | JACOBSON   | •   | •    | NAADEN   | •   | •    | SMYKOWSKI        | •   | •    |
|                     |     | •    | JONES      | •   | •    | NELSON   | •   | •    | SOLBERG          | •   | •    |
|                     |     | •    | KRAUTER    | •   | •    | NETHING  | •   | •    | STRAND           | •   | •    |
|                     |     | •    | LARSON     | •   | •    | ORANGE   | •   | •    | STRINDEN         | •   | •    |
|                     |     | •    | LASHKOWITZ | •   | •    | PETERSON | •   | •    | TALLACKSON       | •   | •    |
|                     |     | •    | LEE        | •   | •    | PIETRON  | •   | •    | TENNEFOS         | •   | •    |
|                     |     | •    | LIPS       | •   | •    | RAIT     | •   | •    | THANE            | •   | •    |
|                     |     | •    | LODOEN     | •   | •    | REDLIN   | •   | •    | VOSPER           | •   | •    |
|                     |     | •    | MAHER      | •   | •    | SANDNESS | •   | •    | WALSH            | •   | •    |
|                     |     | •    | MAU        | •   | •    | SANDS    | •   | •    | WENSTROM         | •   | •    |
|                     |     | •    | MELLAND    | •   | •    | SCHIRADO | •   | •    | WRIGHT           | •   | •    |
|                     |     | •    | MILLER     | •   | •    | SHABLOW  | •   | •    | MR. PRESIDENT    | •   | •    |
|                     |     | •    | MORGAN     | •   | •    |          |     |      |                  |     |      |

Senate Concurrent Resolution 4007 was declared lost.

Senate Concurrent Resolution No. 4008. A concurrent resolution to

repeal section 181 of the Constitution of the State of North Dakota, relating to powers of the legislative assembly.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 0; nays, 49; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL-CALL           |     |      |            |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
|                     |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
|                     |     | •    | MAUJ       |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Concurrent Resolution 4008 was declared lost.

Senate Concurrent Resolution No. 4010. A concurrent resolution to repeal sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota, relating to the transition of governmental functions from territorial government to state government.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 0; nays, 49; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      |            |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| ROLL-CALL           |     |      |            |     |      |                  |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
|                     |     | •    | JACOBSON   |     | •    | NAADEN           |     | •    | SMYKOWSKI     |     | •    |
|                     |     | •    | JONES      |     | •    | NELSON           |     | •    | SOLBERG       |     | •    |
|                     |     | •    | KRAUTER    |     | •    | NETHING          |     | •    | STRAND        |     | •    |
|                     |     | •    | LARSON     |     | •    | ORANGE           |     | •    | STRINDEN      |     | •    |
|                     |     | •    | LASHKOWITZ |     | •    | PETERSON         |     | •    | TALLACKSON    |     | •    |
|                     |     | •    | LEE        |     | •    | PIETRON          |     | •    | TENNEFOS      |     | •    |
|                     |     | •    | LIPS       |     | •    | RAIT             |     | •    | THANE         |     | •    |
|                     |     | •    | LODOEN     |     | •    | REDLIN           |     | •    | VOSPER        |     | •    |
|                     |     | •    | MAHER      |     | •    | REITEN           |     | •    | WALSH         |     | •    |
|                     |     | •    | MAUJ       |     | •    | SANDNESS         |     | •    | WENSTROM      |     | •    |
|                     |     | •    | MELLAND    |     | •    | SANDS            |     | •    | WRIGHT        |     | •    |
|                     |     | •    | MILLER     |     | •    | SCHIRADO         |     | •    | MR. PRESIDENT |     | •    |
|                     |     | •    | MORGAN     |     | •    | SHABLOW          |     | •    |               |     |      |

Senate Concurrent Resolution 4010 was declared lost.

Senate Concurrent Resolution No. 4011. A concurrent resolution for the amendment of section 161 of the Constitution of the State of North Dakota, relating to the leasing of lands granted to the state for educational and charitable purposes; and providing an effective date.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 12; nays, 36; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |          |     |      |                  |     |      |           |     |      |
|---------------------|-----|------|----------|-----|------|------------------|-----|------|-----------|-----|------|
| REGULAR SESSION     |     |      |          |     |      | 1977 LEGISLATURE |     |      |           |     |      |
| ROLL-CALL           |     |      |          |     |      |                  |     |      |           |     |      |
| YEAS                | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS | YEAS      | N-V | NAYS |
|                     |     | •    | JACOBSON |     | •    | NAADEN           |     | •    | SMYKOWSKI |     | •    |
|                     |     | •    | JONES    |     | •    | NELSON           |     | •    | SOLBERG   |     | •    |
| •                   |     | •    | KRAUTER  |     | •    | NETHING          |     | •    | STRAND    |     | •    |
|                     |     | •    | LARSON   |     | •    | ORANGE           |     | •    | STRINDEN  |     | •    |



|              |              |            |                 |
|--------------|--------------|------------|-----------------|
| • ERDMAN     | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED      | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL   | • LODGEN     | • REDLIN   | • VOSPER        |
| • GOODMAN    | • MAHER      | • REITEN   | • WALSH         |
| • HANSON     | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER    | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG   | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER     | • MORGAN     | • SHABLOW  |                 |

Senate Concurrent Resolution 4011 was declared lost.

### MESSAGES FROM THE HOUSE

#### House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on House Bill No. 1252.

Rep. Peterson  
Rep. L. Hausauer  
Rep. Mertens

ROY GILBREATH, Chief Clerk

#### House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on

Senate Bill No. 2011  
Senate Bill No. 2160  
Senate Bill No. 2308  
Senate Bill No. 2463

ROY GILBREATH, Chief Clerk

#### House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on

Senate Bill No. 2003  
And the Speaker appointed as a new conference committee:  
Rep. Kuchera  
Rep. Unhjem  
Rep. G. Martin

ROY GILBREATH, Chief Clerk

### MOTION

Senator Freed moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1252, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1252,

Senator Sands  
Senator Christensen  
Senator Schirado

### CONFIRMATION SESSION

Senator Nothing moved that the Senate resolve itself into a session of advise and consent of the Governor's appointments, which motion prevailed.

### REPORTS OF STANDING COMMITTEE CONCERNING GOVERNOR'S APPOINTMENT

Mr. President:

Your Committee on Social Welfare & Veterans Affairs recommends that the Senate do advise and consent to the following Governor's appointment:

Social Service Board of North Dakota

Ms. Evadne B. Gillette-April 6, 1977 to April 6, 1983.

SENATOR CHRISTENSEN, Chairman

Senator Christensen moved that the report be adopted, which motion prevailed.

Senator Nething moved that the confirmation session be dissolved, which motion prevailed.

The Senate reconvened, the President presiding.

MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Senate Bill No. 2003, which motion prevailed.

The President appointed as a Conference Committee on Senate Bill No. 2003,

Senator Strinden

Senator Thane

Senator Maher

Senator Lips moved that the Senate do not concur in the House amendments to Senate Bill 2027 as printed on pages 1457, 1458 of the Senate Journal, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

The President appointed as a conference committee on Senate Bill No. 2027:

Senator Smykowski

Senator Hanson

Senator Maher

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4012. A concurrent resolution for the amendment of section 174 of the Constitution of the State of North Dakota, relating to the raising of revenue on an ad valorem basis.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   |     |      | •         | JACOBSON   |      |      | NAADEN   | •    | •                | SMYKOWSKI     |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   |     |      | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   |     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   |     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      |                  | MR. PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

Senate Concurrent Resolution 4012 was declared adopted.

Senate Concurrent Resolution No. 4013. A concurrent resolution for the amendment of section 183 of the Constitution of the State of North Dakota, relating to bonding limitations of political subdivisions.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 37; nays, 11; absent and not voting, 2.

| NORTH DAKOTA SENATE |            |      |           |            |      |      |          |      |                  |               |      |
|---------------------|------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |            |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V        | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |            | •    | •         | JACOBSON   |      |      | NAADEN   |      | •                | SMYKOWSKI     |      |
|                     | •          |      | •         | JONES      |      | •    | NELSON   | •    |                  | SOLBERG       |      |
|                     |            | •    | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
|                     |            | •    | •         | LARSON     |      | •    | ORANGE   | •    |                  | STRINDEN      |      |
| •                   | ERDMAN     |      | •         | LASHKOWITZ | •    | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FREED      |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         |      |
| •                   | FRITZELL   |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        |      |
| •                   | GOODMAN    |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON     |      | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER    |      | •         | MELLAND    |      | •    | SANDS    | •    | •                | WRIGHT        |      |
| •                   | HOLMBERG   |      | •         | MILLER     | •    | •    | SCHIRADO |      |                  | MR. PRESIDENT |      |
|                     | ISZLER     | •    | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

Senate Concurrent Resolution 4013 was declared adopted.

Senate Concurrent Resolution No. 4024. A concurrent resolution for a constitutional amendment requiring the records of all governmental bodies to be open to the public unless otherwise provided by law.

Was read the second time.

Senator Lashkowitz moved that Senate Concurrent Resolution be amended as follows:

On page 1, line 17 of the resolution, delete the following language: "Unless otherwise provided by law,"

Senator Lashkowitz moved that the amendment be adopted, which motion lost.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 40; nays, 9; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
| •                   | ALBERS      |      | •         | JACOBSON   |      | •    | NAADEN   |      |                  | SMYKOWSKI     | •    |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG       |      |
| •                   | BERUBE      |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND        |      |
| •                   | CHRISTENSEN |      | •         | LARSON     | •    | •    | ORANGE   |      | •                | STRINDEN      |      |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FARRINGTON  |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS      | •    |
| •                   | FREED       |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE         | •    |
| •                   | FRITZELL    |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER        | •    |
| •                   | GOODMAN     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH         |      |
| •                   | HANSON      | •    | •         | MAU        |      | •    | SANDNESS |      | •                | WENSTROM      |      |
| •                   | HOFFNER     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT        | •    |
| •                   | HOLMBERG    |      | •         | MILLER     |      | •    | SCHIRADO |      |                  | MR. PRESIDENT |      |
|                     | ISZLER      | •    | •         | MORGAN     | •    | •    | SHABLOW  |      |                  |               |      |

Senate Concurrent Resolution 4024 was declared adopted.

Senate Concurrent Resolution No. 4075. A concurrent resolution for the amendment of sections 65 and 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 26; nays, 24; absent and not voting, 0.

| NORTH DAKOTA SENATE |        |      |           |          |      |      |        |      |                  |           |      |
|---------------------|--------|------|-----------|----------|------|------|--------|------|------------------|-----------|------|
| REGULAR SESSION     |        |      | ROLL CALL |          |      |      |        |      | 1977 LEGISLATURE |           |      |
| YEAS                | N-V    | NAYS | YEAS      | N-V      | NAYS | YEAS | N-V    | NAYS | YEAS             | N-V       | NAYS |
|                     | ALBERS | •    | •         | JACOBSON |      |      | NAADEN | •    |                  | SMYKOWSKI | •    |
| •                   | BARTH  |      | •         | JONES    |      |      | NELSON | •    |                  | SOLBERG   | •    |

|               |              |            |              |
|---------------|--------------|------------|--------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND     |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN   |
| • ERDMAN      | • LASHKOWITZ | • PIETRON  | • TALLACKSON |
| • FARRINGTON  | • LEE        | • RAIT     | • TENNEFOS   |
| • FRED        | • LIPS       | • REDLIN   | • THANE      |
| • FRITZELL    | • LODGEN     | • REITEN   | • VOSPER     |
| • GOODMAN     | • MAHER      | • SANDNESS | • WALSH      |
| • HANSON      | • MAU        | • SANDS    | • WENSTROM   |
| • HOFFNER     | • MELLAND    | • SCHIRADO | • WRIGHT     |
| • HOLMBERG    | • MILLER     | • SHABLOW  | MR PRESIDENT |
| • ISZLER      | • MORGAN     |            |              |

Senate Concurrent Resolution 4075 was declared adopted.

**MOTION**

Senator Nething moved that House Bill No. 1537 be placed on the calendar for the purpose of its reconsideration as a vetoed measure, pursuant to Section 79 of the Constitution of the State of North Dakota, which motion prevailed.

**RECONSIDERATION OF A VETOED MEASURE  
SECOND READING OF HOUSE BILLS**

House Bill No. 1537. A Bill for an Act to provide a new subsection to section 15-38.1-14 of the North Dakota Century Code, pertaining to executive sessions under the Teachers' Representation and Negotiation Act; to provide an expiration date; and declaring an emergency.

Which has been read.

Senator Nelson requested to be excused from voting on this bill due to conflict of interest.

Senator Nething moved that Senator Nelson be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, over the governor's veto, the roll was called and there were ayes, 26; nays, 24; absent and not voting, 0.

| REGULAR SESSION |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |              |
|-----------------|-----|------|--------------|-----|------|------------------|-----|--------------|
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS         |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN         |     |              |
| • BARTH         |     | •    | • JONES      |     | •    | • NELSON         |     | • SMYKOWSKI  |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND     |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN   |
| • ERDMAN        |     | •    | • LASHKOWITZ |     |      | • PIETRON        |     | • TALLACKSON |
| • FARRINGTON    |     | •    | • LEE        |     |      | • RAIT           |     | • TENNEFOS   |
| • FRED          |     |      | • LIPS       |     | •    | • REDLIN         |     | • THANE      |
| • FRITZELL      |     | •    | • LODGEN     |     |      | • REITEN         |     | • VOSPER     |
| • GOODMAN       |     |      | • MAHER      |     | •    | • SANDNESS       |     | • WALSH      |
| • HANSON        |     |      | • MAU        |     |      | • SANDS          |     | • WENSTROM   |
| • HOFFNER       |     | •    | • MELLAND    |     |      | • SCHIRADO       |     | • WRIGHT     |
| • HOLMBERG      |     |      | • MILLER     |     | •    | • SHABLOW        |     | MR PRESIDENT |
| • ISZLER        |     |      | • MORGAN     |     |      |                  |     |              |

The veto of the Governor on House Bill 1537 was sustained.

**MOTION**

Senator Nething moved that the rules be suspended, that Senate Concurrent Resolution Nos. 4004 and 4009, which are on the 6th order, be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS**

Senate Concurrent Resolution No. 4004. A concurrent resolution to repeal sections 60, 62, 180, and 181 of the Constitution of the State of North Dakota, relating to deadlines for the introduction of bills in the legislature and the contents of the general appropriation bill, the levy and collection of a poll tax, and the general powers of the legislature regarding tax matters.

Was read the second time.

### 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.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Concurrent Resolution 4004 was declared adopted.

**Senate Concurrent Resolution No. 4009.** A concurrent resolution to repeal section 214 and sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota, relating to the original congressional and legislative apportionment of the state and to the transition of governmental functions from territorial government to state government.

Was read the second time.

### ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were ayes, 47; nays, 3; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

Senate Concurrent Resolution 4009 was declared adopted.

### MESSAGE FROM THE HOUSE

#### House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1280

House Bill No. 1559

House Bill No. 1264

ROY GILBREATH, Chief Clerk

### MESSAGES TO THE HOUSE

#### Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has refused to concur in the House amendment to Senate Bill No. 2027 and the

President has appointed as a conference committee to act with a like committee from the House,

Senator Smykowski  
 Senator Hanson  
 Senator Maher

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a new conference committee to act with a like committee from the House, on Senate Bill No. 2003:

Senator Strinden  
 Senator Thane  
 Senator Maher

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a new conference committee to act with a like committee from the House, on Senate Bill No. 2178

Senator Sands  
 Senator Christensen  
 Senator Schirado

Leo Leidholm, Secretary

#### MOTION

Senator Nething moved that the rules be suspended, that House Bills 1264 and 1280 be placed at the head of the 7th Order of Business, which motion prevailed.

#### REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1264 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill 1264 be further amended as follows:

On page 1, after line 18 of the engrossed bill insert the following new subsection:

"1. "Adjusted gross proceeds" means gross proceeds less cash prizes or the price of merchandize prizes."

On page 2, immediately following line 12 insert the following:

"3. "Bingo equipment" means the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designation to be covered and the objects used to cover them, the board or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo."

On page 3, line 5 after the period insert the following sentence:

" "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization."

On page 3, line 12 after the word "bylaws" insert the words " , not of direct benefit to the eligible organization or any member thereof"

On page 3, line 14 after the word "founded" insert the words " , not of direct benefit to the eligible organization or any member thereof"

On page 3, line 20 after the period delete the word "Uses" and insert in

lieu thereof the words: "Except as used for political parties, uses"

On page 4, line 11 delete the word "receipts" and insert in lieu thereof the words "adjusted gross proceeds"

On page 4, delete all of lines 14 through 22

On page 5, line 3 before the word "punchboards" insert the word "and" and also in line 3 after the word and period "punchboards." insert the following new sentence: "For political parties, "games of chance" shall be limited to raffles."

On page 5, after line 4 insert the following new subsection: "14. "Gross proceeds" means all moneys collected or received from games of chance and admissions thereto."

On page 5, line 16, after the word "Act" insert the following words: ", or a bona fide political party which has appeared on the ballots for the previous two statewide primary elections"

On page 8, line 13 after the word "games" insert the following words: "for specifically designated times, places and uses,"

On page 8, line 17 after the period insert the following new sentence: "The governing body may by ordinance or resolution establish authorization fees not to exceed ten dollars for an authorization for one occasion and not to exceed twenty-five dollars for an authorization covering more than one occasion."

On page 8, delete all of line 18

On page 8, line 19 delete the words "governing body authorizes such games by resolution." and insert in lieu thereof the words: "If the governing body, at its own discretion, chooses to authorize such types of games of chance, the governing body shall authorize such organization which conforms to the requirements of the Act to conduct such games on such occasion."

On page 8, after line 25 insert the following new paragraph: "The governing body shall have the power, on its own motion based on reasonable grounds or on written complaint, to suspend or revoke an authorization in accordance with chapter 28-32 for violation, by the authorized organization or any officer, director, agent, member, or employee of such organization, of this Act or any rule or regulation promulgated hereunder."

On page 11, delete all of lines 19 through 21

On page 11, line 29 after the word "from" insert the words "games of chance and" and also after the word "admissions" delete the word "to" and insert in lieu thereof the word "thereto,"

On page 11, line 30 delete the words "and games of chance" and insert in lieu thereof the words: "except cash prizes of less than one hundred dollars paid immediately,"

On page 11, line 32 delete the word "All" and insert in lieu thereof the words: "Cash prizes of one hundred dollars or more, the purchase prices of merchandise prizes, and all"

On page 12, line 3 after the word "expense" insert the words "or prize"

On page 12, line 14 after the word "amount" insert the following words "actually and necessarily incurred and directly attributable only to the conduct of the games of chance, and shall not include overhead, capital costs and general maintenance"

On page 12, line 16 delete the word "receipts" and insert in lieu thereof the words "adjusted gross proceeds"

On page 12, after line 29 insert the following new subdivision: "g. Taxes."

On page 12, line 32 delete the words "prizes, equipment" and insert in lieu thereof the words "bingo equipment, jars, pull tabs, punchboards, and raffle tickets"

On page 13, line 9 delete the words "ten percent of the total expenses incurred" and insert in lieu thereof the words "three percent of the total adjusted gross proceeds received" and also in line 9 delete the word "an" and insert in lieu thereof the words "a licensed"

On page 13, line 10 delete the words "pursuant to section 9" and also in line 10 delete the words "state tax" and insert in lieu thereof the words "licensing authority"

On page 13, line 11 delete the word "commissioner" and also in line 11 delete the words "on January first and" and insert in lieu thereof the words "before April first of each year for the preceding calendar year"

On page 13, line 12 delete the words "July first of each year"

On page 13, line 13 delete the words "state tax commissioner" and insert in lieu thereof the words "licensing authority"

On page 13, line 26 delete the word "hundred" and insert in lieu thereof the word "thousand"

On page 14, line 5 after the word "organization" insert the words "or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization"

On page 14, delete all of lines 9 through 13 and insert in lieu thereof the words "No licensed or authorized eligible organization shall be a distributor."

And renumber the lines, sections, subsections, subdivisions and pages accordingly.

For the Senate

Senator Freed

Senator Sands

Senator Schirado

For the House

Rep. Kretschmar

Rep. Strinden

Rep. Backes

Senator Freed moved that the report not be adopted, which motion prevailed.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1280 has had the same under consideration and recommends:

The Senate recedes from their amendments.

For the Senate

Senator Melland

Senator Thane (Refused to sign)

Senator Walsh

For the House

Rep. Marsden (Refused to sign)

Rep. Mertens

Rep. Peterson

Senator Melland moved that the report not be adopted.

ROLL CALL

The question being on adopting the conference committee report on



House Bill No. 1280, the roll was called and there were ayes, 14; nays, 36; absent and not voting 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS          |
|                     |     | •    |            |     |      |                  |     |               |
| •                   |     |      | JACOBSON   | •   |      | NAADEN           | •   | SHYKOWSKI     |
| •                   |     |      | JONES      | •   |      | NELSON           | •   | SOLBERG       |
| •                   |     |      | KRAUTER    | •   |      | NETHING          | •   | STRAND        |
| •                   |     |      | LARSON     | •   | •    | ORANGE           | •   | STRINDEN      |
| •                   |     |      | LASHKOWITZ | •   |      | PETERSON         | •   | TALLACKSON    |
|                     |     |      | LEE        | •   |      | PIETRON          | •   | TENNEFOS      |
|                     |     |      | LIPS       | •   | •    | RAIT             | •   | THANE         |
|                     |     |      | LODDEN     | •   | •    | REDLIN           | •   | VOSPER        |
|                     |     |      | MAHER      | •   |      | REITEN           | •   | WALSH         |
|                     |     |      | MAU        | •   |      | SANDNESS         | •   | WENSTROM      |
| •                   |     |      | MELLAND    | •   |      | SANDS            | •   | WRIGHT        |
|                     |     |      | MILLER     | •   |      | SCHIRADO         | •   | MR. PRESIDENT |
|                     |     |      | MORGAN     | •   | •    | SHABLOW          |     |               |
|                     |     |      |            |     |      |                  |     |               |

The conference committee report on House Bill No. 1280 was not adopted.

#### EXPLANATION OF VOTE

Senator Lashkowitz: Mr. President, I would like to explain my vote. While I look kindly, members of the Senate, on the Heritage Center, I would like to see that included. I think we have to be very careful at this point so that we can be fiscally responsible and be selective. I would hope that the conference committee that will be appointed ultimately, will be careful, will be selective, and will not engage in too much horsetrading at the taxpayers' expense.

Senator Nothing moved that the Senate recess until 1:30 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

#### MESSAGES FROM THE HOUSE

##### 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. 3024
- House Concurrent Resolution No. 3075
- House Concurrent Resolution No. 3078
- House Concurrent Resolution No. 3086

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. 3027
- House Concurrent Resolution No. 3063
- House Concurrent Resolution No. 3068
- House Concurrent Resolution No. 3081
- House Concurrent Resolution No. 3083
- House Concurrent Resolution No. 3084
- House Concurrent Resolution No. 3092
- House Concurrent Resolution No. 3100
- House Concurrent Resolution No. 3102

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. 3037
- House Concurrent Resolution No. 3052
- House Concurrent Resolution No. 3107

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit House Bill No. 1537 which the Senate has failed to pass over the Governor's veto.

The vote on House Bill No. 1537 is Ayes, 26; Nays, 24; Absent, not voting, 0.

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

- Senate Concurrent Resolution No. 4004
- Senate Concurrent Resolution No. 4009
- Senate Concurrent Resolution No. 4012
- Senate Concurrent Resolution No. 4013
- Senate Concurrent Resolution No. 4024
- Senate Concurrent Resolution No. 4075

LEO LEIDHOLM, Secretary

Senator Wright moved that the Conference Committee Report on House Bill No. 1028 as printed on pages 1504 and 1505 of the Senate Journal be adopted, which motion prevailed.

Senator Wright moved that the rules be suspended, that House Bill No. 1028 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1028. A Bill for an Act to amend and reenact sections 11-10. -01, 11-10.1-05 and 11-10.1-07 of the North Dakota Century Code, relating to the qualifications of county directors of tax equalization and city and township assessors.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 34; nays, 14; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |         |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|---------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |         |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS    |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     | •       |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | •    | • SOLBERG       |     | •       |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING        |     | •    | • STRAND        |     | •       |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     | •    | • STRINDEN      |     | •       |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | •    | • TALLACKSON    |     | •       |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | •    | • TENNEFOS      |     | •       |
| • FREED             |     |      | • LIPS       |     | •    | • RAIT           |     | •    | • THANE         |     | •       |
| • FRITZELL          |     |      | • LODOEN     |     | •    | • REDLIN         |     | •    | • VOSPER        |     | • MAHER |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | •    | • WALSH         |     | •       |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | •    | • WENSTROM      |     | •       |
| • HOFFNER           |     |      | • MELLAND    |     | •    | • SANDS          |     | •    | • WRIGHT        |     | •       |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     | •    | • MR. PRESIDENT |     | •       |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     | •    |                 |     |         |

So the bill passed and the title was agreed to.

Senator Jacobson moved that the Conference Committee Report on House Bill No. 1037 as printed on pages 1505 and 1506 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the Conference Committee Report on House Bill No. 1178 as printed on pages 1506 and 1507 of the Senate Journal be adopted, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that House Bill No. 1178 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

**House Bill No. 1178.** A Bill for an Act to create and enact subsection 8 of section 38-14-03.1, and subsection 16 of section 38-14-05, relating to powers of the public service commission, and duties of the operator; to amend and reenact subsections 3 and 8 of section 38-14-02, subsection 2 of section 38-14-04, subsections 1, 2, 3, and 14 of section 38-14-05, subsection 6 of section 38-14-05.1, and section 38-14-12, relating to definitions, data required to be filed in the application for a mining permit, expedited amendments to existing permits and waiver or modification of time schedules or procedures, limitations, and civil penalties.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRANDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

#### POINT OF PERSONAL PRIVILEGE

Senator Jacobson: Mr. President, I rise on a point of personal privilege. Mr. President and members of the Senate: The conference committee which was assigned House Bill No. 1178 has agreed on an amendment to that bill which might at first seem to be a radical change in our reclamation law. I want to clarify and explain the amendment as it relates to the saving of "suitable plant growth material".

Our present law says that coal mine operators must "save, segregate and respread suitable plant growth material within the permit area UP TO A MAXIMUM OF FIVE FEET;". The amendment we agreed on substitutes "all soil material determined by the commission to be suitable for plant growth.", for the five foot provision.

Section 38-14-02.16 of the reclamation law defines "suitable plant growth material" as, "that portion of the soil material (normally the A, and in some cases, the upper portion of the B horizon) lying above the coal which, based upon a soil survey is found by the commission to be acceptable for resspreading on the surface of regraded areas to provide a medium for plant growth."

The intent in substituting "all" for "up to a maximum of five feet" is to in effect put present reclamation practice into law. That practice involves the saving, segregating and respreading of more than five feet of suitable plant growth material, if more than five feet is available.

There are low spots and swales in mining areas which may contain more than five feet of suitable plant growth material. It is the intent of this amendment that if more than five feet is available, it should be used, not only in those low spots, but wherever it is needed, subject, of course, to property lines.

It is also the intent of this amendment to eliminate any "magic number" as a required depth, so that if less than five feet of suitable plant growth material is available, everything that is there should be used, but only as much as is available. It is not the intent of the amendment to require saving, segregating and respreading of material which does not meet the quality of soil material contained in the definition of "suitable plant growth material". In other words, we don't want bad soil to be mixed with suitable plant growth material. We want only the suitable plant growth material as defined in the existing reclamation law to be used.

This amendment does not eliminate a maximum depth. It simply places the maximum at whatever is available, and determined by the commission to be necessary. The determination by the commission remains subject to definitions and procedures contained in Chapter 38-14, so the maximum is also subject to those definitions and procedures.

It is therefore the intent of this new language to eliminate any so-called "magic number" as a depth which must be strived for, and replace such a number with a requirement that all of the "suitable plant growth material" as defined in the present law is to be used if it in fact meets the definition and is deemed by the commission to be necessary.

MOTION

Senator Tallackson moved that the Senate reconsider its action whereby it failed to pass Senate Concurrent Resolution No. 4055, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

Senate Concurrent Resolution No. 4055. A concurrent resolution directing the Legislative Council to study the feasibility and desirability of assisting local authorities to develop local energy codes or of adopting a statewide code for energy conservation in building construction.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 27; nays, 23; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     | •    | • NAADEN         |     | •    | • SMYKOWSKI     |     | •    |
| • BARTH             |     |      | • JONES      |     | •    | • NELSON         |     | •    | • SOLBERG       |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     | •    | • NETHING        |     | •    | • STRAND        |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE         |     | •    | • STRINDEN      |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON       |     | •    | • TALLACKSON    |     | •    |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     | •    | • TENNEFOS      |     | •    |
| • FRED              |     |      | • LIPS       |     | •    | • RAIT           |     | •    | • THANE         |     | •    |
| • FRITZELL          |     |      | • LODGEN     |     | •    | • REDLIN         |     | •    | • VOSPER        |     | •    |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     | •    | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     | •    | • WENSTROM      |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     | •    | • SANDS          |     | •    | • WRIGHT        |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     | •    | • MR. PRESIDENT |     | •    |
| • ISZLER            |     |      | • MORGAN     |     | •    | • SHABLOW        |     | •    |                 |     |      |

Senate Concurrent Resolution No. 4055 was declared adopted.

#### MOTIONS

Senator Smykowski moved that the Senate request the return of House Bill No. 1350, which motion prevailed.

#### FIRST READING OF HOUSE BILLS

**House Concurrent Resolution No. 3024.** A concurrent resolution directing the Legislative Council to conduct a study of the gambling law in operation.

**House Concurrent Resolution No. 3027.** A concurrent resolution directing a Legislative Council study of North Dakota's corrections system.

**House Concurrent Resolution No. 3037.** A concurrent resolution directing the Legislative Council to conduct a continuing study of financing of elementary and secondary schools, and of the effectiveness of such financing in reaching the goal of providing the best possible education for North Dakota's students.

**House Concurrent Resolution No. 3052.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the development of a regional system of veterinary education and directing Legislative Council consultation in the development of such a veterinary educational system.

**House Concurrent Resolution No. 3063.** A concurrent resolution directing a Legislative Council study of the organization and financing of special education.

**House Concurrent Resolution No. 3068.** A concurrent resolution directing a study by the Legislative Council on driver licensing in North Dakota.

**House Concurrent Resolution No. 3075.** A concurrent resolution directing the Legislative Council to conduct a study of coal severance taxes and the distribution of energy taxes.

**House Concurrent Resolution No. 3078.** A concurrent resolution directing the Legislative Council to conduct a study relating to North Dakota senior citizens, emphasizing the areas of housing, nutrition, transportation, education, work programs, and employment opportunities for senior citizens.

**House Concurrent Resolution No. 3081.** A concurrent resolution directing the Legislative Council to study the licensing of and the rights of patients in nursing homes and residential care facilities.

**House Concurrent Resolution No. 3083.** A concurrent resolution directing a Legislative Council study of the State Department of Health, the State Hospital and its supervisory relationship with comprehensive mental health centers.

**House Concurrent Resolution No. 3084.** A concurrent resolution directing the Legislative Council to conduct a study of unit coal trains in North Dakota.

**House Concurrent Resolution No. 3086.** A concurrent resolution directing the Legislative Council to study the membership, duties, and responsibilities of all statutory boards, councils, committees, and commissions, except occupational and professional licensing boards.

**House Concurrent Resolution No. 3092.** A concurrent resolution directing an interim study by the Legislative Council to determine the numbers of displaced homemakers in North Dakota and to identify the

programs and services provided by the state and its political subdivisions, and by voluntary, nonprofit organizations to this special category of women who have fulfilled the role of homemaker but suddenly find themselves displaced in their middle years due to widowhood, divorce, disabled spouse, or other loss of family income.

**House Concurrent Resolution No. 3100.** A concurrent resolution directing the Legislative Council to study legislative rules.

**House Concurrent Resolution No. 3102.** A concurrent resolution directing the Legislative Council to study deferred payment grain contracts, the jurisdiction of the North Dakota Public Service Commission over such contracts, and the merits of providing bond protection for any person entering into deferred payment contracts with a public warehouseman.

**House Concurrent Resolution No. 3107.** A concurrent resolution directing the Legislative Council to study and review the economic and logistical effects of weight, size, speed, and other restrictions on the free use of highways in the state.

Which were read the first time and referred to the Legislative Council Resolutions Committee.

Senator Nething moved that at the conclusion of the 13th order of business, the Senate recess until 4:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to request the return of House Bill No. 1350.

LEO LEIDHOLM, Secretary

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Concurrent Resolution No. 4055

LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate, on Senate Bill No. 2027:

Rep. Murphy

Rep. Thorsgard

Rep. Mertens

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to return House Bill No. 1350, which the Senate has requested.

ROY GILBREATH, Chief Clerk

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House requests the return of Senate Bill No. 2141.

ROY GILBREATH, Chief Clerk

## MOTION

Senator Farrington moved that the Senate accede to the request of the House and that Senate Bill No. 2141 be returned to the House, which motion prevailed.

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return Senate Bill No. 2141, which the House has requested.

LEO LEIDHOLM, Secretary

## REPORTS OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred House Concurrent Resolution No. 3024 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred House Concurrent Resolution No. 3075 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred House Concurrent Resolution No. 3078 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred House Concurrent Resolution No. 3084 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred House Concurrent Resolution No. 3092 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

Mr. President: Your Procedural Committee on Legislative Council Resolutions to whom was referred House Concurrent Resolution No. 3102 has had the same under consideration and recommends that the same be indefinitely postponed.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEES

Mr. President: Your Procedural Committee on Legislative Council Resolutions has had the following under consideration:

House Concurrent Resolution No. 3027  
 House Concurrent Resolution No. 3037  
 House Concurrent Resolution No. 3052  
 House Concurrent Resolution No. 3063  
 House Concurrent Resolution No. 3068  
 House Concurrent Resolution No. 3081  
 House Concurrent Resolution No. 3083  
 House Concurrent Resolution No. 3086  
 House Concurrent Resolution No. 3100  
 House Concurrent Resolution No. 3107

And recommends that the same do pass, and be placed on the consent calendar.

SENATOR SMYKOWSKI, Chairman

Senator Smykowski moved that the report be adopted, which motion prevailed.

## MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee Report to Senate Bill No. 2479, and subsequently laid the amendments on the table.

ROY GILBREATH, Chief Clerk

## REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2006 has had the same under consideration and recommends:

That the Senate accede to the House amendments and that engrossed Senate Bill No. 2006 be further amended as follows:

In addition to the amendments to Senate Bill No. 2006 as adopted by the House on March 17, 1977, engrossed Senate Bill No. 2006 is hereby amended as follows:

On page 1 of the engrossed bill, line 3, as amended by the House, after the word "Dakota" insert the following: "; directing a legislative council study of weather modification activities; to create and enact a new section to chapter 54-45 of the North Dakota Century Code, relating to workmen's compensation coverage for civil air patrol members; to create and enact a new chapter to title 65 of the North Dakota Century Code, relating to a definition of "civil air patrol member", workmen's compensation coverage and benefits determination, and state reimbursement for liability in excess of collected premiums; and declaring an emergency."

On page 3 of the engrossed bill, line 8, as amended by the House, after the words "Grand total general fund appropriation" delete the numerals "1,420,267" and insert in lieu thereof the numerals "2,166,230"

On page 3 of the engrossed bill, line 9, as amended by the House, after the words "Grand total special funds appropriated" delete the numerals "657,692" and insert in lieu thereof the numerals "1,089,340"

On page 3 of the engrossed bill, line 10, as amended by the House, after the words "Grand total all funds appropriated S.B. 2006" delete the numerals "2,077,959" and insert in lieu thereof the numerals "3,255,570"

On page 3 of the engrossed bill, after line 17, insert the following new sections:



"SECTION 3. WEATHER MODIFICATION STUDY.) The legislative council is hereby directed to carry out a comprehensive review and evaluation of weather modification and related activities in North Dakota. The legislative council may request necessary information and assistance from the weather modification board and other interested governmental agencies. There is hereby appropriated to the legislative council any federal and private funds which may become available during the biennium beginning July 1, 1977, and ending June 30, 1979, to help defray the expenses incurred in carrying out this study.

SECTION 4.) A new section to chapter 54-45 of the North Dakota Century Code is hereby created and enacted to read as follows:

WORKMEN'S COMPENSATION COVERAGE AUTHORIZED.) Workmen's compensation coverage of civil air patrol members engaged in official state activities authorized under this chapter may be obtained with moneys appropriated to the department.

SECTION 5.) A new chapter to title 65 of the North Dakota Century Code is hereby created and enacted to read as follows:

"CIVIL AIR PATROL MEMBER" DEFINED.) "Civil air patrol member" means a volunteer civilian member of the department of civil air patrol engaged in official state activities authorized under chapter 54-45.

CIVIL AIR PATROL MEMBERS DECLARED EMPLOYEES — COVERED BY WORKMEN'S COMPENSATION.) Civil air patrol members shall be deemed employees of the department of civil air patrol and eligible for coverage under title 65 when engaged in official state activities authorized under chapter 54-45.

COMPENSATION BENEFITS — HOW DETERMINED.) The basis for compensation and benefits for civil air patrol members under this Act shall be determined under section 65-05-09, except that the claimant's weekly wage shall be determined through computation of income derived from the claimant's business or employment.

STATE REIMBURSEMENT FOR LIABILITY IN EXCESS OF COLLECTED PREMIUMS.) Whenever claim liability against the fund credited to the classification of civil air patrol members exceeds the amount of premiums paid into such fund, such excess liabilities shall be a general obligation of the state of North Dakota and shall be reimbursed to the workmen's compensation bureau for credit to that fund through legislative appropriation."

On page 3 of the engrossed bill, line 18, delete the numeral "3" and insert in lieu thereof the numeral "6"

On page 3 of the engrossed bill, line 26, delete the numeral "4" and insert in lieu thereof the numeral "7"

And renumber the lines, sections, and pages accordingly.

Statement of Purpose of Amendment:

The purpose of this amendment is to reflect the correct totals to the bill. This amendment also adds a section directing a Legislative Council study of weather modification activities. Also, this amendment adds two sections relating to workmen's compensation coverage of Civil Air Patrol members.

For the Senate  
 Senator Thane  
 Senator Hanson  
 Senator Maher

For the House

Rep. Kuchera

Rep. Christensen

Rep. Johnson

Senate Bill No. 2006 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2384 has had the same under consideration and recommends:

That the House recede from its amendments and that engrossed Senate Bill No. 2384 be amended as follows:

On page 2 of the engrossed bill, delete lines 5 through 10

On page 2 of the engrossed bill, line 13, after the colon insert the words "one legislator appointed by the legislative council;"

On page 2 of the engrossed bill, line 15, after the word "university" insert the words "or his designee"

On page 2 of the engrossed bill, line 16, after the word and semicolon "commission;" delete the word "one"

On page 2 of the engrossed bill, line 17, delete the words "member of the Dickinson school board;"

On page 2 of the engrossed bill, delete lines 33 through 35

On page 3 of the engrossed bill, delete line 1

On page 3 of the engrossed bill, line 26, delete the numeral "4" and insert in lieu thereof the numeral "3"

On page 3 of the engrossed bill, line 29, after the period insert the following sentence: "The loan from the Bank of North Dakota shall be for a term not to exceed ten years."

On page 3 of the engrossed bill, delete lines 32 and 33 and insert in lieu thereof the words "property to be acquired. The members of the state board of higher education shall not be held personally liable for repayment of any loan obtained under this section, and the board shall be liable for repayment only in the manner provided by this section. Any rents or profits"

On page 3 of the engrossed bill, line 35, after the numeral "1" and before the period insert the words "shall be used to make principal and interest payments on such amounts as may be borrowed by the board pursuant to this section. Upon payment of the total principal and interest on moneys borrowed by the board, any additional rents, profits, or proceeds as may be received shall be deposited in the general fund in the state treasury."

And renumber the lines, sections, and pages accordingly.

For the Senate

Senator Naaden

Senator Melland

Senator Erdman

For the House

Rep. Tweten

Rep. Wagner

Rep. Lardy

Senate Bill No. 2384 was placed on the 7th order of business on the calendar for the succeeding legislative day.



House Bill No. 1280:  
 Senator Melland  
 Senator Thane  
 Senator Walsh

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

House Bill No. 1588. A Bill for an Act to establish a family farm security program to encourage and guarantee loans to beginning farmers for the purchase of farmlands; and transferring Bank of North Dakota profits to a special fund for such purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 21; nays, 29; absent and not voting, 0.

| REGULAR SESSION |             |      | NORTH DAKOTA SENATE |            |      |      |          |      | 1977 LEGISLATURE |     |               |
|-----------------|-------------|------|---------------------|------------|------|------|----------|------|------------------|-----|---------------|
| ROLL CALL       |             |      |                     |            |      |      |          |      |                  |     |               |
| YEAS            | N-V         | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
|                 |             | •    |                     |            |      |      |          |      |                  |     |               |
| •               | ALBERS      |      |                     | JACOBSON   | •    |      | NAADEN   | •    |                  |     | SMYKOWSKI     |
| •               | BARTH       |      | •                   | JONES      | •    |      | NELSON   | •    |                  |     | SOLBERG       |
| •               | BERUBE      | •    |                     | KRAUTER    |      |      | NETHING  | •    |                  |     | STRAND        |
| •               | CHRISTENSEN | •    |                     | LARSON     |      |      | ORANGE   | •    |                  |     | STRINDEN      |
| •               | ERDMAN      |      | •                   | LASHKOWITZ |      |      | PETERSON | •    |                  | •   | TALLACKSON    |
| •               | FARRINGTON  | •    |                     | LEE        | •    |      | PIETRON  | •    |                  |     | TENNEFOS      |
| •               | FREED       |      |                     | LIPS       | •    |      | RAIT     | •    |                  |     | THANE         |
|                 | FRIZZELL    | •    |                     | LODOEN     | •    |      | REDLIN   | •    |                  |     | VOSPER        |
|                 | GOODMAN     | •    | •                   | MAHER      |      |      | REITEN   | •    |                  | •   | WALSH         |
|                 | HANSON      | •    |                     | MAU        |      |      | SANDNESS | •    |                  |     | WENSTROM      |
| •               | HOFFNER     |      |                     | MELLAND    | •    |      | SANDS    | •    |                  | •   | WRIGHT        |
|                 | HOLMBERG    | •    | •                   | MILLER     | •    |      | SCHRADO  | •    |                  |     | MR. PRESIDENT |
|                 | ISZLER      | •    |                     | MORGAN     | •    |      | SHABLOW  | •    |                  |     |               |

House Bill No. 1588 was declared lost.

House Bill No. 1598. A Bill for an Act to provide for reporting statistical data regarding legal malpractice claims, settlements and final judgments.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.

| REGULAR SESSION |             |      | NORTH DAKOTA SENATE |            |      |      |          |      | 1977 LEGISLATURE |     |               |
|-----------------|-------------|------|---------------------|------------|------|------|----------|------|------------------|-----|---------------|
| ROLL CALL       |             |      |                     |            |      |      |          |      |                  |     |               |
| YEAS            | N-V         | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |
|                 |             | •    |                     |            |      |      |          |      |                  |     |               |
| •               | ALBERS      |      |                     | JACOBSON   | •    |      | NAADEN   | •    |                  |     | SMYKOWSKI     |
| •               | BARTH       |      | •                   | JONES      | •    |      | NELSON   | •    |                  |     | SOLBERG       |
| •               | BERUBE      | •    |                     | KRAUTER    |      |      | NETHING  | •    |                  |     | STRAND        |
| •               | CHRISTENSEN |      |                     | LARSON     | •    |      | ORANGE   | •    |                  | •   | STRINDEN      |
| •               | ERDMAN      |      | •                   | LASHKOWITZ |      |      | PETERSON | •    |                  |     | TALLACKSON    |
| •               | FARRINGTON  | •    |                     | LEE        | •    |      | PIETRON  | •    |                  |     | TENNEFOS      |
| •               | FREED       |      |                     | LIPS       | •    |      | RAIT     | •    |                  |     | THANE         |
| •               | FRIZZELL    | •    |                     | LODOEN     | •    |      | REDLIN   | •    |                  |     | VOSPER        |
| •               | GOODMAN     | •    | •                   | MAHER      |      |      | REITEN   | •    |                  | •   | WALSH         |
|                 | HANSON      | •    |                     | MAU        |      |      | SANDNESS | •    |                  |     | WENSTROM      |
| •               | HOFFNER     |      |                     | MELLAND    | •    |      | SANDS    | •    |                  |     | WRIGHT        |
|                 | HOLMBERG    | •    | •                   | MILLER     | •    |      | SCHRADO  | •    |                  |     | MR. PRESIDENT |
| •               | ISZLER      |      |                     | MORGAN     | •    |      | SHABLOW  | •    |                  |     |               |

So the bill passed and the title was agreed to.

House Bill No. 1599. A Bill for an Act to amend and reenact section 2-07-11.1 of the North Dakota Century Code, relating to county appropriations for weather modification.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |           |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|-----------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |           |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V       | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     | •    | •         |           |      | •    |          |      | •                |              |      |
| •                   |     |      | •         | JACOBSON  |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| •                   |     |      | •         | JONES     |      | •    | NELSON   | •    | •                | SOLBERG      |      |
| •                   |     |      | •         | KRAUTER   |      | •    | NETHING  |      | •                | STRAND       |      |
| •                   |     | •    | •         | LARSON    | •    | •    | ORANGE   |      | •                | STRINDEN     | •    |
| •                   |     |      | •         | LASKOWITZ | •    | •    | PETERSON | •    | •                | TALLACKSON   |      |
| •                   |     | •    | •         | LEE       |      | •    | PIETRON  |      | •                | TENNEFOS     | •    |
| •                   |     |      | •         | LIPS      |      | •    | RAIT     | •    | •                | THANE        | •    |
| •                   |     | •    | •         | LODOEN    |      | •    | REDLIN   |      | •                | VOSPER       | •    |
| •                   |     |      | •         | MAHER     |      | •    | REITEN   |      | •                | WALSH        |      |
| •                   |     | •    | •         | MAU       |      | •    | SANDNESS | •    | •                | WENSTROM     |      |
| •                   |     |      | •         | MELLAND   |      | •    | SANDS    |      | •                | WRIGHT       |      |
| •                   |     | •    | •         | MILLER    |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| •                   |     |      | •         | MORGAN    | •    | •    | SHABLOW  |      |                  |              |      |

So the bill passed and the title was agreed to.

MOTION

Senator Smykowski moved that the Senate reconsider its action by which it failed to pass House Bill No. 1350 over the Governor's veto, which motion prevailed.

RECONSIDERATION OF A VETOED MEASURE  
SECOND READING OF HOUSE BILLS

House Bill No. 1350. A Bill for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the authorization of special alcoholic beverage permits; and to amend and reenact sections 53-02-05 and 53-02-09 of the North Dakota Century Code, relating to applications for permits and the refusal and revocation of permits for cause; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, over the Governor's veto, the roll was called and there were ayes, 34; nays, 16; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |           |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|-----------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |           |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V       | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     | •    | •         | JACOBSON  |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| •                   |     |      | •         | JONES     |      | •    | NELSON   | •    | •                | SOLBERG      |      |
| •                   |     |      | •         | KRAUTER   |      | •    | NETHING  |      | •                | STRAND       |      |
| •                   |     | •    | •         | LARSON    | •    | •    | ORANGE   |      | •                | STRINDEN     | •    |
| •                   |     |      | •         | LASKOWITZ | •    | •    | PETERSON | •    | •                | TALLACKSON   |      |
| •                   |     | •    | •         | LEE       |      | •    | PIETRON  |      | •                | TENNEFOS     | •    |
| •                   |     |      | •         | LIPS      |      | •    | RAIT     | •    | •                | THANE        | •    |
| •                   |     | •    | •         | LODOEN    |      | •    | REDLIN   |      | •                | VOSPER       | •    |
| •                   |     |      | •         | MAHER     |      | •    | REITEN   |      | •                | WALSH        |      |
| •                   |     | •    | •         | MAU       |      | •    | SANDNESS | •    | •                | WENSTROM     |      |
| •                   |     |      | •         | MELLAND   |      | •    | SANDS    |      | •                | WRIGHT       |      |
| •                   |     | •    | •         | MILLER    |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| •                   |     |      | •         | MORGAN    | •    | •    | SHABLOW  |      |                  |              |      |

So the bill passed and the title was agreed to over the Governor's veto.

REPORT OF SELECT COMMITTEES

Mr. President: Your Select Committee appointed to study and review the operations of the Federal Comprehensive Employment Training Act has completed its work and filed its report and I now would move that the committee be discharged.

Senator Smykowski moved that the report be adopted, which motion prevailed.

REPORT  
of the  
1977 SELECT SENATE COMMITTEE  
on the

FEDERAL COMPREHENSIVE EMPLOYMENT TRAINING ACT  
(CETA)

Senator James Smykowski, Chairman  
Senator Stephen Farrington, Vice chairman  
Senator Robert Melland  
Senator L.L. "Pete" Naaden  
Senator Charles E. "Chuck" Orange  
Senator George Rait  
Senator Ernest M. Sands  
Senator Lester J. Schirado

REPORT OF THE 1977 SELECT SENATE COMMITTEE  
ON THE FEDERAL COMPREHENSIVE  
EMPLOYMENT TRAINING ACT (CETA)

The 1977 Select Senate Committee on the Federal Comprehensive Employment Training Act (CETA) was created pursuant to Senate Resolution No. 6 to review and study the administration, operation, grant policies, and effect of CETA programs as they affect political subdivisions and nonprofit corporations or organizations. Members of the committee were Senators James Smykowski, Chairman, Stephen Farrington, Vice chairman, Robert Melland, L.L. "Pete" Naaden, Charles E. "Chuck" Orange, George Rait, Ernest M. Sands, and Lester J. Schirado.

The committee held nine meetings over its 50-day period. The committee received testimony from and commends the following persons for their cooperation in the study: Governor Arthur A. Link; Therman Kaldahl, Executive Director of the Employment Security Bureau; Keith Engbrecht, CETA Administrator; Keith Warner, Personnel Director, University of North Dakota; Ken Gaare, City of Fargo; Dean Conrad, Director, Accounts and Purchases; Ralph Lange, Employment Security Bureau; Phil Stough, U.S. Department of Labor, Denver; Dr. Richard L. Davison, Board of Higher Education; and Paul Ebeltoft, Chairman of the Manpower Services Council.

The committee also reviewed the CETA audit and the results of a survey conducted of the past CETA trainees in Region 7. The audit and survey results are on record at the Employment Security Bureau and are available for future reference purposes.

As the result of testimony received at its meetings, the committee reports the following findings:

1. Generally, CETA funds have maximized the use of federal dollars in state and local government in the interest of conserving local dollars within the parameters of the CETA program.

2. Fourteen million dollars in CETA funds were provided to North Dakota for calendar year 1976 to be used for jobs and job training.

3. State government grows to a degree as a result of CETA positions which state agencies seek to make permanent with state appropriations after CETA funding has ended.

4. In general, CETA funds have been used to prepare and train persons for employment.

5. A voluntary shifting of CETA funds has occurred with a greater use emphasis at the local level.

6. CETA provided manpower and assisted in controlling the floods in the Souris and Red River Basins.

7. North Dakota has experienced an outmigration of the educated

young in search of jobs. CETA has provided a means of employment to diminish the outmigration of North Dakota's youth.

8. CETA training is essentially government-related, as opposed to business related. While CETA training is useful, its purpose is not necessarily to train for jobs in private industry.

9. The purpose of the CETA program is to train the unemployed rather than just provide supplements to social programs.

10. The Board of Higher Education makes CETA position allocations to institutions of higher education based on the needs of the individual institutions.

As a result of these findings, the committee makes the following recommendations:

1. The committee recommends more flexibility by the federal government in CETA programs to allow states such as North Dakota to adapt the programs better suited to their own needs. CETA is not as adaptable to North Dakota as it might be since the principal criteria is unemployment and North Dakota has always been borderline in this area.

2. The committee believes CETA funds could be better used for vocational rehabilitation, vocational training, or other manpower programs. Funds could also be used for winter projects to upgrade training for the seasonably unemployed and for short-term jobs during the peak of North Dakota's winter unemployment period.

3. The boards and committees responsible for dispersing CETA funds should reach more clearly into the cities and the business community without regard for partisan participation of any kind.

4. The committee recommends a more definitive explanation of what CETA programs are intended to do. The impetus of the CETA input should be clearly defined as cost sharing but not necessarily as cost saving.

5. The committee recommends that the CETA administration and the Employment Security Bureau report to the Legislative Council's Budget Committee as to funding and the enrollment level upon request. This would provide for ongoing examination of the CETA program by the legislature and inform legislators of new program developments.

6. The committee recommends that Congress make decisions as to CETA program financial allocations further in advance than at present to allow the state and political subdivisions to better prepare for the most effective use of CETA funds.

7. The committee recommends that manpower planning boards invite legislators to participate in their meetings from time to time so individual legislators can become more knowledgeable about and provide input into area CETA programs.

8. The committee recommends the continuance of veterans' preference in CETA enrollments.

9. The committee recommends continuance of the student-veteran program in order to help provide for the veteran in school and qualify the veteran for the labor market.

10. The committee recommends expansion of the CETA public information program to alert small communities and rural residents as to how they can participate in CETA programs to the advantage of the communities and the individual unemployed.

11. The committee recommends that public service employment positions be allocated as nearly as possible to institutions of higher education on the basis of student population.

The committee extends its appreciation to those persons named at the beginning of the report for the information, cooperation, and assistance provided to the committee during its study.

Senator James Smykowski  
Chairman  
1977 Select Senate Committee on  
the Federal Comprehensive Employ-  
ment Training Act (CETA)

#### REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2027 has had the same under consideration and recommends:

That the House recede from its amendments

For the Senate

Senator Smykowski

Senator Hanson

Senator Maher

For the House

Rep. Murphy

Rep. Thorsgard

Rep. Mertens — refused to sign

Senate Bill No. 2027 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2178 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate

Senator Sands

Senator Christensen

Senator Schirado — refused to sign

For the House

Rep. Kretschmar

Rep. Wentz

Rep. Lundene — refused to sign

Senate Bill No. 2178 was placed on the seventh order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1559 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1559 be amended as follows:

On page 1, line 1 of the engrossed bill delete the word "two" and insert in lieu thereof the word "three"

On page 1, line 2 following the word "to" insert the words "altering identification marks; and to"

On page 1, after line 15 insert the following new language: "REMOVAL OF IDENTIFICATION MARKS.) 1. A person commits the offense of removal of identification marks if he, with intent to cause interruption of the ownership of another, defaces, erases, or otherwise alters any serial number or identification mark placed or inscribed on any personal property by the manufacturer or owner for the purpose of identifying the personal property or its component parts, provided the personal property



exceeds one hundred dollars in value. A person removes identification marks if he attempts to or succeeds in erasing, defacing, altering, or removing a serial number or identification mark or part thereof, on the personal property of another, that exceeds one hundred dollars in value. 2. A person who commits the offense of removal of identification marks on property or its component parts which exceeds one hundred dollars in value, is guilty of a class A misdemeanor.

SECTION 2.) A new section to chapter 12.1-23 of the North Dakota Century Code is hereby created and enacted to read as follows:"

On page 1, line 16 delete the words "BY DEALERS"

On page 1, line 18 delete the words "is a dealer in property and he"

On page 2, line 3 after the word "property" insert the words "or its component parts which exceed one hundred dollars in value."

On page 2, line 3 following the period insert the following new language: "In the event that more than one item of personal property is defaced, erased, or otherwise altered or unlawfully possessed, as specified in sections 2 and 3 of this Act, by an individual then an offense is determined to be committed under this section if the aggregate of the value of the property so defaced, erased, or otherwise altered or unlawfully possessed is in excess of one hundred dollars."

And renumber the lines, sections and pages accordingly.

For the Senate

Senator Christensen

Senator Holmberg

Senator Lashkowitz

For the House

Rep. Richie

Rep. Stenehjerm

Rep. Dotzenrod

House Bill No. 1559 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on Delayed Bills Introduced:

Senate Concurrent Resolution No. 4090. A concurrent resolution providing for the completion of the legislative journals of the House and Senate.

Was read the first time.

Senator Nothing moved that the rules be suspended, that Senate Concurrent Resolution No. 4090 not be printed as a bill, not be referred to a committee, but printed in the Journal and laid over one legislative day, which motion prevailed.

#### SENATE CONCURRENT RESOLUTION No. 4090

Committee on Delayed Bills.

1 A concurrent resolution providing for the completion of the  
2 legislative journals of the House and Senate.

3

4 WHEREAS, after termination of the Forty-fifth Legis-  
5 lative Assembly a complete record with index of the House  
6 and Senate journals must be prepared;

7 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE  
8 OF THE STATE OF NORTH DAKOTA, THE HOUSE OF  
9 REPRESENTATIVES CONCURRING THEREIN:

10 That Roy Gilbreath, Chief Clerk of the House, and Leo

11 Leidholm, Secretary of the Senate, are hereby authorized and  
 12 employed to compare and index the journals of the Forty-fifth  
 13 Legislative Assembly, and the said Roy Gilbreath and Leo Leidholm  
 14 are hereby directed to arrange for and procure sufficient assis-  
 15 tance to insure that the said work shall be completed within  
 16 thirty days after the close of the session; and  
 17 BE IT FURTHER RESOLVED, that for the expenses of the said  
 18 Roy Gilbreath and Leo Leidholm, as above set forth, there shall  
 19 be allowed the sum of \$3,000.00 each, which shall include com-  
 20 pensation for any assistance deemed necessary by them, all to  
 21 be paid as other legislative expense, and paid when the respec-  
 22 tive claims are verified by the affidavits of the said Roy  
 23 Gilbreath and Leo Leidholm showing completion of such work.

SECOND READING OF HOUSE BILLS

House Bill No. 1568. A Bill for an Act relating to security deposits on leased residential dwelling units, lessor obligations, and lessor access to the dwelling units during tenancy.

Which has been read.

Senators Orange, Tennefos, Tallackson, Solberg, Freed and Goodman requested to be excused from voting on this bill due to a conflict of interest.

Senator Nothing moved that the Senators be permitted to vote, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 10; nays, 40; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |     |      |           | JACOBSON   |      |      | NAADEN   |      |                  | SMYKOWSKI     |      |
|                     |     |      |           | JONES      |      |      | NELSON   |      |                  | SOLBERG       |      |
|                     |     |      |           | KRAUTER    |      |      | NETHING  |      |                  | STRAND        |      |
|                     |     |      |           | LARSON     |      |      | ORANGE   |      |                  | STRINDEN      |      |
|                     |     |      |           | LASHKOWITZ |      |      | PETERSON |      |                  | TALLACKSON    |      |
|                     |     |      |           | LEE        |      |      | PIETRON  |      |                  | TENNEFOS      |      |
|                     |     |      |           | LIPS       |      |      | RAIT     |      |                  | THANE         |      |
|                     |     |      |           | LUDSEN     |      |      | REDLIN   |      |                  | VOSPER        |      |
|                     |     |      |           | MAHER      |      |      | REIFEN   |      |                  | WALSH         |      |
|                     |     |      |           | MAU        |      |      | SANDNESS |      |                  | WENSTROM      |      |
|                     |     |      |           | MELLAND    |      |      | SANDS    |      |                  | WRIGHT        |      |
|                     |     |      |           | MILLER     |      |      | SCHIRADO |      |                  | MR. PRESIDENT |      |
|                     |     |      |           | MORGAN     |      |      | SHABLOW  |      |                  |               |      |

House Bill No. 1568 was declared lost.

House Bill No. 1582. A Bill for an Act to amend and reenact sections 40-47-01.1, 40-48-18, and 58-03-11 of the North Dakota Century Code, relating to the application of zoning and subdivision regulation authority to land lying outside the corporate limits of a city.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 23; nays, 26; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |          |      |      |         |      |                  |           |      |
|---------------------|-----|------|-----------|----------|------|------|---------|------|------------------|-----------|------|
| REGULAR SESSION     |     |      | ROLL CALL |          |      |      |         |      | 1977 LEGISLATURE |           |      |
| YEAS                | N-V | NAYS | YEAS      | N-V      | NAYS | YEAS | N-V     | NAYS | YEAS             | N-V       | NAYS |
|                     |     |      |           | JACOBSON |      |      | NAADEN  |      |                  | SMYKOWSKI |      |
|                     |     |      |           | JONES    |      |      | NELSON  |      |                  | SOLBERG   |      |
|                     |     |      |           | KRAUTER  |      |      | NETHING |      |                  | STRAND    |      |
|                     |     |      |           | LARSON   |      |      | ORANGE  |      |                  | STRINDEN  |      |

|            |   |            |   |          |   |               |   |
|------------|---|------------|---|----------|---|---------------|---|
| ERDMAN     | • | LASHKOWITZ | • | PETERSON | • | TALLACKSON    | • |
| FARRINGTON | • | LEE        | • | PIETRON  | • | TENNEFOS      | • |
| FREED      | • | LIPS       | • | RAIT     | • | THANE         | • |
| FRITZELL   | • | LODOEN     | • | REDLIN   | • | VOSPER        | • |
| GOODMAN    | • | MAHER      | • | REITEN   | • | WALSH         | • |
| HANSON     | • | MAU        | • | SANDNESS | • | WENSTROM      | • |
| HOFFNER    | • | MELLAND    | • | SANDS    | • | WRIGHT        | • |
| HOLMBERG   | • | MILLER     | • | SCHIRADO | • | MR. PRESIDENT | • |
| ISZLER     | • | MORGAN     | • | SHABLOW  | • |               |   |

House Bill No. 1582 was declared lost.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixtieth day and recommends that the same be corrected as follows:

On page 1487, lines 6, 7 and 8, delete the word Senator and insert in lieu thereof Representative

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Farrington moved that the report be adopted, which motion prevailed.

#### MESSAGE FROM THE HOUSE

Mr. President: I have the honor to inform you that the following changes have been made in conference committee appointment.

Senate Bill No. 2010:

Rep. Opedahl replaces Rep. Mushik

ROY GILBREATH, Chief Clerk

Senator Thane moved that the absent Senator be excused, which motion prevailed.

Senator Nothing moved that the Senate adjourn until Friday, April 1, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## SIXTY-SECOND DAY

Bismarck, April 1, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. Ira Herzberg, Calvary United Methodist Church, Bismarck.

"Our Father who art in heaven, be gracious unto Thy servants, the Senators from the various districts of the State of North Dakota. Give these men and women strength and wisdom for the tasks of this day and guide them in their deliberations.

Deliver us from the error of asking and expecting Thy blessing and Thy guidance in our public lives, while closing the doors to Thee in our private living. Thou knowest what we are wherever we are. Help us to be the best we can be. Help us to be good men and women, that we may become good leaders. Before we make and reach any decision, make us willing to ask, "What would Jesus do?" Then give us the courage and the grace so to act.

O Lord, give these men and women the highest motives and the courage to propose that which will be worthy of Thy blessing.

We consider our resources in money and in people, yet forget the spiritual resources without which we dare not and cannot lead others. We are so anxious to have the approval of men in all we say and do, that we forget that it is Thy approval that brings us peace of mind and clear conscience.

We pray, O God, that Thou wilt fill these sacred minutes with meaning, and make it an oasis for the refreshing of our souls, a window cleaning for our vision and a recharging of the batteries of our spirits.

Speak to us today in our deliberations, and make us listen to Thy broadcasting station that never goes off the air. In the power of Christ our Lord and master, we pray. Amen."

The roll was called and all Senators were present except Senators Maher, Melland, Morgan, Wenstrom.

A quorum was declared by the President.

STATE OF NORTH DAKOTA

Executive Office

Bismarck

April 1, 1977

The Honorable Wayne G. Sanstead

President of the Senate

Senate Chambers

Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on March 31, 1977, I signed the following Senate Bills:

Senate Bill No. 2038

Senate Bill No. 2042  
Senate Bill No. 2071  
Senate Bill No. 2136  
Senate Bill No. 2145  
Senate Bill No. 2147  
Senate Bill No. 2149  
Senate Bill No. 2153  
Senate Bill No. 2157  
Senate Bill No. 2159  
Senate Bill No. 2162  
Senate Bill No. 2175  
Senate Bill No. 2179  
Senate Bill No. 2185  
Senate Bill No. 2187  
Senate Bill No. 2190  
Senate Bill No. 2192  
Senate Bill No. 2204  
Senate Bill No. 2208  
Senate Bill No. 2213  
Senate Bill No. 2220  
Senate Bill No. 2242  
Senate Bill No. 2276  
Senate Bill No. 2285  
Senate Bill No. 2289  
Senate Bill No. 2290  
Senate Bill No. 2295  
Senate Bill No. 2302  
Senate Bill No. 2328  
Senate Bill No. 2334  
Senate Bill No. 2339  
Senate Bill No. 2355  
Senate Bill No. 2372  
Senate Bill No. 2421  
Senate Bill No. 2425  
Senate Bill No. 2427  
Senate Bill No. 2444  
Senate Bill No. 2459  
Senate Bill No. 2467  
Senate Bill No. 2478  
Senate Bill No. 2482  
Senate Bill No. 2498  
Senate Bill No. 2501  
Senate Bill No. 2518  
Senate Bill No. 2529  
Senate Bill No. 2532  
Senate Bill No. 2539  
Senate Bill No. 2546

Sincerely yours,  
ARTHUR A. LINK  
Governor

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit House Bill No. 1350 which the Senate has passed over the Governor's veto.

The vote on House Bill No. 1350 is: Ayes, 34; Nays, 16; Absent, not voting, 0.

LEO LEIDHOLM, Secretary  
MESSAGE FROM THE HOUSE  
House Chamber

Mr. President: I have the honor to transmit herewith the following, which the House has passed and your favorable consideration is requested on:

House Bill No. 1601

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE BILLS

House Bill No. 1601. A Bill for an Act to provide an appropriation to the legislative council for the expenses of the Garrison diversion overview committee; and declaring an emergency.

Which was read the first time and referred to the Committee on Appropriations.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 3024. A concurrent resolution directing the Legislative Council to conduct a study of the gambling law in operation.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 19; nays, 28; absent and not voting, 3.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |             | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI     | •    |
| •                   | BARTH       |      | •         | JONES      |      | •    | NELSON   | •    |                  | SOLBERG       | •    |
| •                   | BERUBE      |      |           | KRAUTER    | •    | •    | NETHING  |      |                  | STRAND        | •    |
|                     | CHRISTENSEN | •    |           | LARSON     | •    |      | ORANGE   | •    | •                | STRINDEN      | •    |
|                     | ERDMAN      | •    | •         | LASHKOWITZ |      |      | PETERSON | •    |                  | TALLACKSON    | •    |
|                     | FARRINGTON  | •    | •         | LEE        |      | •    | PIETRON  |      |                  | TENNEFOS      | •    |
| •                   | FREED       |      |           | LIPS       | •    |      | RAIT     | •    |                  | THANE         | •    |
|                     | FRIZZELL    | •    |           | LODOEN     | •    |      | REDLIN   | •    |                  | VOSPER        | •    |
| •                   | GOODMAN     |      |           | MAHER      | •    | •    | REITEN   |      |                  | WALSH         | •    |
|                     | HANSON      | •    | •         | MAU        |      |      | SANDNESS | •    |                  | WENSTROM      | •    |
| •                   | HOFFNER     |      |           | MELLAND    |      | •    | SANDS    |      |                  | WRIGHT        | •    |
| •                   | HOLMBERG    |      |           | MILLER     | •    |      | SCHIRADO |      |                  | MR. PRESIDENT | •    |
|                     | ISZLER      | •    | •         | MORGAN     |      | •    | SHABLOW  |      |                  |               |      |

House Concurrent Resolution No. 3024 was declared lost.

MESSAGE FROM THE HOUSE  
House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1280:

Rep. Marsden

Rep. Peterson

Rep. Mertens

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE  
Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has passed unchanged.

House Bill No. 1313

House Bill No. 1598

House Bill No. 1599

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. 1568  
House Bill No. 1582  
House Bill No. 1588

LEO LEIDHOLM, Secretary

## Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

House Bill No. 1028  
House Bill No. 1037  
House Bill No. 1178

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 Senate Bill No. 2141:

Senator Farrington  
Senator Goodman  
Senator Shablow

LEO LEIDHOLM, Secretary

## MESSAGES FROM THE HOUSE

## House Chamber

Mr. President: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on House Bill No. 1264:

Rep. Kretschmar  
Rep. Strinden  
Rep. Backes

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 1003  
House Bill No. 1004

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1320

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee Report on Senate Bill No. 2177, and subsequently failed to pass Senate Bill No. 2177.

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to return herewith the following, which the House has failed to pass:

Senate Concurrent Resolution No. 4063  
Senate Concurrent Resolution No. 4083

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1477.

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1384

House Bill No. 1408

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. 4003

Senate Concurrent Resolution No. 4015

Senate Concurrent Resolution No. 4018

Senate Concurrent Resolution No. 4021

Senate Concurrent Resolution No. 4030

Senate Concurrent Resolution No. 4060

Senate Concurrent Resolution No. 4061

Senate Concurrent Resolution No. 4065

Senate Concurrent Resolution No. 4070

Senate Concurrent Resolution No. 4071

Senate Concurrent Resolution No. 4072

Senate Concurrent Resolution No. 4073

Senate Concurrent Resolution No. 4074

Senate Concurrent Resolution No. 4076

Senate Concurrent Resolution No. 4077

Senate Concurrent Resolution No. 4079

Senate Concurrent Resolution No. 4081

Senate Concurrent Resolution No. 4088

Senate Concurrent Resolution No. 4089

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on Senate Bill No. 2141 and the committees having been unable agree, the Speaker appointed as a new conference committee.

Rep. A. Hausauer

Rep. Murphy

Rep. Nordby

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1014

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee reports on:

Senate Bill No. 2002

Senate Bill No. 2007

Senate Bill No. 2008



Senate Bill No. 2062  
 Senate Bill No. 2126  
 Senate Bill No. 2148  
 Senate Bill No. 2164  
 Senate Bill No. 2277  
 Senate Bill No. 2297  
 Senate Bill No. 2323  
 Senate Bill No. 2346  
 Senate Bill No. 2364  
 Senate Bill No. 2381  
 Senate Bill No. 2471  
 Senate Bill No. 2548

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. 2550

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2550

On page 1, line 2, after the word "taxes" insert the words "; and to provide an expiration date"

On page 1, line 10, delete the word "seven" and insert in lieu thereof the word "two"

On page 1, line 15, insert the following new language: "SECTION 2. EXPIRATION DATE.) The provisions of this Act shall remain in effect through June 30, 1979, and shall thereafter be of no force and effect."

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. 3004  
 House Concurrent Resolution No. 3006  
 House Concurrent Resolution No. 3014  
 House Concurrent Resolution No. 3015  
 House Concurrent Resolution No. 3071  
 House Concurrent Resolution No. 3073  
 House Concurrent Resolution No. 3088

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 3075. A concurrent resolution directing the Legislative Council to conduct a study of coal severance taxes and the distribution of energy taxes.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3075 was declared lost.

House Concurrent Resolution No. 3078. A concurrent resolution directing the Legislative Council to conduct a study relating to North Dakota senior citizens, emphasizing the areas of housing, nutrition, transportation, education, work programs, and employment opportunities for senior citizens.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3078 was declared lost.

**House Concurrent Resolution No. 3084.** A concurrent resolution directing the Legislative Council to conduct a study of unit coal trains in North Dakota.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3084 was declared lost.

**House Concurrent Resolution No. 3092.** A concurrent resolution directing an interim study by the Legislative Council to determine the numbers of displaced homemakers in North Dakota and to identify the programs and services provided by the state and its political subdivisions, and by voluntary, nonprofit organizations to this special category of women who have fulfilled the role of homemaker but suddenly find themselves displaced in their middle years due to widowhood, divorce, disabled spouse, or other loss of family income.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3092 was declared lost.

**House Concurrent Resolution No. 3102.** A concurrent resolution directing the Legislative Council to study deferred payment grain contracts, the jurisdiction of the North Dakota Public Service Commission over such contracts, and the merits of providing bond protection for any person entering into deferred payment contracts with a public warehouseman.

Was read the second time.

Senator Hoffner moved that House Concurrent Resolution No. 3102 be placed at the foot of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON THE CONSENT CALENDAR

**House Concurrent Resolution No. 3027.** A concurrent resolution directing a Legislative Council study of North Dakota's corrections system.

**House Concurrent Resolution No. 3037.** A concurrent resolution directing the Legislative Council to conduct a continuing study of financing of elementary and secondary schools, and of the effectiveness of such financing in reaching the goal of providing the best possible education for North Dakota's students.

**House Concurrent Resolution No. 3052.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the development of a regional system of veterinary education and directing Legislative Council consultation in the development of such a veterinary educational system.

**House Concurrent Resolution No. 3063.** A concurrent resolution directing a Legislative Council study of the organization and financing of special education.

**House Concurrent Resolution No. 3068.** A concurrent resolution directing a study by the Legislative Council on driver licensing in North Dakota.

**House Concurrent Resolution No. 3081.** A concurrent resolution directing the Legislative Council to study the licensing of and the rights of patients in nursing homes and residential care facilities.

**House Concurrent Resolution No. 3083.** A concurrent resolution directing a Legislative Council study of the State Department of Health, the State Hospital and its supervisory relationship with comprehensive mental health centers.

**House Concurrent Resolution No. 3086.** A concurrent resolution directing the Legislative Council to study the membership, duties, and responsibilities of all statutory boards, councils, committees, and commissions, except occupational and professional licensing boards.

**House Concurrent Resolution No. 3100.** A concurrent resolution directing the Legislative Council to study legislative rules.

**House Concurrent Resolution No. 3107.** A concurrent resolution directing the Legislative Council to study and review the economic and logistical effects of weight, size, speed, and other restrictions on the free use of highways in the state.

Which have been read the second time.

#### ROLL CALL

The question being on the final adoption of the resolutions.

The roll was called and there were ayes, 44; nays, 4; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN   |     |      | • VOISPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the resolutions were adopted.

Senator Nothing moved that the Senate recess until 11:00, which motion prevailed.

The Senate reconvened, the President presiding.

#### MOTION

Senator Goodman moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on Senate Bill No. 2141, which motion prevailed.

The President appointed as a Conference Committee on Senate Bill No. 2141:

Senator Farrington

Senator Goodman

Senator Shablow

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

**Senate Concurrent Resolution No. 4090.** A concurrent resolution providing for the completion of the legislative journals of the House and Senate.

Was read the second time.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 47; nays, 0; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON |     |      | • NAADEN |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES    |     |      | • NELSON |     |      | • SOLBERG        |     |      |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODDEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNES  | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

Senate Concurrent Resolution No. 4090 was declared adopted.

Sen. Nething moved that the vote by which Senate Concurrent Resolution No. 4090 was adopted, 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, which the Senate has passed and your favorable consideration is requested on:

Senate Concurrent Resolution No. 4090

LEO LEIDHOLM, Secretary

REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Appropriations to whom was referred House Bill No. 1601 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 10, delete the numerals "25,000.00" and insert in lieu thereof the numerals "60,000.00"

And renumber the lines accordingly.

And when so amended recommends the same do pass.

Statement of the Purpose of the Amendment:

The purpose of the amendment is to provide staffing for the Garrison Diversion Overview Committee.

SENATOR LIPS, Chairman

House Bill No. 1601 was placed on the 6th order of business on the calendar for the succeeding legislative day.

Senator Melland moved that the rules be suspended, that House Bill No. 1601 be placed on the 6th Order of Business, which motion prevailed.

CONSIDERATION OF AMENDMENTS

Senator Melland moved that the amendments to House Bill No. 1601 as recommended by the Committee on Appropriations be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1601 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1601. A Bill for an Act to provide an appropriation to the legislative council for the expenses of the Garrison diversion overview committee; 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, 44; nays, 4; absent and not voting, 2.

| NORTH DAKOTA SENATE |      |      |            |      |      |           |      |      |                  |      |      |
|---------------------|------|------|------------|------|------|-----------|------|------|------------------|------|------|
| REGULAR SESSION     |      |      |            |      |      | ROLL-CALL |      |      | 1977 LEGISLATURE |      |      |
| YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS      | N.V. | NAYS | YEAS             | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON |      |      | NAADEN    |      |      | • SMYKOWSKI      |      |      |

|               |              |            |               |
|---------------|--------------|------------|---------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG     |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND      |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN    |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON  |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS    |
| • FREED       | • LIPS       | • RAIT     | • THANE       |
| • FRITZELL    | • LODGEN     | • REDLIN   | • VOSPER      |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH       |
| • HANSON      | • MAU        | • SANDNES  | • WENSTROM    |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT      |
| • HOLMBERG    | • MILLER     | • SCHIRADO | MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |               |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Nething moved that the vote by which House Bill No. 1601 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 Senate Bill No. 2141 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2141 be amended as follows:

On page 1 of the engrossed bill, line 23, after the period delete "How-"

On page 1 of the engrossed bill, delete line 24 and insert in lieu thereof the following: "Provided, however, that as to intangible personal property a resident may specify in his or her will that the situs of all, or of particular items of, intangible personal property shall be at any such location within a county or counties in this state at which he or she had resided for at least fifteen years after attaining eighteen years of age."

On page 2 of the engrossed bill, delete lines 1, 2 and 3; in line 14 delete everything after the period; and delete lines 15, 16 and 17, and insert in lieu thereof the following: "If the decedent was a resident of this state at the time of his or her death, the certificate shall also show the situs of those items of intangible personal property, if any, for which the decedent's will had, in accordance with subsection 6 of section 57-37.1-01, specified a situs different from that of the decedent's residence at the time of death."

And renumber the lines and pages accordingly.

For the Senate

Senator Farrington

Senator Goodman

Senator Shablow

For the House

Rep. A. Hausauer

Rep. Nordby

Rep. Murphy

Senate Bill No. 2141 was placed on the seventh order of business on the calendar for the succeeding legislative day.

### REPORTS OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1014 has had the same under consideration and recommends:

House accedes to the Senate amendments.

For the Senate

Senator Thane

Senator Erdman  
 Senator Naaden  
 For the House  
 Rep. Peterson  
 Rep. Johnson  
 Rep. L. Hausauer

House Bill No. 1014 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1320 has had the same under consideration and recommends:

That the Senate recede from its amendments.

For the Senate  
 Senator Freed  
 Senator Schirado  
 Senator Iszler

For the House  
 Rep. Stenehjem  
 Rep. Russell  
 Rep. Meiers

House Bill No. 1320 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1384 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1384 be further amended as follows:

On page 1, line 18, of the engrossed bill delete the word "eight" and insert in lieu thereof the word "nine" and also on line 18, delete the word "three" and insert in lieu thereof the word "six"

On page 1, line 20, delete the word "Nine" and insert in lieu thereof the word "Ten" and also on line 20, delete the word "four" and insert in lieu thereof the word "six"

On page 1, line 21, delete the word "sixty"

On page 1, line 24, delete the word "Nine" and insert in lieu thereof the word "Ten"

On page 2, line 1, delete the word "seven" and insert in lieu thereof the word "nine"

On page 2, line 13, place triple parentheses around the word "sixteen" and insert in lieu thereof the word "eighteen"

On page 2, line 14, place triple parentheses around the word "twenty-four" and insert in lieu thereof the word "twenty-six"

On page 3, line 18, place triple parentheses around the word "twenty" and insert in lieu thereof the word "thirty"

And renumber the lines and pages accordingly.

For the Senate  
 Senator Sands  
 Senator Farrington  
 Senator Mau

For the House  
 Rep. Metz  
 Rep. Conmy  
 Rep. Jacobson

House Bill No. 1384 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1408 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1408 be further amended as follows:

On page 1, line 3, after the word "of" insert in lieu thereof the words "sales and use"

On page 1, line 15, immediately before the word "taxes" insert the words "and use"

On page 1, line 16, delete the words ", excluding real"

On page 1, line 17, delete the word "property taxes,"

And renumber the lines and pages accordingly.

For the Senate

Senator Farrington

Senator Holmberg

Senator Berube

For the House

Rep. G. Larson

Rep. Black

Rep. Berger

House Bill No. 1408 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### POINT OF PERSONAL PRIVILEGE

Senator Redlin:

Mr. President, I request the opportunity to speak on a point of personal privilege.

Mr. President, Members of the Senate, a recent communication from the manager of our city states that activities of this Legislature to this point will require nearly five mills additional property tax levy just to stay even. Present plans of this Legislature will raise the income tax \$16 million by allowing the inflation credit to die. This tax raise will fall most heavily on middle income people.

As one Senator, I believe that property and income taxes are the wrong taxes to raise at this time if we need additional income. Inflation has not gone away and most people are getting automatic income taxes raises because our higher rates reach down into peoples income needed for personal well-being.

I believe this Legislature should reinstate a portion of the sales tax and direct this revenue to a meaningful revenue sharing program, which gives hope of property tax relief, and to a reinstatement of inflation credit on income tax.

We are sacrificing additional revenue from a sales tax source during the next biennium, a substantial part of which comes from visitors to our state, and placing that burden on property owners and income tax payers.

A compromise with the people by reinstatement of a portion of a sales tax for benefit of revenue sharing and income tax relief is not breaking faith but rather the exercise of our solemn responsibility.

I would gladly face the political fall out from the people if we make such tax adjustments.

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

House Bill No. 1601

LEO LEIDHOLM, Secretary

## MESSAGE TO THE SENATE

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. 3110

House Concurrent Resolution No. 3111

ROY GILBREATH, Chief Clerk

## MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1252

ROY GILBREATH, Chief Clerk

Senator Nething moved that the Senate recess until 1:00 P.M. which motion prevailed.

The Senate reconvened, the President presiding.

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3004.** A concurrent resolution to repeal articles 59, 65, 87, and 88 of the amendments to the Constitution of the State of North Dakota, relating to bonds for bonuses to veterans of World War II, the Korean conflict and the Vietnam conflict, and to the calling of a constitutional convention.

**House Concurrent Resolution No. 3006.** A concurrent resolution to repeal sections 132, 133, 137, 138, 140, 141, 143, 144, and 145 of the Constitution of the State of North Dakota, relating to the charters of corporations in existence at the time the Constitution took effect, the authorized business of a corporation, the issuance of stocks and bonds by a corporation, the operating conditions for railroad corporations, the definition of a corporation, and notes and bills circulated by banks.

**House Concurrent Resolution No. 3014.** A concurrent resolution creating a new Article V of the North Dakota Constitution, relating to the elective franchise, and to repeal Article V, consisting of sections 121 through 129 of the North Dakota Constitution, relating to the elective franchise, and articles 36 and 40 of the amendments to the North Dakota Constitution, relating to residency for voting purposes.

**House Concurrent Resolution No. 3015.** A concurrent resolution for the amendment of section 84 of the North Dakota Constitution, relating to the salaries of public officers.

**House Concurrent Resolution No. 3071.** A concurrent resolution for the amendment of sections 215 and 216 and subsection 1 and subdivision d of subsection 6 of article 54 of the amendments to the Constitution of the State of North Dakota, all relating to the listing of the state's public institutions; and providing an effective date.

**House Concurrent Resolution No. 3073.** A concurrent resolution directing the State Health Department to study economic incentives for the return, reuse, and recycling of packaging materials, to study controls



for the amount and environmental quality of packaging, and to study systems of solid waste recycling and reuse.

**House Concurrent Resolution No. 3088.** A concurrent resolution for the creation of a new article to the Constitution of the State of North Dakota, relating to the power of initiative, referendum, and recall; to amend section 202 of the Constitution of the State of North Dakota, relating to constitutional amendment; and to repeal section 25 of the Constitution of the State of North Dakota, relating to legislative power and the powers of initiative and referendum, and article 33 of the amendments to the Constitution of the State of North Dakota, relating to recall; and providing an effective date.

Were read the first time.

#### MOTION

Senator Wenstrom moved that the rules be suspended, that House Concurrent Resolutions 3004, 3006, 3014, 3015, 3071, 3073 and 3088 be placed on the calendar for second reading and final passage, which motion prevailed.

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1002

And the committees having been unable agree, the Speaker appointed as a new conference committee:

Rep. Marsden

Rep. Unhjem

Rep. Lardy

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the Conference Committee Report to House Bill No. 1567, and subsequently laid the amendments on the table.

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to:

House Bill No. 1601.

ROY GILBREATH, Chief Clerk

#### MOTION

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1002, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1002:

Senator Melland

Senator Strinden

Senator Maher

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:

Senate Concurrent Resolution No. 4090

ROY GILBREATH, Chief Clerk

MESSAGES TO THE HOUSE  
Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has failed to pass:

House Concurrent Resolution No. 3024  
House Concurrent Resolution No. 3075  
House Concurrent Resolution No. 3078  
House Concurrent Resolution No. 3084  
House Concurrent Resolution No. 3092

LEO LEIDHOLM, Secretary  
Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has passed unchanged:

House Concurrent Resolution No. 3027  
House Concurrent Resolution No. 3037  
House Concurrent Resolution No. 3052  
House Concurrent Resolution No. 3063  
House Concurrent Resolution No. 3068  
House Concurrent Resolution No. 3081  
House Concurrent Resolution No. 3083  
House Concurrent Resolution No. 3086  
House Concurrent Resolution No. 3100  
House Concurrent Resolution No. 3107

LEO LEIDHOLM, Secretary

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. 1002:  
Senator Melland  
Senator Strinden  
Senator Maher

LEO LEIDHOLM, Secretary

CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Thane moved that the Conference Committee Report on Senate Bill No. 2006 as printed on pages 1527 and 1528 of the Senate Journal be adopted, which motion prevailed.

Senator Thane moved that the rules be suspended, that Senate Bill No. 2006 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

**Senate Bill No. 2006. Regulatory Budgets** — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota; directing a legislative council study of weather modification activities; to create and enact a new section to chapter 54-45 of the North Dakota Century Code, relating to workmen's compensation coverage for civil air patrol members; to create and enact a new chapter to title 65 of the North Dakota Century Code, relating to a definition of "civil air patrol member", workmen's compensation coverage and benefits determination, and state reimbursement for liability in excess of collected premiums; and declaring an emergency."

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 39; nays, 8; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRAND         |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        | •   |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      |            | •   |      | • THANE          |     |      |
| • FRITZELL          |     | •    | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     | •   |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Naaden moved that the Conference Committee Report on Senate Bill No. 2384 as printed on page 1529 of the Senate Journal be adopted, which motion prevailed.

Senator Naaden moved that the rules be suspended, that Senate Bill No. 2384 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF SENATE BILLS

Senate Bill No. 2384. A Bill for an Act to authorize the state board of higher education to sell certain land presently used by the Dickinson experiment station; to provide for the use of the proceeds of the sale of such land; to provide for the purchase of replacement land for the use of the Dickinson experiment station; to provide an appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 50; nays, 0; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRAND         |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Smykowski moved that the Conference Committee Report on Senate Bill No. 2027 as printed on page 1535 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the Conference Committee Report on Senate Bill No. 2178 as printed on page 1535 of the Senate Journal be adopted.

Senator Lashkowitz requested a roll call vote on the motion to adopt the conference committee report, which request was granted.

## ROLL CALL

The question being on the motion to adopt the conference committee report, the roll was called and there were ayes, 31; nays, 17; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     | •    | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

The conference committee report on Senate Bill No. 2178 was adopted.

Senator Christensen moved that the Conference Committee Report on House Bill No. 1559 as printed on pages 1535 and 1536 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the rules be suspended, that House Bill No. 1559 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

## SECOND READING OF HOUSE BILLS

House Bill No. 1559. A Bill for an Act to create and enact three new sections to chapter 12.1-23 of the North Dakota Century Code, relating to altering identification marks; and to the possession of altered property and dealing in stolen property; to amend and reenact section 12.1-23-09 of the North Dakota Century Code, relating to defenses and proof as to theft and related offenses; and to create and enact two new subsections to section 12.1-23-10 of the North Dakota Century Code, relating to definitions of "dealer in property" and "traffic".

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    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NOTHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Farrington moved that the Conference Committee Report on Senate Bill No. 2141 be adopted, which motion prevailed.

Senator Farrington moved that the rules be suspended, that Senate Bill No. 2141 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

**Senate Bill No. 2141.** A Bill for an Act to amend and reenact subsection 6 of section 57-37.1-01 and subsection 1 of section 57-37.1-08 of the North Dakota Century Code, relating to the decedent specifying the location of intangible personal property for estate tax distribution purposes.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 47; nays, 1; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTRÖM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Thane moved that the Conference Committee Report on House Bill No. 1014 be adopted, which motion prevailed.

Senator Freed moved that the Conference Committee Report on House Bill No. 1320 be adopted, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

Senator Freed moved that the rules be suspended, that House Bill No. 1320 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**House Bill No. 1320.** A Bill for an Act to provide for landlord and tenant obligations to maintain residential dwelling units; and to repeal section 47-16-12 of the North Dakota Century Code, relating to the obligations of a lessor to repair dwelling units.

Which has been read.

Senators Orange, Tennesfos, Goodman, Freed, Solberg, Smykowski and Tallackson requested to be excused from voting due to a conflict of interest.

Senator Nething moved that the Senators be permitted to vote, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 27; nays, 22; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTRÖM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |

|            |          |            |                 |
|------------|----------|------------|-----------------|
| • HOLMBERG | • MILLER | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Sands moved that the Conference Committee Report on House Bill No. 1384 be adopted, which motion prevailed.

Senator Sands moved that the rules be suspended, that House Bill No. 1384 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1384.** A Bill for an Act to amend and reenact subsections 2, 4 and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | •    | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | •    | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | •    | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     | •    | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                 |     |      |

So the bill passed and the title was agreed to.

Senator Farrington moved that the Conference Committee Report on House Bill No. 1408 be adopted, which motion prevailed.

Senator Farrington moved that the rules be suspended, that House Bill No. 1408 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

**House Bill No. 1408.** A Bill for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to contractual agreements for collection of sales and use tax by the tax commissioner in behalf of incorporated home rule cities.

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, 8; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     | •    | • NAADEN         |     | •    | • SMYKOWSKI     |     | •    |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE         |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     | •    | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     |      |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                 |     |      |

So the bill passed and the title was agreed to.

Point of Personal Privilege.

Senator Solberg: Members of the Senate, I was called off the floor for a conference with the Legislative Research Council Director this morning at the time we discussed Concurrent Resolution 3078. I do not want to ask that we reconsider our action on that because it may disturb other areas of this particular type of a calendar, but I do want to make a few statements, if I may, Mr. President, because I think there is a conglomerate area of agencies that are involved in the older person's lives in the communities throughout the state. I think there is a tremendous integration and assimilation and all that type of thing in regard to the work that they do; that there is probably a need to look at some of these areas, because I think one of the things we need to study is what does not need doing, that we are now doing and that's a cost to the taxpayer. Because I think the older citizen is a person who is capable, has a great deal of training many times, and has a reserve of resources that can contribute much to a society, and I believe that we are interfering with some of his freedoms, and, therefore, we should study and find out whether these agencies are not needed, and what we can do to integrate some of their services, and so on. And I hope that in the Legislative Research Council allocation of studies to these committees that they can find some place where this can be related to another study that may be made, or social service committee that may be established during the interim so that we can bring in and hear testimony regarding many of these agencies that perform services now that are nonessential, are a detriment to the older person, rather than an asset, and that we look into it from that point of view, rather than to have a singular study of this type made and make it a part of another one, and I hope that whoever becomes a part of the Legislative Research Council staff and members from the legislative bodies, will take a good look at this particular thing to bring it into relationship with another area of study and do something about it because I think it can be resolved. I think it can be minimized. I think that there are many areas where we can encourage the use of these older people and make them more practical and profitable in the society without having them sit at home and wonder "What shall I do next?" Many of them are capable and can do things for themselves, and we are trying to take away that initiative, and I resent the idea that we are building buildings and finding places for them to go, because those that go there are capable of doing things for themselves. Let's do something for those that are not capable, mentally or physically or both, so that we take care of those, and not those that should be put to practical operation and use in a society and do something for themselves. Thank you for the privilege.

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1252 has had the same under consideration and recommends:

Senate recedes from their amendments.

For the Senate

Senator Naaden

Senator Erdman

Senator Hanson

For the House

Rep. Peterson  
Rep. Mertens  
Rep. L. Hausauer

House Bill No. 1252 was placed on the 7th order of business on the calendar for the succeeding legislative day.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Jacobson moved that the Senate do concur in the House amendments to Senate Bill No. 2110, as printed on page 1383 of the Senate Journal, which motion prevailed.

Senator Jacobson moved that the rules be suspended, that Senate Bill No. 2110 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2110. A Bill for an Act to create and enact chapter 15-08.2 of the North Dakota Century Code, relating to the sovereign lands of the state of North Dakota; to amend and reenact sections 38-11-02 and 47-06-08 of the North Dakota Century Code, relating to the leasing of public lands and ownership of islands and related lands.

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 |     |      |                 |     |      | 1977 LEGISLATURE |     |      |      |     |      |
|-----------------|-----|------|--------------|-----|------|---------------------|-----|------|-----------------|-----|------|------------------|-----|------|------|-----|------|
| YEAS            |     |      | N-V          |     |      | YEAS                |     |      | N-V             |     |      | YEAS             |     |      | N-V  |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS                | N-V | NAYS | YEAS            | N-V | NAYS | YEAS             | N-V | NAYS | YEAS | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN            |     |      | • SMYKOWSKI     |     |      |                  |     |      |      |     |      |
| • BARTH         |     |      | • JONES      |     |      | • NELSON            |     |      | • SOLBERG       |     |      |                  |     |      |      |     |      |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING           |     |      | • STRAND        |     |      |                  |     |      |      |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE            |     |      | • STRINDEN      |     |      |                  |     |      |      |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON          |     |      | • TALLACKSON    |     |      |                  |     |      |      |     |      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON           |     |      | • TENNEFOS      |     |      |                  |     |      |      |     |      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT              |     |      | • THANE         |     |      |                  |     |      |      |     |      |
| • FRITZELL      |     |      | • LODGEN     |     |      | • REDLIN            |     |      | • VOSPER        |     |      |                  |     |      |      |     |      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN            |     |      | • WALSH         |     |      |                  |     |      |      |     |      |
| • HANSON        |     |      | • MAU        |     |      | • SANDNESS          |     |      | • WENSTROM      |     |      |                  |     |      |      |     |      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS             |     |      | • WRIGHT        |     |      |                  |     |      |      |     |      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO          |     |      | • MR. PRESIDENT |     |      |                  |     |      |      |     |      |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW           |     |      |                 |     |      |                  |     |      |      |     |      |

So the bill passed and the title was agreed to.

Senator Sands moved that the Senate do concur in the House amendments to Senate Bill No. 2496, as printed on page 1385 of the Senate Journal, which motion prevailed.

Senator Sands moved that the rules be suspended, that Senate Bill No. 2496 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2496. A Bill for an Act to create and enact a new subsection to section 21-03-06 of the North Dakota Century Code, relating to the purposes and specific limitations of bond issues by recreation service districts; and to amend and reenact section 11-28.2-02 and subsection 1 of section 21-03-01 of the North Dakota Century Code, relating to meetings of recreation service districts and the definition of municipalities in relation to issuance of special assessment bonds.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.



| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

Senator Sandness moved that the Senate do concur in the House amendments to Senate Bill No. 2550, which motion prevailed on a division vote.

Senator Sandness moved that the rules be suspended, that Senate Bill No. 2550 be deemed properly engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2550. A Bill for an Act to authorize a school district mill levy for federal unemployment compensation taxes; and to provide an expiration date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE         |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH         |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |                 |

So the bill passed and the title was agreed to.

#### MESSAGE FROM THE HOUSE

##### House Chamber

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:

Senate Concurrent Resolution No. 4004

Senate Concurrent Resolution No. 4009

Senate Concurrent Resolution No. 4012

Senate Concurrent Resolution No. 4013

Senate Concurrent Resolution No. 4024

Senate Concurrent Resolution No. 4075

ROY GILBREATH, Chief Clerk

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

Senator Melland moved that the Senate do concur in the House amendments to Senate Bill No. 2004, as printed on pages 1271 & 1272 of the Senate Journal, which motion prevailed.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2004 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2004. A Bill for an Act to appropriate money for the expenses of the legislative branch of government; and declaring an emergency.

Which has been read. **ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 4; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     | •    |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    | •   |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to and the emergency clause carried.

Senator Melland moved that the Senate do concur in the House amendments to Senate Bill No. 2022, as printed on page 1352 of the Senate Journal, which motion prevailed.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2022 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2022. A Bill for an Act to provide authority for the board of university and school lands to invest permanent funds of the common schools in the construction of an office building, to establish the location of the office building, to provide a grant of land, to provide for the advertising and letting of construction bids, to provide for the rental of space to state agencies, to provide for a method of amortizing the capital investment, to provide for incidental authority in the board of university and school lands necessary to accomplish the purpose of this Act; 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, 34; nays, 16; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON   |     |      | • NAADEN   |     | •    | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     | •    | • SOLBERG        |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     | •    |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     | •    | • MAHER      |     |      | • REITEN   |     | •    | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     | •    |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed, the title was agreed to, and the emergency clause carried.

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2006  
 Senate Bill No. 2027  
 Senate Bill No. 2141  
 Senate Bill No. 2178  
 Senate Bill No. 2384  
 House Bill No. 1014  
 House Bill No. 1320  
 House Bill No. 1384  
 House Bill No. 1408  
 House Bill No. 1559

LEO LEIDHOLM, Secretary

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1001  
 House Bill No. 1007  
 House Bill No. 1071

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to return herewith the following, which the House has failed to pass:

Senate Bill No. 2472

ROY GILBREATH, Chief Clerk

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 2004

Senate Bill No. 2022  
 Senate Bill No. 2110  
 Senate Bill No. 2496  
 Senate Bill No. 2550

LEO LEIDHOLM, Secretary

The President announced the Senate would stand at ease until 5:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1010  
 House Bill No. 1280  
 House Bill No. 1344

ROY GILBREATH, Chief Clerk

Mr. President: Your Conference Committee to whom was referred House Bill No. 1280 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1280 be amended as follows:

On page 1 of the engrossed bill, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions and to repeal sections 1 and 4 of chapter 23 of the 1975 Session Laws of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury the sum of \$18,443,000.00, or so much thereof as may be necessary, to the state agencies, departments, and institutions listed herein for the construction or addition to, remodeling, and equipping of buildings and facilities within the limitations hereafter stated in this section during the biennium beginning July 1, 1977, and ending June 30, 1979:

| Name of agency, department, or institution | Type of facility                       | State funds         |
|--|--|---------------------|
| North Dakota heritage commission           | Heritage center building               | \$5,500,000         |
| North Dakota state university              | Library facility                       | 2,500,000           |
| University of North Dakota                 | Office facilities and class laboratory | 3,500,000           |
| Minot state college                        | Physical education activities center   | 3,500,000           |
| Dickinson state college                    | Multipurpose arena                     | 312,500             |
| State hospital                             | Maximum security unit                  | 1,250,000           |
| School for the deaf                        | Instructional media center             | 325,000             |
| State school of science                    | Swimming pool                          | 350,000             |
| School for the blind                       | Therapeutic swimming pool              | 325,500             |
| Main experiment station                    | Dairy expansion unit                   | 380,000             |
| North Dakota state fair                    | Agricultural exhibition buildings      | 500,000             |
|  |  | <u>\$18,443,000</u> |

In addition to the appropriations and authorizations set forth in this Act, there is hereby appropriated to the state agencies, departments, and institutions listed herein, any moneys available from private, federal, or other sources to construct or remodel facilities set forth in this Act. In no event shall any facility listed in this section, except the heritage center and the state hospital maximum security unit, exceed the cost indicated in the column "State funds" except to the extent funds may be received from federal and private sources.

SECTION 2. APPROPRIATION.) There is hereby appropriated to the

North Dakota heritage commission the sum of \$2,000,000.00, or such greater amounts arising from legislative appropriations private and other sources and interest thereon as may be on deposit with the heritage commission, toward the construction of a heritage center on the state capitol grounds. The appropriations in this Act are in lieu of the appropriations contained in chapter 44 of the 1975 Session Laws of the state of North Dakota.

SECTION 3. AVAILABILITY OF FUNDS.) The heritage commission may invest amounts received pursuant to the appropriation from the general fund in certificates of deposit in the Bank of North Dakota. Such amounts and interest earned on such amounts shall not become available for construction of the heritage center unless the heritage commission has certified that not less than \$1,500,000.00 in contributions, donations, federal grants, or other sources, not received through appropriations from the state general fund, is available.

SECTION 4.) The appropriations for facilities in this Act are in lieu of appropriations for those facilities, contained in chapter 23 of the 1975 Session Laws of the state of North Dakota, for which funds for their construction would have been transferred to the state capitol construction fund on July 1, 1977, and July 1, 1978.

SECTION 5. APPROPRIATION.) In addition to the other appropriations and authorizations in this Act, there is hereby appropriated any federal, private, or other funds, that may be available, to North Dakota state university for the purpose of constructing a music building during the biennium beginning July 1, 1977, and ending June 30, 1979.

SECTION 6.) The state hospital and the health department are hereby authorized to conduct a study of the feasibility of entering into a joint project with Stutsman County and the city of Jamestown for the construction of a security unit to be used by the state hospital, Stutsman County, and the city of Jamestown. The funds herein appropriated to the state hospital for the state share of construction costs of a maximum security unit may be expended together with funds from other sources for constructing a maximum security unit for use of the state hospital.

SECTION 7. REPEAL.) Sections 1 and 4 of chapter 23 of the 1975 Session Laws of the state of North Dakota are hereby repealed."

And renumber the lines, sections, and pages accordingly.

For the Senate

Senator Melland

Senator Thane

Senator Walsh

For the House

Rep. Marsden

Rep. Mertens (Refused to sign)

Rep. Peterson

Senator Melland moved that the report be adopted.

Senator Hoffner requested a roll call vote on the motion to adopt the conference committee report, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report, the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.



intent of the legislative assembly that the state hospital work closely with representatives of the central personnel division so that any salary increases given to primary care personnel will be compatible with the central personnel division pay grades for such classifications at the state hospital, Grafton state school and San Haven state hospital.

SECTION 8. APPROPRIATION.) There is hereby appropriated out of state hospital estimated income, for the biennium beginning July 1, 1977, and ending June 30, 1979, the sum of \$250,000.00 to the state hospital, as a supplemental appropriation to the appropriation contained in House Bill No. 1280 for the purpose of constructing a maximum security unit. Expenditures pursuant to this appropriation shall be made only to the extent that estimated income at the state hospital exceeds \$6,949,719.00, or to the extent that state hospital estimated expenditures are less than the \$22,409,863.00 appropriation provided in this Act."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to add \$406,613 to State Hospital salaries and wages to increase primary care personnel salaries and wages and to add a contingent supplemental appropriation to the State Hospital's appropriation from State Hospital estimated income for the maximum security unit provided for in House Bill No. 1280.

For the Senate

Senator Melland

Senator Wenstrom

Senator Maher

For the House

Rep. Unhjem

Rep. Eagles

Rep. Opedahl

Senate Bill No. 2010 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 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, after line 22, insert the line: "Lieutenant governor contingency 10,000"

On page 1 of the engrossed bill, line 24, delete the numerals "442,448" and insert in lieu thereof the numerals "452,448"

On page 2 of the engrossed bill, line 3, delete the numerals "59,225" and insert in lieu thereof the numerals "29,612"

On page 2 of the engrossed bill, line 4, delete the numerals "10,000" and insert in lieu thereof the numerals "5,000"

On page 2 of the engrossed bill, line 5, delete the numerals "4,000" and insert in lieu thereof the numerals "2,000"

On page 2 of the engrossed bill, line 6, delete the numerals "73,225" and insert in lieu thereof the numerals "36,612"

On page 2 of the engrossed bill, line 10, delete the numerals "17,500" and insert in lieu thereof the numerals "7,500"

On page 2 of the engrossed bill, line 13, delete the numerals "50,385" and insert in lieu thereof the numerals "40,385"

On page 2 of the engrossed bill, line 16, delete the numerals "393,573" and insert in lieu thereof the numerals "400,000"

On page 2 of the engrossed bill, line 18, delete the numerals "16,000" and insert in lieu thereof the numerals "20,000"

On page 2 of the engrossed bill, line 22, delete the numerals "468,973" and insert in lieu thereof the numerals "479,400"

On page 3 of the engrossed bill, after line 2, insert the following new subdivision:

"Subdivision 7.

#### ELECTION SUPERVISOR

|                                  |                  |
|----------------------------------|------------------|
| Salaries and wages               | \$ 70,000        |
| Fees and services                | 37,500           |
| Supplies and materials           | 50,000           |
| Equipment                        | 5,000            |
| Total general fund appropriation | <u>\$162,500</u> |

On page 3 of the engrossed bill, line 3, delete the numeral "7" and insert in lieu thereof the numeral "8"

On page 3 of the engrossed bill, line 5, delete the numerals "1,561,165" and insert in lieu thereof the numerals "1,435,176"

On page 3 of the engrossed bill, line 6, delete the numerals "251,994" and insert in lieu thereof the numerals "191,629"

On page 3 of the engrossed bill, line 7, delete the numerals "21,646" and insert in lieu thereof the numerals "8,000"

On page 3 of the engrossed bill, line 10, delete the numerals "1,862,911" and insert in lieu thereof the numerals "1,662,911"

On page 3 of the engrossed bill, line 11, delete the numeral "8" and insert in lieu thereof the numeral "9"

On page 3 of the engrossed bill, line 13, delete the numerals "279,841" and insert in lieu thereof the numerals "282,535"

On page 3 of the engrossed bill, line 19, delete the numerals "345,565" and insert in lieu thereof the numerals "348,259"

On page 3 of the engrossed bill, line 20, delete the numeral "9" and insert in lieu thereof the numeral "10"

On page 3 of the engrossed bill, line 26, delete the numerals "100,000" and insert in lieu thereof the numerals "50,000"

On page 3 of the engrossed bill, line 27, delete the numerals "2,088,857" and insert in lieu thereof the numerals "2,038,857"

On page 3 of the engrossed bill, line 28, delete the numeral "10" and insert in lieu thereof the numeral "11"

On page 3 of the engrossed bill, line 30, delete the numerals "3,387,132" and insert in lieu thereof the numerals "3,327,134"

On page 3 of the engrossed bill, line 32, delete the numerals "49,600" and insert in lieu thereof the numerals "25,000"

On page 4 of the engrossed bill, line 4, delete the numerals "5,014,225" and insert in lieu thereof the numerals "4,929,627"

On page 4 of the engrossed bill, line 5, delete the numeral "11" and insert in lieu thereof the numeral "12"

On page 4 of the engrossed bill, line 7, delete the numerals "2,967,456" and insert in lieu thereof the numerals "2,943,475"

On page 4 of the engrossed bill, line 13, delete the numerals "4,522,964" and insert in lieu thereof the numerals "4,498,983"

On page 4 of the engrossed bill, line 14, delete the numerals "3,167,522" and insert in lieu thereof the numerals "3,151,536"



On page 4 of the engrossed bill, line 15, delete the numerals "1,355,442" and insert in lieu thereof the numerals "1,347,447"

On page 4 of the engrossed bill, line 16, delete the numeral "12" and insert in lieu thereof the numeral "13"

On page 4 of the engrossed bill, line 26, delete the numeral "13" and insert in lieu thereof the numeral "14"

On page 4 of the engrossed bill, line 34, delete the numeral "14" and insert in lieu thereof the numeral "15"

On page 5 of the engrossed bill, line 10, delete the numeral "15" and insert in lieu thereof the numeral "16"

On page 5 of the engrossed bill, line 12, delete the numerals "1,835,157" and insert in lieu thereof the numerals "1,772,045"

On page 5 of the engrossed bill, line 19, delete the numerals "2,896,468" and insert in lieu thereof the numerals "2,833,356"

On page 5 of the engrossed bill, line 20, delete the numeral "16" and insert in lieu thereof the numeral "17"

On page 5 of the engrossed bill, line 25, delete the numeral "17" and insert in lieu thereof the numeral "18"

On page 5 of the engrossed bill, line 27, delete the numerals "745,350" and insert in lieu thereof the numerals "702,811"

On page 5 of the engrossed bill, line 28, delete the numerals "249,619" and insert in lieu thereof the numerals "237,819"

On page 5 of the engrossed bill, line 29, delete the numerals "45,960" and insert in lieu thereof the numerals "44,960"

On page 5 of the engrossed bill, line 30, delete the numerals "14,214" and insert in lieu thereof the numerals "13,714"

On page 5 of the engrossed bill, line 31, delete the numerals "1,055,143" and insert in lieu thereof the numerals "999,304"

On page 5 of the engrossed bill, line 33, delete the numerals "986,296" and insert in lieu thereof the numerals "930,457"

On page 5 of the engrossed bill, line 34, delete the numeral "18" and insert in lieu thereof the numeral "19"

On page 7 of the engrossed bill, line 4, delete the numerals "17,060,714" and insert in lieu thereof the numerals "16,738,178"

On page 7 of the engrossed bill, line 5, delete the numerals "3,676,469" and insert in lieu thereof the numerals "3,660,483"

On page 7 of the engrossed bill, line 6, delete the numerals "20,737,183" and insert in lieu thereof the numerals "20,398,661"

On page 7 of the engrossed bill, after line 22, insert the following sections:

"SECTION 6. APPROPRIATION.) There is hereby appropriated to the governor's office any moneys received from federal sources for the purpose of continuation of the operations of the office of energy management within the governor's office during the biennium beginning July 1, 1977, and ending June 30, 1979.

SECTION 7. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the state auditor, pursuant to the requirements of sections 54-10-13 and 54-10-14, shall charge an amount for the audit which will result in the state recovering a portion of all costs incurred, including supervisory, secretarial, clerical, and other office maintenance costs."

And renumber the lines, sections, and pages accordingly.

Statement of Purpose of Amendment:

Governor's Office

This amendment adds \$10,000 to the Governor's appropriation in a line item entitled "Lieutenant Governor contingency" for greater involvement of the Lieutenant Governor in executive branch activities as deemed necessary by the Governor.

#### Office of Energy Management

The purpose of this amendment is to delete one-half of the general fund appropriation for the Office of Energy Management as recommended by the House and to add a section appropriating any federal funds received by the Governor's Office for continuation of an Office of Energy Management during the 1977-79 biennium.

#### Lieutenant Governor

The purpose of this amendment is to reduce the fees and services line item by \$10,000 to delete funding in the Lieutenant Governor's budget for greater involvement by the Lieutenant Governor in executive branch activities. This amount is added as a contingent line item in the Governor's appropriation.

#### Secretary of State

The purpose of this amendment is to add \$6,427 to salaries and wages, and \$4,000 to supplies and materials to the Secretary of State's appropriation for increased costs anticipated by the Secretary of State. It also provides \$162,500 to the Secretary of State's office in a new subdivision entitled "Election Supervisor" to administer the new election laws in accordance with House Bill No. 1049.

#### State Auditor

This amendment reduces the State Auditor's budget recommended by the House by \$200,000; \$125,989 in salaries and wages, \$60,365 in fees and services, and \$13,646 in data processing. The budget, when so reduced, provides for 14 new auditors, seven during the first year, and seven during the second year of the biennium.

#### State Treasurer

The purpose of this amendment is to reduce the salaries and wages line item by \$12,420 to delete funding for a new clerk II position. This amendment also adds \$15,114 to salaries and wages for reclassification of personnel.

#### Attorney General

This amendment reduces the litigation fees line item by \$50,000 bringing it back to the level recommended in the executive budget.

#### State Tax Commissioner

The purpose of this amendment is to reduce the salaries and wages line item by \$26,858 to reflect the amounts necessary for five percent annual salary increases and adequate fringe benefits at the level authorized by the Forty-fifth Legislative Assembly. The salaries and wages line item is also reduced by \$33,140 to delete funding for an additional tax auditor and a part-time research analyst. The postage contingency line item is also reduced by \$24,600.

#### Department of Public Instruction

The purpose of this amendment is to reduce the salaries and wages line item by \$23,981 to reflect the amounts necessary for five percent annual salary increases and adequate fringe benefits at levels authorized by the Forty-fifth Legislative Assembly.

#### Public Service Commission

The purpose of this amendment is to delete funds for the following new positions:

|                     |               |
|---------------------|---------------|
| Attorney            | \$46,000      |
| Secretary-librarian | <u>17,112</u> |
|                     | \$63,112      |

Commissioner of Agriculture

The purpose of this amendment is to delete the following funds:

|  |                 |
|--|-----------------|
| Market Bureau:                                 |                 |
| Salaries and wages (market bureau coordinator) | \$35,708        |
| Fees and services                              | 19,800          |
| Supplies and materials                         | 1,000           |
| Equipment                                      | <u>500</u>      |
| Total General Fund for Market Bureau           | <u>\$57,008</u> |

In addition this amendment deletes \$6,831 in salaries and wages to provide a half-time secretary rather than a full-time secretary for the pesticide program. This amendment adds \$8,000 to fees and services for membership in the Mid-America International Agri-Trade Council (MIATCO). It is the intent of the Legislative Assembly that if additional federal or other funds become available during the 1977-79 biennium for a Market Bureau, the Commissioner of Agriculture be given approval to receive and expend such funds.

For the Senate

Senator Melland

Senator Lips

Senator Larson

For the House

Rep. Marsden

Rep. Hausauer

Rep. Fleming

House Bill No. 1001 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1007 has had the same under consideration and recommends:

The House accedes to the Senate amendments.

For the Senate

Senator Melland

Senator Hanson

Senator Walsh

For the House

Rep. Eagles

Rep. Kuchera

Rep. Kelly

House Bill No. 1007 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1010 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1010 be amended as follows:

On page 1 of the engrossed bill, line 20, delete the numerals "1,081,011" and insert in lieu thereof the numerals "951,712"

On page 1 of the engrossed bill, line 21, delete the numerals "80,530" and insert in lieu thereof the numerals "75,065"

On page 1 of the engrossed bill, line 22, delete the numerals "92,288" and insert in lieu thereof the numerals "89,929"

On page 1 of the engrossed bill, line 23, delete the numerals "118,558" and insert in lieu thereof the numerals "118,173"

On page 1 of the engrossed bill, line 24, delete the numerals "535,000" and insert in lieu thereof the numerals "385,000"

On page 2 of the engrossed bill, line 2, delete the numerals "13,895" and insert in lieu thereof the numerals "12,420"

On page 2 of the engrossed bill, line 3, delete the numerals "15,000" and insert in lieu thereof the numerals "14,404"

On page 2 of the engrossed bill, line 4, delete the numerals "2,946,282" and insert in lieu thereof the numerals "2,656,703"

On page 2 of the engrossed bill, line 5, delete the numerals "1,420,864" and insert in lieu thereof the numerals "1,345,864"

On page 2 of the engrossed bill, line 6, delete the numerals "1,525,418" and insert in lieu thereof the numerals "1,310,839"

On page 2 of the engrossed bill, line 28, delete the word "general" and insert in lieu thereof the word "special"

On page 2 of the engrossed bill, line 29, delete the numerals "2,009,347" and insert in lieu thereof the numerals "1,690,698"

On page 2 of the engrossed bill, line 30, delete the numerals "2,779,664" and insert in lieu thereof the numerals "2,808,734"

On page 2 of the engrossed bill, line 31, delete the numerals "4,789,011" and insert in lieu thereof the numerals "4,499,432"

On page 3 of the engrossed bill, after line 24, insert the following sections:

"SECTION 6. INTENT.) It is the intent of the legislative assembly that the state historical board and the governor's office make every effort to impress upon the proper federal agency or agencies the importance of restoration of Fort Totten historic site as a means of preserving its national historical value. The legislative assembly considers federal funding to be of utmost importance in the restoration of this site.

SECTION 7. HERITAGE COMMISSION APPROPRIATION — INTENT.) The special fund appropriation in subdivision 3 of section 1 of this Act is to be derived from the interest on heritage commission funds on deposit with the Bank of North Dakota."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

Historical Board

This amendment reduces salaries and wages by \$129,299 from the House amendments.

The intent of this amendment is to allow the superintendent to use discretion in filling positions of his choice. In addition, this appropriation provides funds for employment of three security officers.

Fees and services is reduced by \$5,465, supplies and materials by \$2,359, data processing by \$1,475, and microfilming by \$596 from the House amendments to provide funds for continuation of operations at present levels.

The equipment line item is reduced by \$385 from the House amendments for new positions not allowed. The land, structures, and major improvements line item is reduced by \$150,000 from the House amendments in regard to restoration work at Fort Totten Historic Site. The appropriation for land, structures, and major improvements as reflected in these amendments provides \$150,000 of the \$400,000 recommended in the executive budget for restoration work at Fort Totten Historic Site.

The estimated income line item is reduced by \$75,000 from the House amendments for the amount of federal funds included in the \$150,000 deleted from the improvements line item for restoration work at Fort Totten.

The net effect of these amendments is to reduce the general fund appropriation for the Historical Board by \$217,780 from the amount recommended in the executive budget.

Heritage Commission

This amendment provides that the funds for the operations of the Heritage Commission are to be derived from the interest on Heritage Commission funds on deposit at the Bank of North Dakota.

For the Senate

Senator Melland

Senator Hanson

Senator Erdman

For the House

Rep. Unhjem

Rep. Lardy (Refused to sign)

Rep. Marsden

House Bill No. 1010 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1071 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1071 be amended as follows:

On page 1 of the engrossed bill, line 10 delete the word "and"

On page 1, line 11 after the word "coverage" insert the words "to reinstate certain causes of action; to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to the limit of county liability for negligence in the supervision and repairs of bridges; and to repeal sections 40-42-01, 40-42-02, 40-24-03, and 40-43-07 of the North Dakota Century Code, relating to claims for injuries on streets, sidewalks, or bridges"

On page 2, line 5 delete the words "an act or omission of"

On page 2, line 16 after the word "means" delete the remainder of the line and insert in lieu thereof the following: "personal injury, death, or property damage. Personal injury includes sickness or disease sustained by any person caused by a political subdivision or an employee thereof. Property damage includes injury to or destruction of tangible property caused by a political subdivision or an employee thereof."

On page 2, delete lines 17 through 20

On page 3, line 15 delete the words "five hundred" and insert in lieu thereof the words "two hundred fifty"

On page 3, line 16 delete the words "one million" and insert in lieu thereof the words "five hundred thousand"

On page 3, line 31 after the period insert the following: "Specifically, a political subdivision or an employee thereof shall not be liable for any claim which results from:

a. The decision to undertake or the refusal to undertake any legislative or quasi-legislative act, including the decision to adopt or the refusal to adopt any statute, charter, ordinance, order, regulation, resolution, or resolve.

b. The decision to undertake or the refusal to undertake any judicial or quasi-judicial act, including the decision to grant, to grant with conditions, to refuse to grant, or to revoke any license, permit, order, or other administrative approval or denial.

c. The decision to perform or the refusal to exercise or perform a discretionary function or duty, whether or not such discretion be abused and whether or not the statute, charter, ordinance, order, resolution, regulation, or resolve under which the discretionary function or duty is performed is valid or invalid.

Nothing contained in this subsection shall be construed to limit the liability of a political subdivision or an employee thereof for a personal injury arising out of the execution of any legislative or quasi-legislative act, judicial or quasi-judicial act, or discretionary function."

On page 5, line 15 delete the word "shall" and insert the word "may"

On page 5, line 16 delete the words "to the limits"

On page 5, line 35 delete the word "If"

On page 6, delete lines 1 through 2

On page 6, line 3 delete the words "the lack of such coverage."

On page 6, line 30 after the word "law" insert the following: "but shall not exceed five mills"

On page 10, after line 6 insert the following new sections:

"SECTION 16. CERTAIN CAUSES OF ACTION REINSTATED.) If a claim against a municipality was filed in the office of the city auditor in accordance with section 40-42-01 after April 8, 1975, and prior to July 1, 1977, and the cause of action against the municipality was dismissed on the basis of failure to file the claim with the county auditor in accordance with section 4 of chapter 295 of the 1975 Session Laws of North Dakota, such claim is preserved and may be filed in the office of the city auditor within ninety days after the effective date of this Act. Notwithstanding sections 40-42-02 and 40-42-03, the time limits for rejecting a claim and for bringing an action shall be determined on the basis of the date a claim was filed as authorized by this section.

SECTION 17. AMENDMENT.) Section 24-08-03 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-08-03. SUPERVISION AND REPAIRS OF BRIDGE (((-- LIMIT OF COUNTY LIABILITY FOR NEGLIGENCE))) .) Any bridge built under the provisions of section 24-08-01 shall be under the supervision of the board of county commissioners, and the cost of rebuilding or repairing the same shall be paid by the county. Where the cost of rebuilding or repairing a bridge would exceed the sum of fifteen thousand dollars on estimate of the county engineer and upon the approval of the estimate by the North Dakota highway department, the county commissioners shall advertise for bids and award the contract in the manner provided by section 24-08-01. When a bridge is destroyed by flood, fire, or other casualty and the public interest would suffer by delay, the county commissioners may proceed to contract for the rebuilding or repair of such bridge without advertising for bids, regardless of the cost. The board of county commissioners at least every two years, and so far as time and conditions may permit, shall cause an inspection to be made of all bridges on the county road system in the county. In case any bridge on the county road system shall be deemed unsafe for public use by the said board of commissioners, it forthwith shall take steps to close the same and

prevent the use thereof by the public. In case any bridge on the county road system shall be deemed unsafe for loads in excess of a certain weight, the board of commissioners forthwith shall post notices on both ends of such bridge stating that such bridge is unsafe for loads beyond that weight. The county shall not be immune from claims or suits for damages arising out of negligent failure to perform the inspection and repair duties set out above ((, but the maximum recovery from the county on such suit or suits shall not exceed the sum of fifteen thousand dollars for each accident or occurrence caused by any negligent failure to inspect and repair))).

SECTION 18. REPEAL.) Sections 40-42-01, 40-42-02, 40-42-03, and 40-43-07 of the North Dakota Century Code are hereby repealed."

And renumber the lines, sections and pages accordingly.

For the Senate

Senator Sands

Senator Christensen

Senator Lashkowitz

For the House

Rep. Kretschmar

Rep. Meiers

Rep. Stenehjem

House Bill No. 1071 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1344 has had the same under consideration and recommends:

That the Senate recede from its amendments and that House Bill No. 1344 be amended as follows:

On page 1, line 18, following the word "of" delete the figure "\$1,400,000.00" and insert in lieu thereof the figure "\$800,000.00"

And renumber the lines and pages accordingly.

For the Senate

Senator Christensen

Senator Peterson (refused to sign)

Senator Orange

For the House

Rep. Stenehjem

Rep. Swiontek (refused to sign)

Rep. Lundene

House Bill No. 1344 was placed on the 7th order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 3102. A concurrent resolution directing the Legislative Council to study deferred payment grain contracts, the jurisdiction of the North Dakota Public Service Commission over such contracts, and the merits of providing bond protection for any person entering into deferred payment contracts with a public warehouseman; and to study grain marketing in North Dakota to determine whether methods can be found through which farmers can receive a more equitable return for their products.

Was read the second time.

Senator Hoffner offered the following proposed amendments to House Concurrent Resolution No. 3102:

On page 1, line 5, after "warehouseman", insert a semicolon and the words "and to study grain marketing in North Dakota to determine

whether methods can be found through which farmers can receive a more equitable return for their products”

On page 1, line 24, after the semicolon, insert the word “and”

On page 1, after line 24, insert the following:

“WHEREAS, even though North Dakota farmers are among the most efficient grain producers in the world, freight rates and other market conditions prevent them from receiving a maximum return at the market place; and

“WHEREAS, even though North Dakota farmers produce ninety percent of the durum and fifty percent of the barley grown in the United States, only one grain processing plant operates within the state with the lack of others resulting in a loss of potential income to the farmer and the state;”

On page 2, after line 9, insert the following:

“BE IT FURTHER RESOLVED, that the Legislative Council conduct a study of grain marketing in North Dakota to determine whether methods can be found through which farmers can receive a more equitable return for their products; and”

And renumber the lines accordingly.

Senator Hoffner moved that the proposed amendments be adopted, which motion.

Senator Hoffner moved that the rules be suspended, that House Concurrent Resolution 3102 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**House Concurrent Resolution No. 3102.** A concurrent resolution directing the Legislative Council to study deferred payment grain contracts, the jurisdiction of the North Dakota Public Service Commission over such contracts, and the merits of providing bond protection for any person entering into deferred payment contracts with a public warehouseman; and to study grain marketing in North Dakota to determine whether methods can be found through which farmers can receive a more equitable return for their products.

Was read the second time.

The question being on the final adoption of the resolution, as amended.

House Concurrent Resolution No. 3102 was declared adopted.

Senator Melland moved that the vote by which HCR 3102 was adopted, 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 transmit herewith the following, which the House has passed and your favorable consideration is requested on:

House Concurrent Resolution No. 3090

ROY GILBREATH, Chief Clerk

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3004.** A concurrent resolution to repeal articles 59, 65, 87, and 88 of the amendments to the Constitution of the State of North Dakota, relating to bonds for bonuses to veterans of World War II; the Korean conflict and the Vietnam conflict, and to the calling of a constitutional convention.

Was read the second time.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 40; nays, 6; absent and not voting, 4.



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            | ●   |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     | ●   |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        | ●   |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         | ●   |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAJ        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

House Concurrent Resolution No. 3004 was declared adopted.

House Concurrent Resolution No. 3006. A concurrent resolution to repeal sections 132, 133, 137, 138, 140, 141, 143, 144, and 145 of the Constitution of the State of North Dakota, relating to the charters of corporations in existence at the time the Constitution took effect, the authorized business of a corporation, the issuance of stocks and bonds by a corporation, the operating conditions for railroad corporations, the definition of a corporation, and notes and bills circulated by banks.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 43; nays, 4; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            | ●   |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     | ●   |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ | ●   |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAJ        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     |      | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

House Concurrent Resolution No. 3006 was declared adopted.

House Concurrent Resolution No. 3014, A concurrent resolution creating a new Article V of the North Dakota Constitution, relating to the elective franchise, and to repeal Article V, consisting of sections 121 through 129 of the North Dakota Constitution, relating to the elective franchise, and articles 36 and 40 of the amendments to the North Dakota Constitution, relating to residency for voting purposes.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     | ●   |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |

|            |           |            |                |
|------------|-----------|------------|----------------|
| • FREED    | • LIPS    | • RAIT     | • THANE        |
| • FRITZELL | • LODOEN  | • REDLIN   | • VOSPER       |
| • GOODMAN  | • MAHER   | • REITEN   | • WALSH        |
| • HANSON   | • MAUJ    | • SANDNESS | • WENSTROM     |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT       |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                |

House Concurrent Resolution No. 3014 was declared adopted.

House Concurrent Resolution No. 3015. A concurrent resolution for the amendment of section 84 of the North Dakota Constitution, relating to the salaries of public officers.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 43; nays, 7; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     |      | •         |            |      | •    |          |      | •                |              |      |
| •                   |     |      | •         | JACOBSON   |      | •    | NAADEN   |      | •                | SMYKOWSKI    |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG      |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  |      | •                | STRAND       |      |
| •                   |     | •    | •         | LARSON     | •    | •    | ORANGE   |      | •                | STRINDEN     |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON   |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS     |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE        |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER       |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH        |      |
| •                   |     |      | •         | MAUJ       |      | •    | SANDNESS |      | •                | WENSTROM     |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT       |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |              |      |

House Concurrent Resolution No. 3015 was declared adopted.

House Concurrent Resolution No. 3071. A concurrent resolution for the amendment of sections 215 and 216 and subsection 1 and subdivision d of subsection 6 of article 54 of the amendments to the Constitution of the State of North Dakota, all relating to the listing of the state's public institutions; and providing an effective date.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |              |      |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|--------------|------|
| REGULAR SESSION     |     |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |              |      |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V          | NAYS |
| •                   |     | •    | •         | JACOBSON   | •    | •    | NAADEN   | •    | •                | SMYKOWSKI    |      |
| •                   |     |      | •         | JONES      |      | •    | NELSON   |      | •                | SOLBERG      |      |
| •                   |     |      | •         | KRAUTER    |      | •    | NETHING  | •    | •                | STRAND       |      |
| •                   |     | •    | •         | LARSON     |      | •    | ORANGE   |      | •                | STRINDEN     |      |
| •                   |     |      | •         | LASHKOWITZ |      | •    | PETERSON |      | •                | TALLACKSON   |      |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  |      | •                | TENNEFOS     |      |
| •                   |     |      | •         | LIPS       |      | •    | RAIT     |      | •                | THANE        |      |
| •                   |     |      | •         | LODOEN     |      | •    | REDLIN   |      | •                | VOSPER       |      |
| •                   |     |      | •         | MAHER      |      | •    | REITEN   |      | •                | WALSH        |      |
| •                   |     |      | •         | MAUJ       |      | •    | SANDNESS | •    | •                | WENSTROM     |      |
| •                   |     |      | •         | MELLAND    |      | •    | SANDS    |      | •                | WRIGHT       |      |
| •                   |     |      | •         | MILLER     |      | •    | SCHIRADO |      | •                | MR PRESIDENT |      |
| •                   |     |      | •         | MORGAN     |      | •    | SHABLOW  |      |                  |              |      |

House Concurrent Resolution No. 3071 was declared lost.

House Concurrent Resolution No. 3088. A concurrent resolution for the creation of a new article to the Constitution of the State of North Dakota, relating to the power of initiative, referendum, and recall; to amend section 202 of the Constitution of the State of North Dakota, relating to constitutional amendment; and to repeal section 25 of the Constitution of the State of North Dakota, relating to legislative power and the powers of

initiative and referendum, and article 33 of the amendments to the Constitution of the State of North Dakota, relating to recall; and providing an effective date.

Was read the second time.

### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 31; nays, 17; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     | •    |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     | •    | • JARSON     |     | •    | • ORANGE   |     |      | • STRINDEN       |     | •    |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     | •    | • PIETRON  |     |      | • TENNEFOS       |     | •    |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     | •    |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     | •    |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     | •    |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW  |     |      |                  |     |      |

House Concurrent Resolution No. 3088 was declared adopted.

### MESSAGES FROM THE HOUSE

#### House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1264

ROY GILBREATH, Chief Clerk

#### House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1026

And the committees having been unable agree, the Speaker appointed as a new conference committee:

Rep. Wagner

Rep. Swiontek

Rep. Jacobson

ROY GILBREATH, Chief Clerk

#### House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1262

And the committees having been unable to agree, the Speaker appointed as a new conference committee:

Rep. Gackle

Rep. A. Hausauer

Rep. Backes

ROY GILBREATH, Chief Clerk

### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-first day and recommends that the same be corrected as follows:

On page 1530, lines 8, 9 and 10, delete the names Freed, Sands and Schirado, and insert in lieu thereof Melland, Thane, Walsh

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Farrington moved that the report be adopted, which motion prevailed.

Senator Barth moved that the Senate not convene on Saturday, April 2, 1977.

Senator Orange requested a roll call vote on the motion, which request was granted.

**ROLL CALL**

The question being on the motion that the Senate not convene Saturday, the roll was called and there were ayes, 16; nays, 34; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |           |     |            |                  |     |      |          |     |      |               |   |
|---------------------|-----|------|-----------|-----|------------|------------------|-----|------|----------|-----|------|---------------|---|
| REGULAR SESSION     |     |      | ROLL-CALL |     |            | 1977 LEGISLATURE |     |      |          |     |      |               |   |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS       | YEAS             | N-V | NAYS | YEAS     | N-V | NAYS |               |   |
|                     |     | •    |           |     | JACOBSON   |                  |     | •    | NAADEN   |     | •    | SMYKOWSKI     | • |
| •                   |     |      |           |     | JONES      |                  |     | •    | NELSON   |     | •    | SOLBERG       | • |
| •                   |     |      |           |     | KRAUTER    |                  |     | •    | NETHING  |     | •    | STRAND        | • |
|                     |     | •    |           |     | LARSON     |                  |     | •    | ORANGE   |     | •    | STRINDEN      | • |
| •                   |     |      |           |     | LASHKOWITZ |                  |     | •    | PETERSON |     | •    | TALLACKSON    | • |
|                     |     | •    |           |     | LEE        |                  |     | •    | PIETRON  |     | •    | TENNEFOS      | • |
|                     |     | •    |           |     | LIPS       |                  |     | •    | RAIT     |     | •    | THANE         | • |
|                     |     | •    |           |     | LODGEN     |                  |     | •    | REDLIN   |     | •    | VOSPER        | • |
|                     |     | •    |           |     | MAHER      |                  |     | •    | REFTEN   |     | •    | WALSH         | • |
|                     |     | •    |           |     | MAU        |                  |     | •    | SANDNESS |     | •    | WENSTROM      | • |
| •                   |     |      |           |     | MELLAND    |                  |     | •    | SANDS    |     | •    | WRIGHT        | • |
|                     |     | •    |           |     | MILLER     |                  |     | •    | SCHIRADO |     | •    | MR. PRESIDENT | • |
|                     |     | •    |           |     | MORGAN     |                  |     | •    | SHABLOW  |     | •    |               |   |

The motion lost — the Senate will convene Saturday.

Senator Thane moved that the absent Senators be excused, which motion prevailed.

Senator Nothing moved that the Senate adjourn until Saturday, April 2, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



## SIXTY-THIRD DAY

Bismarck, April 2, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Senator I. E. "Eskey" Solberg.

"Let us pray. Each day we must proceed from that which is known to that which is less known. We must gather the traditions from those who have gathered them, to correct them if needed and if it be possible, change them. Let us lead in such a manner so that wisdom prevails in a possible state of confusion. Help us to so work that we find truth in doing and that we seek knowledge and great wisdom in our decisions. The search for the perfect may evade us. Help us to seek Your perfect way in planning our work for this day. Amen"

The roll was called and all Senators were present except Senator Smykowski.

A quorum was declared by the President.

## FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 3090. A concurrent resolution creating a new article III of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualifications, and compensation of executive officials, to executive branch organization, to the powers and duties of the governor, and to gubernatorial succession; to provide alternative choices regarding the lieutenant governor's duties; to repeal article III, consisting of sections 71 through 84, of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and providing an effective date.

Was read the first time.

Senator Wenstrom moved that the rules be suspended, that House Concurrent Resolution No. 3090 as printed on page 1820 of the House Journal, be placed on the calendar for second reading and final passage, for the succeeding legislative day, which motion prevailed.

House Concurrent Resolution No. 3110. A concurrent resolution expressing sorrow on the death of Mr. Edward Milligan, North Dakota's most widely recognized authority on the American Indian.

Was read the first time.

Senator Erdman moved that the rules be suspended, that House Concurrent Resolution No. 3110 as printed on page 1783 of the House Journal, 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. 3110. A concurrent resolution ex-

pressing sorrow on the death of Mr. Edward Milligan, North Dakota's most widely recognized authority on the American Indian.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3110 was declared adopted on a voice vote.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

House Concurrent Resolution No. 3111. A concurrent resolution authorizing the retention of certain employees of the House and Senate and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Was read the first time.

Senator Solberg moved that the rules be suspended, that House Concurrent Resolution No. 3111 as printed on pages 1784 and 1785 of the House Journal, 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. 3111. A concurrent resolution authorizing the retention of certain employees of the House and Senate and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

Was read the second time.

#### ROLL CALL

The question being on the final adoption of the resolution.

The roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |             |           |     |      |            |                  |     |      |          |   |  |  |               |
|---------------------|-----|------|-------------|-----------|-----|------|------------|------------------|-----|------|----------|---|--|--|---------------|
| REGULAR SESSION     |     |      |             | ROLL-CALL |     |      |            | 1977 LEGISLATURE |     |      |          |   |  |  |               |
| YEAS                | N-V | NAYS |             | YEAS      | N-V | NAYS |            | YEAS             | N-V | NAYS |          |   |  |  |               |
| ●                   |     |      | ALBERS      | ●         |     |      | JACOBSON   | ●                |     |      | HAADEN   | ● |  |  | SMYKOWSKI     |
| ●                   |     |      | BARTH       | ●         |     |      | JONES      | ●                |     |      | NELSON   | ● |  |  | SOLBERG       |
| ●                   |     |      | BERUBE      | ●         |     |      | KRAUTER    | ●                |     |      | NETHING  | ● |  |  | STRAND        |
| ●                   |     |      | CHRISTENSEN | ●         |     |      | LARSON     | ●                |     |      | ORANGE   | ● |  |  | STRINDEN      |
| ●                   |     |      | ERDMAN      | ●         |     |      | LASHKOWITZ | ●                |     |      | PETERSON | ● |  |  | TALLACKSON    |
| ●                   |     |      | FARRINGTON  | ●         |     |      | LEE        | ●                |     |      | PIETRON  | ● |  |  | TENNEFOS      |
| ●                   |     |      | FREED       | ●         |     |      | LIPS       | ●                |     |      | RAIT     | ● |  |  | THANE         |
| ●                   |     |      | FRITZELL    | ●         |     |      | LODOEN     | ●                |     |      | REDLIN   | ● |  |  | VOSPER        |
| ●                   |     |      | GOODMAN     | ●         |     |      | MAHER      | ●                |     |      | REITEN   | ● |  |  | WALSH         |
| ●                   |     |      | HANSON      | ●         |     |      | MAU        | ●                |     |      | SANDNESS | ● |  |  | WENSTROM      |
| ●                   |     |      | HOFFNER     | ●         |     |      | MELAND     | ●                |     |      | SANDS    | ● |  |  | WRIGHT        |
| ●                   |     |      | HOLMBERG    | ●         |     |      | MILLER     | ●                |     |      | SCHIRADO | ● |  |  | MR. PRESIDENT |
| ●                   |     |      | ISZLER      | ●         |     |      | MORGAN     | ●                |     |      | SHABLOW  |   |  |  |               |

House Concurrent Resolution No. 3111 was declared adopted.

Senator Melland moved that the Conference Committee Report on Senate Bill No. 2010 as printed on pages 1565 and 1566 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2010 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2010. Budgets — Public Health — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed and the title was agreed to.

Senator Melland moved that the Conference Committee Report on House Bill No. 1001 as printed on pages 1566-1570 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1001 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1001. — BUDGETS — Elected State Officials — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 45; nays, 4; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI   |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG     |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND      |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN    |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON       |     |      | • TALLACKSON  |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS    |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     |      | • THANE       |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN         |     |      | • VOSPER      |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH       |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM    |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT      |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |               |     |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Melland moved that the Conference Committee Report on House Bill No. 1007 as printed on page 1570 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the Conference Committee Report on House Bill No. 1010 as printed on pages 1570-1572 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1010 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1010. Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various



divisions thereof, 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, 43; nays, 6; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     |      | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     | ●    | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     | ●    |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     | ●    | ● LEE        |     | ●    | ● PIETRON  |     |      | ● TENNEFOS       |     | ●    |
| ● FREED             |     |      | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS |     |      | ● WENSTROM       |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS    |     | ●    | ● WRIGHT         |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO |     |      | ● MR. PRESIDENT  |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW  |     |      |                  |     |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

Senator Sands moved that the Conference Committee Report on House Bill No. 1071 as printed on pages 1572-1574 of the Senate Journal be adopted, which motion prevailed.

Senator Sands moved that the rules be suspended, that House Bill No. 1071 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1071. A Bill for an Act to provide for the liability of political subdivisions, to require political subdivisions to be insured to certain limits, to set limitations upon such liability, to provide for the certification of coverage, to authorize the purchase of insurance or provision for self-insurance and to authorize a fund and a levy therefor, to prescribe the duties of the insurance commissioner, to provide a statute of limitations, to provide a procedure for making payments for claims and judgments against political subdivisions, to authorize the state to purchase insurance coverage to reinstate certain causes of action; to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to the limit of county liability for negligence in the supervision and repairs of bridges; and to repeal section 40-42-01, 40-42-02, 40-42-03, and 40-43-07 of the North Dakota Century Code, relating to claims for injuries on streets, sidewalks, or bridges.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 46; nays, 2; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN   |     | ●    | ● SMYKOWSKI      |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON   |     |      | ● SOLBERG        |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING  |     |      | ● STRAND         |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE   |     |      | ● STRINDEN       |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON |     |      | ● TALLACKSON     |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON  |     |      | ● TENNEFOS       |     |      |
| ● FREED             |     | ●    | ● LIPS       |     |      | ● RAIT     |     |      | ● THANE          |     |      |
| ● FRITZELL          |     |      | ● LODOEN     |     |      | ● REDLIN   |     |      | ● VOSPER         |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN   |     |      | ● WALSH          |     |      |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HANSON   | • MAU     | • SANDNESS | • WENSTROM      |
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

So the bill passed and the title was agreed to.

Senator Naaden moved that the Conference Committee Report on House Bill No. 1252 as printed on page 1558 of the Senate Journal be adopted, which motion prevailed.

Senator Naaden moved that the rules be suspended, that House Bill No. 1252 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1252. A Bill for an Act to provide an appropriation to the state penitentiary for the purpose of pheasant propagation.

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, 18; nays, 31; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |                 |

House Bill No. 1252 was declared lost.

Senator Christensen moved that the Conference Committee Report on House Bill No. 1344 as printed on pages 1574 of the Senate Journal be adopted, which motion prevailed.

Senator Christensen moved that the rules be suspended, that House Bill No. 1344 be placed on the calendar for second reading and final passage, as amended.

**ROLL CALL**

Senator Lashkowitz requested a roll call vote on the motion to suspend the rules, the roll was called and there were ayes, 31; nays, 18; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |                 |
|---------------------|-----|------|--------------|-----|------|------------------|-----|-----------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |                 |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS            |
| • ALBERS            |     | •    | • JACOBSON   |     | •    | • NAADEN         |     | • SMYKOWSKI     |
| • BARTH             |     | •    | • JONES      |     | •    | • NELSON         |     | • SOLBERG       |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     | • STRAND        |
| • CHRISTENSEN       |     | •    | • LARSON     |     | •    | • ORANGE         |     | • STRINDEN      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     | • TALLACKSON    |
| • FARRINGTON        |     | •    | • LEE        |     | •    | • PIETRON        |     | • TENNEFOS      |
| • FREED             |     | •    | • LIPS       |     | •    | • RAIT           |     | • THANE         |
| • FRITZELL          |     | •    | • LODDEN     |     | •    | • REDLIN         |     | • VOSPER        |
| • GOODMAN           |     | •    | • MAHER      |     | •    | • REITEN         |     | • WALSH         |
| • HANSON            |     | •    | • MAU        |     | •    | • SANDNESS       |     | • WENSTROM      |
| • HOFFNER           |     | •    | • MELLAND    |     | •    | • SANDS          |     | • WRIGHT        |
| • HOLMBERG          |     | •    | • MILLER     |     | •    | • SCHIRADO       |     | • MR. PRESIDENT |
| • ISZLER            |     | •    | • MORGAN     |     | •    | • SHABLOW        |     |                 |

The motion to suspend the rules lost for lack of a two thirds majority to suspend the rules. House Bill No. 1344 was placed on the calendar for the

succeeding legislative day.

Senator Nething moved that the Senate recess until 11:00 A.M., which motion prevailed.

The Senate reconvened, the President presiding.

**MOTIONS**

Senator Nething moved that the Senate reconsider its action by which it adopted the conference committee report on House Bill No. 1280.

Senator Barth requested a roll call vote on the motion to reconsider the adoption of the conference committee report on House Bill No. 1280, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the adoption of the conference committee report on House Bill No. 1280, the roll was called and there were ayes, 31; nays, 18; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN         |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                  |     |      |

The motion to reconsider the conference committee report on House Bill No. 1280 prevailed.

**MOTIONS**

Senator Melland moved that the conference committee report on House Bill No. 1280 be adopted.

Senator Melland requested a roll call vote on the motion to adopt the conference committee report on House Bill No. 1280, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on House Bill No. 1280, the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      | 1977 LEGISLATURE |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING        |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON       |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN         |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN         |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS       |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO       |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     | •    |                  |     |      |

The motion to adopt the conference committee report on House Bill No. 1280 prevailed. House Bill No. 1280 was placed on the calendar for the succeeding legislative day.

**POINT OF PERSONAL PRIVILEGE**

Senator Hoffner; Mr. President, I rise on a point of personal privilege.

Mr. President, members of the Senate, there is no question in my mind that the majority party is playing games with the so called "Christmas Tree Bill" \$18,000,000.00, and I think this is a sad day for North Dakota. I also, at this time, want to explain the reason for a two thirds vote to suspend the rules so that the majority cannot overrun the minority at any time, and that doesn't necessarily mean it has to be on political lines.. There are times when the majority can overrun the minority, and that is a rule that we have, it is a very important rule and it does protect the minority position so that things can't be railroaded. We demonstrated that it can be done and I'll continue to do so if the majority continues to override the minority.

SECOND READING OF HOUSE BILLS

House Bill No. 1443. A Bill for an Act to permit the state of North Dakota to accept transfer from the federal government of the Nekoma ABM site and to empower the budget section to reconvey the site to the federal government.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ page 1099-1100) the roll was called and there were ayes, 42; nays, 7; absent and not voting, 1.

| NORTH DAKOTA SENATE |      |      |              |      |      |            |      |      |                  |      |      |
|---------------------|------|------|--------------|------|------|------------|------|------|------------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      |            |      |      | 1977 LEGISLATURE |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN   |      |      | • SMYKOWSKI      |      |      |
| • BARTH             |      |      | • JONES      |      |      | • NELSON   |      | •    | • SOLBERG        |      |      |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING  |      |      | • STRAND         |      |      |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE   |      |      | • STRINDEN       |      |      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON |      |      | • TALLACKSON     |      |      |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON  |      |      | • TENNEFOS       |      |      |
| • FREED             |      |      | • LIPS       |      |      | • RAIT     |      |      | • THANE          |      |      |
| • FRITZELL          |      |      | • LODOEN     |      |      | • REDLIN   |      |      | • VOSPER         |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN   |      |      | • WALSH          |      |      |
| • HANSON            |      |      | • MAU        |      |      | • SANDNESS |      |      | • WENSTROM       |      |      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS    |      |      | • WRIGHT         |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO |      |      | • MR. PRESIDENT  |      |      |
| • ISZLER            | •    |      | • MORGAN     |      |      | • SHABLOW  |      |      |                  |      |      |

So the bill passed and the title was agreed to.

House Bill No. 1173. A Bill for an Act to provide an appropriation to the North Dakota state department of health for the purpose of supplementing all local health services' resources, and the distribution of such moneys.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 30; nays, 19; absent and not voting, 1.

| NORTH DAKOTA SENATE |      |      |              |      |      |            |      |      |                  |      |      |
|---------------------|------|------|--------------|------|------|------------|------|------|------------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      |            |      |      | 1977 LEGISLATURE |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN   |      |      | • SMYKOWSKI      |      |      |
| • BARTH             |      |      | • JONES      |      |      | • NELSON   |      |      | • SOLBERG        |      |      |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING  |      |      | • STRAND         |      |      |
| • CHRISTENSEN       |      |      | • LARSON     |      |      | • ORANGE   |      |      | • STRINDEN       |      |      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON |      |      | • TALLACKSON     |      |      |
| • FARRINGTON        |      |      | • LEE        |      |      | • PIETRON  |      |      | • TENNEFOS       |      |      |
| • FREED             |      |      | • LIPS       |      |      | • RAIT     |      |      | • THANE          |      |      |
| • FRITZELL          |      |      | • LODOEN     |      |      | • REDLIN   |      |      | • VOSPER         |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN   |      |      | • WALSH          |      |      |
| • HANSON            |      |      | • MAU        |      |      | • SANDNESS |      |      | • WENSTROM       |      |      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS    |      |      | • WRIGHT         |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO |      |      | • MR. PRESIDENT  |      |      |
| • ISZLER            | •    |      | • MORGAN     |      |      | • SHABLOW  |      |      |                  |      |      |

So the bill passed and the title was agreed to.

House Bill No. 1587. A Bill for an Act to amend and reenact sections 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenues from the privilege tax on coal conversion facilities.

Which has been read.

Senator Goodman proposed the following amendments to House Bill 1587:

On page 1, line 1, delete everything 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 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenue formulas for the privilege tax on coal conversion facilities."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT.) Section 57-60-14 of the 1975 Supplement to the North Dakota Century Code is hereby amended, and reenacted to read as follows:

57-60-14. ALLOCATION OF REVENUE.) The state treasurer, on or before July fifteenth of each year, shall allocate all moneys received from all coal conversion facilities in each county pursuant to the provisions of this chapter and moneys received for those taxes for which a credit is allowed pursuant to section 57-60-06, notwithstanding the provisions of section 57-33.1-08, (((in the following manner:

1. The first one hundred thousand dollars of annual revenue received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated one hundred))) thirty-five percent to the county (((.

2. The second one hundred thousand dollars of annual revenue received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated fifty percent to the county))) and (((fifty))) sixty-five percent to the state general fund.

(((3. All annual revenue in excess of two hundred thousand dollars but not in excess of five hundred thousand dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated twenty-five percent to the county and seventy-five percent to the state general fund.

4. All annual revenue in excess of five hundred thousand dollars but not in excess of one million dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated fifteen percent to the county and eighty-five percent to the state general fund.

5. All annual revenue in excess of one million dollars received from the taxation of each coal conversion facility in each county pursuant to this chapter shall be allocated ten percent to the county and ninety percent to the state general fund.)))

SECTION 2. AMENDMENT.) Section 57-60-15 of the 1975 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-60-15. DUTY OF COUNTY TREASURER—ALLOCATION TO POLITICAL SUBDIVISIONS.) Moneys received by counties under the provisions of section 57-60-14 shall be apportioned as follows:

1. (((Fifteen))) Thirty-five percent of all revenues allocated to any

county shall be paid by the county treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official ((decennial)) regular or special federal census (((;))) or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

2. (((Forty))) Thirty-five percent of the revenues allocated to any county shall be deposited by the county treasurer in the county general fund to be used for general governmental purposes (((; and))).

3. (((Forty-five))) Thirty percent of all revenues allocated to any county shall be apportioned by the county treasurer to school districts within the county on the average daily ((attendance distribution)) membership basis, as certified to him by the county superintendent of schools."

And renumber the lines and pages accordingly.

Senator Goodman moved that the amendments be adopted, which motion prevailed.

Senator Goodman moved that the rules be suspended, that House Bill 1587 be placed on the calendar for second reading and final passage, as amended, for the succeeding legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2551. A Bill for an Act to amend and reenact subdivision b of subsection 2 of section 3 of Senate Bill No. 2344, as approved by the forty-fifth legislative assembly, relating to revenue sharing and providing for the allocation of a portion of the revenue to the county government and cities within the countywide area.

Which has been read.

Senator Goodman offered the following proposed amendments to Senate Bill 2551:

On page 1 of the bill, line 1, after the words "A BILL" delete the remainder of the line and the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for the sharing of the state's general fund reserve with counties, cities, city park districts, and townships; 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.) It is the intent of the legislative assembly to share with certain political subdivisions of this state a portion of the state's general fund reserve because the legislative assembly recognizes that the state has, in recent years, taken in more revenue than estimated projections have indicated due to inflation and increased prices for agricultural products. Such a sharing may be on a limited basis dependent on economic conditions within the state and the status of the state's general fund.

SECTION 2. STATE REVENUE SHARING FUND.) There is hereby created in the office of the state treasurer a state revenue sharing fund which shall be administered by the state treasurer. Moneys credited to the fund shall be distributed to all eligible political subdivisions in the manner provided by this Act. The state treasurer may require eligible political subdivisions to provide such information or copies of reports as may be necessary to administer state revenue sharing.

SECTION 3. DISTRIBUTION FORMULA.)

1. Half of the amount available from the fund pursuant to section 5 shall be allocated in the following manner:

a. Each county shall share in the fund in the proportion that the population of each bears to the population of all based upon the last official federal census or upon a more recent census approved by the state treasurer.

b. Each city, located wholly or partially within each county, shall share in the funds allocated to each county in the proportion that the population of each such city, or the population of the portion of a city located within such county, bears to the total population of that county. The population of each city shall be based upon the last official federal census or upon a more recent census approved by the state treasurer.

2. The available remainder shall be allocated in the following manner:

a. Such money shall be allocated to all countywide areas so that each countywide area shall receive an amount which bears the same ratio to the amount to be allocated from the fund pursuant to this subsection as the real property tax revenues of all political subdivision within the countywide area bears to the sum of such real property tax revenues in all countywide areas. For the purposes of this act, "countywide area" shall be the geographic area of a county. The allocation to each countywide area shall consider the property tax revenues of all political subdivisions within the countywide area and shall include the real property tax revenues of the county government.

b. The county government and all cities within the countywide area shall be allocated that portion of the amount allocated to the countywide area pursuant to subdivision a which bears the same ratio to such amount as each such eligible unit's real property tax revenues bear to the sum of the real property tax revenues of the county and of all cities or portions thereof within that countywide area.

3. If any city has established a park district pursuant to chapter 40-49, such city's share of revenue sharing funds shall be divided between the city and the park district in proportion to their total respective mill levies.

4. If any county has townships established pursuant to chapter 58-02, such county's allocation of revenue sharing funds shall be divided between the county and such townships. Such townships shall receive a total of ten percent of the allocations made to such county which shall be distributed to each township in the proportion that the population of each township within the countywide area bears to the population of all townships within the countywide area. If the countywide area is not fully organized into townships, the allocation to townships shall be divided between the county government and the townships within the countywide area in the proportion that the population of the townships bears to the population of the countywide area, less the population of all cities within the countywide area. The allocation of the townships' share shall be distributed among the townships within the countywide area in the manner otherwise provided by this subsection. The remainder shall be allocated to the county government and shall thereafter be considered a part of the initial allocation to the county government.

**SECTION 4. DISPOSITION OF REVENUES — ALLOCATION TO ELIGIBLE UNITS — DISBURSEMENT AS LOCAL FUNDS.)** On September 30, 1977, March 31, 1978, September 30, 1978, and March 31, 1979, two million dollars shall be distributed on each such date to eligible political subdivisions. The state treasurer shall allocate and transfer

such funds to eligible political subdivisions in the manner provided by this Act. Eligible political subdivisions may receive and expend payments made pursuant to this Act and such payments shall be considered an appropriation in the budget of the political subdivision, which, upon the order of the governing body, may be disbursed in the manner other disbursements are made. The state revenue sharing moneys so received shall be considered a part of the local tax effort of each eligible political subdivision receiving such funds.

SECTION 5. APPROPRIATION.) There is hereby appropriated out of the cash balance reserve in the general fund in the state treasury, not otherwise appropriated, the sum of \$8,000,000.00, or so much thereof as may be necessary, to the state revenue sharing fund for the purpose of distributing a portion of such surplus cash balance to eligible units pursuant to this Act.

SECTION 6. EXPIRATION DATE.) The provisions of this Act shall remain in effect through June 30, 1979, and shall thereafter be of no force or effect."

And renumber the lines and pages accordingly.

Senator Mau requested the ruling of the Chair if the amendments are in order, which request was granted. President Sanstead ruled the amendments were in order.

Senator Goodman moved that the amendments be adopted, which motion prevailed.

Senator Nething moved that Senate Bill No. 2551 be re-referred to the Committee on Appropriations, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1264 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1264 be further amended as follows:

On page 1, after line 18 of the engrossed bill insert the following new subsection:

"1. "Adjusted gross proceeds" means gross proceeds less cash prizes or the price of merchandize prizes."

On page 2, immediately following line 12 insert the following:

"3. "Bingo equipment" means the receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designation to be covered and the objects used to cover them, the board or signs, however operated, used to announce or display the numbers or designations as they are drawn, public address system, and all other articles essential to the operation, conduct, and playing of bingo."

On page 3, line 5 after the period insert the following sentence:

" "Distributor" does not include a resident printer who prints raffle tickets at the request of a licensed or authorized organization, and who sells or otherwise distributes such raffle tickets to such organization."

On page 3, line 12 after the word "bylaws" insert the words " , not of direct benefit to the eligible organization or any member thereof"

On page 3, line 14 after the word "founded" insert the words " , not of direct benefit to the eligible organization or any member thereof"

On page 4, line 11 delete the word "receipts" and insert in lieu thereof the words "adjusted gross proceeds"



On page 4, delete all of lines 14 through 22

On page 5, line 3 before the word "punchboards" insert the word "and"

On page 5, after line 4 insert the following new subsection:

"14. **"Gross proceeds"** means all moneys collected or received from games of chance and admissions thereto."

On page 8, line 13 after the word "games" insert the following words: "for specifically designated times, places and uses,"

On page 8, line 17 after the period insert the following new sentence: "The governing body may by ordinance or resolution establish authorization fees not to exceed ten dollars for an authorization for one occasion and not to exceed twenty-five dollars for an authorization covering more than one occasion."

On page 8, delete all of line 18

On page 8, line 19 delete the words "governing body authorizes such games by resolution." and insert in lieu thereof the words: "If the governing body, at its own discretion, chooses to authorize such types of games of chance, the governing body shall authorize such organization which conforms to the requirements of the Act to conduct such games on such occasion."

On page 8, after line 25 insert the following new paragraph: "The governing body shall have the power, on its own motion based on reasonable grounds or on written complaint, to suspend or revoke an authorization in accordance with chapter 28-32 for violation, by the authorized organization or any officer, director, agent, member, or employee of such organization, of this Act or any rule or regulation promulgated hereunder."

On page 11, delete all of lines 19 through 21

On page 11, line 29 after the word "from" insert the words "games of chance and" and also after the word "admissions" delete the word "to" and insert in lieu thereof the word "thereto."

On page 11, line 30 delete the words "and games of chance" and insert in lieu thereof the words: "except cash prizes of less than one hundred dollars paid immediately."

On page 11, line 32 delete the word "All" and insert in lieu thereof the words: "Cash prizes of one hundred dollars or more, the purchase prices of merchandise prizes, and all"

On page 12, line 3 after the word "expense" insert the words "or prize"

On page 12, line 14 after the word "amount" insert the following words "actually and necessarily incurred and directly attributable only to the conduct of the games of chance, and shall not include overhead, capital costs and general maintenance"

On page 12, line 16 delete the word "receipts" and insert in lieu thereof the words "adjusted gross proceeds"

On page 12, after line 29 insert the following new subdivision: "g. Taxes."

On page 12, line 32 delete the words "prizes, equipment" and insert in lieu thereof the words "bingo equipment, jars, pull tabs, punchboards, and raffle tickets"

On page 13, line 9 delete the words "ten percent of the total expenses incurred" and insert in lieu thereof the words "three percent of the total adjusted gross proceeds received" and also in line 9 delete the word "an" and insert in lieu thereof the words "a licensed"

On page 13, line 10 delete the words "pursuant to section 9" and also in line 10 delete the words "state tax" and insert in lieu thereof the words "licensing authority"

On page 13, line 11 delete the word "commissioner" and also in line 11 delete the words "on January first and" and insert in lieu thereof the words "before April first of each year for the preceding calendar year"

On page 13, line 12 delete the words "July first of each year"

On page 13, line 13 delete the words "state tax commissioner" and insert in lieu thereof the words "licensing authority"

On page 13, line 26 delete the word "hundred" and insert in lieu thereof the word "thousand"

On page 14, line 5 after the word "organization" insert the words "or unless the raffle tickets are obtained from a resident printer who has printed the raffle tickets at the request of the organization"

On page 14, delete all of lines 9 through 13 and insert in lieu thereof the words "No licensed or authorized eligible organization shall be a distributor."

And renumber the lines, sections, subsections, subdivisions and pages accordingly.

For the Senate

Senator Freed

Senator Sands

Senator Schirado

For the House

Rep. Kretschmar

Rep. Strinden

Rep. Backes

Senator Freed moved that the report be adopted, which motion prevailed.

#### MOTION

Senator Nething moved that the rules be suspended, that House Bill No. 1264 be placed at the head of the 7th order of business, which motion prevailed.

Senator Freed moved that the conference committee report on House Bill No. 1264 be adopted, which motion prevailed.

Senator Freed moved that the rules be suspended, that House Bill No. 1264 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1264. A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct games of chance; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors, a tax based on expenses, an expiration date, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; 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, 35; nays, 14; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |      |            |      |           |          |      |                  |               |      |
|---------------------|-------------|------|------|------------|------|-----------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      |      |            |      | ROLL-CALL |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS | N-V        | NAYS | YEAS      | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |             | •    |      |            | •    | •         |          |      |                  |               | •    |
| •                   | BARTH       |      | •    | JACOBSON   | •    | •         | NAADEN   |      | •                | SMYKOWSKI     |      |
| •                   | BERUBE      |      | •    | JONES      |      | •         | NELSON   | •    | •                | SOLBERG       |      |
| •                   | CHRISTENSEN | •    | •    | KRAUTER    |      | •         | NETHING  |      | •                | STRAND        |      |
| •                   | ERDMAN      | •    | •    | LARSON     | •    | •         | ORANGE   |      | •                | STRINDEN      |      |
| •                   | FARRINGTON  |      | •    | LASHKOWITZ |      | •         | PETERSON |      | •                | TALLACKSON    |      |
| •                   | FREED       |      | •    | LEE        | •    | •         | PIETRON  |      | •                | TENNEFOS      |      |
| •                   | FRITZELL    |      | •    | LIPS       |      |           | RAIT     | •    | •                | THANE         |      |
| •                   | GOODMAN     |      | •    | LODOEN     |      |           | REDLIN   | •    | •                | VOSPER        |      |
| •                   | HANSON      |      | •    | MAHER      |      | •         | REITEN   |      | •                | WALSH         |      |
| •                   | HOPFNER     |      | •    | MAU        |      | •         | SANDNESS | •    | •                | WENSTROM      | •    |
| •                   | HOLMBERG    |      | •    | MELLAND    |      | •         | SANDS    |      | •                | WRIGHT        |      |
| •                   | ISZLER      | •    |      | MILLER     |      | •         | SCHIRADO |      |                  | MR. PRESIDENT |      |
|                     |             |      |      | MORGAN     | •    |           | SHABLOW  | •    |                  |               |      |

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 Senate Bill No. 2005 has had the same under consideration and recommends:

That the House recede from its amendments and that Senate Bill No. 2005 be amended as follows:

On page 1 of the engrossed bill, line 20, delete the numerals "184,160,000" and insert in lieu thereof the numerals "186,752,000"

On page 2 of the engrossed bill, line 1, delete the numerals "219,870,111" and insert in lieu thereof the numerals "222,462,111"

On page 2 of the engrossed bill, line 3, delete the numerals "184,575,492" and insert in lieu thereof the numerals "187,167,492"

On page 2 of the engrossed bill, line 9, delete the numerals "193,972" and insert in lieu thereof the numerals "228,972"

On page 2 of the engrossed bill, line 11, delete the numerals "1,354,260" and insert in lieu thereof the numerals "1,389,260"

On page 2 of the engrossed bill, line 12, delete the numerals "661,634" and insert in lieu thereof the numerals "650,250"

On page 2 of the engrossed bill, line 13, delete the numerals "692,626" and insert in lieu thereof the numerals "739,010"

On page 3 of the engrossed bill, line 3, delete the numerals "195,224,562" and insert in lieu thereof the numerals "197,862,946"

On page 3 of the engrossed bill, line 4, delete the numerals "44,086,654" and insert in lieu thereof the numerals "44,075,270"

On page 3 of the engrossed bill, line 5, delete the numerals "239,311,216" and insert in lieu thereof the numerals "241,938,216"

On page 3 of the engrossed bill, after line 20, insert the following section:

"SECTION 4. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the educational support per pupil for foundation payments shall be seven hundred seventy-five dollars for the first year of the 1977-1979 biennium and eight hundred fifty dollars for the second year of the 1977-1979 biennium, and that transportation payments shall be seventeen cents per mile for school buses having a capacity of sixteen or fewer pupils and thirty-four cents per mile for school buses having a capacity of seventeen or more pupils."

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

This amendment provides funds for foundation payments in accordance with the following schedule:

STATE FUNDING (Two years)

|   |                      |
|---|----------------------|
| Per-pupil payments  |                      |
| \$775 at 141,200 units  | \$109,430,000        |
| \$850 at 141,362 units  | 120,157,700          |
| Transportation payments   | 18,965,000           |
| Total   | <u>\$248,552,700</u> |
| Less twenty-one mill county<br>levy and twenty mill local<br>levy | \$ 59,700,700        |
| Less 874 reduction  | 2,100,000            |
| Total general fund<br>appropriation                               | <u>\$186,752,000</u> |

The appropriation for special education does not include the \$1,323,183 added by the House for additional special education payments.

This amendment increases the Division of Independent Study equipment line item by \$35,000 which represents additional film rental income. These amendments also reduce estimated income line by \$11,384 to reflect actual estimated income as projected by the Division of Independent Study and to add \$46,384 to the general fund appropriation to reflect total dollars required in accordance with the total appropriation authorized by the 45th Legislative Assembly.

For the Senate

- Senator Melland
- Senator Strinden
- Senator Maher — refused to sign

For the House

- Rep. Wagner
- Rep. Unhjem
- Rep. Mushik — refused to sign

Senate Bill No. 2005 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2005 be placed on the 7th Order of Business.

Senator Mau requested a roll call vote on the motion to place Senate Bill No. 2005 on the 7th order, which request was granted.

ROLL CALL

The question being on the motion to suspend the rules and place Senate Bill No. 2005 on the 7th Order of Business, the roll was called and there were ayes, 31; nays, 18; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |            |      |      |          |      |                  |     |            |
|---------------------|-----|------|-----------|------------|------|------|----------|------|------------------|-----|------------|
| REGULAR SESSION     |     |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |     |            |
| YEAS                | N-V | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS       |
| •                   |     |      | •         |            |      | •    |          |      | •                |     |            |
|                     |     | •    | •         | JACOBSON   |      | •    | NAADEN   |      | •                |     | SMYKOWSKI  |
|                     |     | •    | •         | JONES      |      | •    | NELSON   |      | •                |     | SOLBERG    |
|                     |     | •    |           | KRAUTER    | •    | •    | NETHING  |      | •                |     | STRAND     |
| •                   |     |      |           | LARSON     | •    | •    | ORANGE   | •    | •                |     | STRINDEN   |
|                     |     | •    |           | LASHKOWITZ | •    | •    | PETERSON |      | •                |     | TALLACKSON |
| •                   |     |      | •         | LEE        |      | •    | PIETRON  | •    | •                |     | TENNEFOS   |
| •                   |     |      | •         | LIPS       |      |      | RAIT     | •    | •                |     | THANE      |
| •                   |     |      | •         | LODOEN     |      |      | REDLIN   | •    | •                |     | VOSPER     |
| •                   |     |      |           | MAHER      | •    | •    | REITEN   |      | •                |     | WALSH      |
| •                   |     |      |           | MAU        | •    | •    | SANDNESS |      | •                |     | WENSTROM   |
| •                   |     |      |           |            |      |      |          |      |                  |     |            |

|            |           |            |                 |
|------------|-----------|------------|-----------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT        |
| • HOLMBERG | • MILLER  | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |                 |

The motion to suspend the rules and place Senate Bill No. 2005 on the 7th Order lost for lack of a two thirds majority to suspend the rules.

#### MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1026, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1026:

Senator Strinden

Senator Thane

Senator Orange

Senator Goodman moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman

Senator Jacobson

Senator Barth

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-second day and recommends that the same be corrected as follows:

On page 1546, delete lines 45 through 58 and insert them below line 15 on page 1548

On page 1547, delete lines 2 through 16 and insert them below line 29 on page 1548.

On page 1561, line 29, after the word "to", insert "and the emergency clause carried."

On page 1564, line 47, insert "call vote" after the word "roll"

On page 1575, line 22, insert "prevailed." after the word "motion"

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Shablow moved that the report be adopted, which motion prevailed.

Senator Thane moved that the absent Senator be excused, which motion prevailed.

Senator Nething moved that the Senate adjourn until Monday, April 4, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

## SIXTY-FOURTH DAY

Bismarck, April 4, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. George Walker, First Evangelical Free Church, Bismarck.

Our most gracious Heavenly Father, with grateful hearts we come before your throne of grace. We thank you for the benefits you daily load upon us. We thank you for this great Nation and for this great State in which we live.

As we gather this morning in the Senate of our great State, we ask your guidance and direction for these men and women who have been given the privilege and responsibility of serving the State and the people of North Dakota. We are reminded that Scripture tells us that government officials are not only representatives of the people but that they are ministers of God for the good of the people. Father, give wisdom and guidance to these your ministers. May that which they do bring praise to your name.

These things we ask in the name of Christ our Savior. Amen.

COMMUNICATION  
STATE OF NORTH DAKOTA  
Executive Office  
Bismarck

April 1, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on April 1, 1977, I signed the following Senate Bills:

Senate Bill No. 2269  
Senate Bill No. 2349  
Senate Bill No. 2356

Sincerely yours,  
ARTHUR A. LINK  
Governor

The roll was called and all Senators were present except Senator Lodoen.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-third day and recommends that the same be corrected as follows:

On page 1595, delete lines 18, 19 and 20.

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Farrington moved that the report be adopted, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2551

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator Melland moved that the Conference Committee Report on Senate Bill No. 2005 as printed on pages 1594 and 1595 of the Senate Journal be adopted, which motion prevailed on a division vote.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2005 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion lost for lack of a two thirds majority.

Senate Bill No. 2005 was placed on the calendar for the succeeding legislative day.

#### MOTION

Senator Nething moved that House Bills No. 1344 and 1280 be placed at the foot of the calendar, which motion prevailed.

#### MESSAGES 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:

House Bill No. 1026:

Senator Strinden

Senator Thane

Senator Orange

House Bill No. 1262

Senator Goodman

Senator Jacobson

Senator Barth

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

House Bill No. 1443

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

House Concurrent Resolution No. 3102

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has

adopted the conference committee report on House Bill No. 1252 and subsequently failed to pass House Bill No. 1252.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

- Senate Bill No. 2010
- House Bill No. 1001
- House Bill No. 1007
- House Bill No. 1010
- House Bill No. 1071
- House Bill No. 1264

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has failed to pass:

- House Concurrent Resolution No. 3071

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has passed unchanged:

- House Bill No. 1173
- House Concurrent Resolution No. 3004
- House Concurrent Resolution No. 3006
- House Concurrent Resolution No. 3014
- House Concurrent Resolution No. 3015
- House Concurrent Resolution No. 3088
- House Concurrent Resolution No. 3110
- House Concurrent Resolution No. 3111

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

House Bill No. 1587. A Bill for an Act to amend and reenact section 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenue formulas for the privilege tax on coal conversion facilities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1588-1589) the roll was called and there were ayes, 39; nays, 10; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |               |
|---------------------|-----|------|--------------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS          |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | • SMYKOWSKI   |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON         |     | • SOLBERG     |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     | • STRAND      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         | •   | • STRINDEN    |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     | • TALLACKSON  |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        | •   | • TENNEFOS    |
| • FREED             |     |      | • LIPS       |     |      | • RAIT           |     | • THANE       |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         | •   | • VOSPER      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     | • WALSH       |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS       |     | • WENSTROM    |
| • HOFFNER           | •   |      | • MELLAND    |     |      | • SANDS          |     | • WRIGHT      |
| • HOLMBERG          |     |      | • MILLER     | •   |      | • SCHIRADO       |     | MR. PRESIDENT |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |               |

So the bill passed and the title was agreed to.



### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

**House Concurrent Resolution No. 3073.** A concurrent resolution directing the State Health Department to study economic incentives for the return, reuse, and recycling of packaging materials, to study controls for the amount and environmental quality of packaging, and to study systems of solid waste recycling and reuse.

Was read the second time.

The question being on the final adoption of the resolution.

House Concurrent Resolution No. 3073 was declared adopted.

**House Concurrent Resolution No. 3090.** A concurrent resolution creating a new article III of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualifications, and compensation of executive officials, to executive branch organization, to the powers and duties of the governor, and to gubernatorial succession; to provide alternative choices regarding the lieutenant governor's duties; to repeal article III, consisting of sections 71 through 84, of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and providing an effective date.

Was read the second time.

### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were ayes, 13, nays; 36; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |           |     |            |      |     |          |                  |     |               |
|---------------------|-----|------|-----------|-----|------------|------|-----|----------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL |     |            |      |     |          | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS      | N-V | NAYS       | YEAS | N-V | NAYS     | YEAS             | N-V | NAYS          |
|                     |     | •    |           |     | JACOBSON   | •    |     | NAADEN   |                  |     | •             |
|                     |     | •    |           |     | JONES      | •    |     | NELSON   |                  |     | •             |
|                     |     | •    |           |     | KRAUTER    | •    | •   | NETHING  |                  |     | •             |
|                     |     | •    |           |     | LARSON     | •    |     | ORANGE   |                  |     | •             |
|                     |     | •    |           |     | LASHKOWITZ | •    | •   | PETERSON |                  |     | •             |
|                     |     | •    |           |     | LEE        | •    |     | PIETRON  |                  |     | •             |
|                     |     | •    | •         |     | LIPS       | •    | •   | RAIT     |                  |     | •             |
| •                   |     |      |           |     | LODOEN     | •    | •   | REDLIN   |                  |     | •             |
| •                   |     |      |           |     | MAHER      | •    |     | REITEN   |                  |     | •             |
| •                   |     |      |           |     | MAU        | •    |     | SANDNESS |                  |     | •             |
|                     |     | •    | •         |     | MELLAND    | •    |     | SANDS    |                  |     | •             |
|                     |     | •    |           |     | MILLER     | •    |     | SCHIRADO |                  |     | •             |
|                     |     | •    |           |     | MORGAN     | •    |     | SHABLOW  |                  |     | •             |
|                     |     |      |           |     |            |      |     |          |                  |     | MR. PRESIDENT |

House Concurrent Resolution No. 3090 was declared lost.

### MESSAGES 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. 3073

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has amended:

House Bill No. 1587

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following, which the Senate has failed to pass:

House Concurrent Resolution No. 3090

LEO LEIDHOLM, Secretary

Senator Nething moved that the Senate recess until 11:00 A.M., which motion prevailed.

The Senate reconvened, the President presiding.

REPORT OF STANDING COMMITTEE

Mr. President: Your Committee on Appropriations to whom was referred Senate Bill No. 2551 has had the same under consideration and recommends that the same be amended as follows:

On page 1 of the engrossed bill, line 2, after the word "fund" delete the word "reserve"

On page 1 of the engrossed bill, line 12, after the word "fund" insert a period and delete the remainder of the line

On page 1 of the engrossed bill, delete lines 13 through 17

On page 4 of the engrossed bill, line 19, after the words "of the" delete the following: "cash balance reserve in the"

On page 4 of the engrossed bill, line 20, after the first comma insert the words "from moneys"

On page 4 of the engrossed bill, line 22, following the second "the" delete the words "purpose of" and insert in lieu thereof the following: "biennium beginning July 1, 1977, and ending June 30, 1979."

On page 4 of the engrossed bill delete lines 23 and 24

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

SENATOR LIPS, Chairman

Senate Bill No. 2551 was placed on the 6th order of business on the calendar for the succeeding legislative day.

MOTIONS

Senator Lashkowitz moved that Senate Bill No. 2551 be re-referred to the Committee on Finance and Taxation for the purpose of consideration of his proposed amendments, and thereafter have Senate Bill No. 2551 re-referred to the Committee on Appropriations.

Senator Lashkowitz requested a roll call vote on his motion to re-refer Senate Bill No. 2551 to the Committee on Finance and Taxation, which request was granted.

ROLL CALL

The question being on the motion to re-refer Senate Bill No. 2551 to the Committee on Finance and Taxation, the roll was called and there were ayes, 16; nays, 33; absent and not voting, 1.

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N.V.        | NAYS | YEAS      | N.V.       | NAYS | YEAS | N.V.     | NAYS | YEAS             | N.V.          | NAYS |
|                     |             | •    |           | JACOBSON   | •    |      | NAADEN   | •    |                  | SMYKOWSKI     | •    |
| •                   | BARTH       |      |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG       | •    |
| •                   | BERUBE      |      | •         | KRAUTER    |      |      | NETHING  | •    |                  | STRAND        | •    |
|                     | CHRISTENSEN | •    |           | LARSON     | •    |      | ORANGE   | •    |                  | STRINDEN      | •    |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      |      | PETERSON | •    |                  | TALLACKSON    | •    |
|                     | FARRINGTON  | •    |           | LEE        | •    | •    | PIETRON  |      |                  | TENNEFOS      | •    |
|                     | FREED       | •    |           | LIPS       | •    | •    | RAIT     |      |                  | THANE         | •    |
|                     | FRITZELL    | •    |           | LODOEN     | •    | •    | REDLIN   |      |                  | VOSPER        | •    |
|                     | GOODMAN     | •    | •         | MAHER      |      |      | REITEN   | •    | •                | WALSH         | •    |
|                     | HANSON      | •    | •         | MAU        |      |      | SANDNESS | •    |                  | WENSTROM      | •    |
| •                   | HOFFNER     |      |           | MELLAND    | •    |      | SANDS    | •    |                  | WRIGHT        | •    |
|                     | HOLMBERG    | •    | •         | MILLER     |      | •    | SCHIRADO |      |                  | MR. PRESIDENT | •    |
|                     | ISZLER      | •    |           | MORGAN     | •    |      | SHABLOW  | •    |                  |               |      |

The motion lost.

MOTION

Senator Melland moved that the rules be suspended, that Senate Bill No. 2551 be placed on the 6th Order of Business, which motion prevailed on a division vote.



On page 4 of the engrossed bill, line 28, add the following new section:  
 "SECTION 7. PREREQUISITE TO RECEIVING FUNDS — ADJUSTMENTS IN ASSESSED VALUATIONS BY POLITICAL SUBDIVISIONS.) No political subdivision shall be eligible to receive funds under this Act unless it first certifies to the state treasurer that it has adjusted the assessed valuation level of the taxable property under its jurisdiction by at least fifty percent of the different between the present level and the proper relative value as established by the state board of equalization. A political subdivision, to remain eligible to receive funds under this Act, must, within a year of its first adjustment as required by this section, again adjust its assessed valuation level, this time to correspond to the proper relative value as established by the state board of equalization. This second adjustment must likewise be certified to the state treasurer if the political subdivision is to remain eligible to receive funds under this Act. Thereafter, a political subdivision, to remain eligible to receive funds under this Act, must certify to the state treasurer once every two years from the date of its second aforementioned adjustment of assessed valuation levels, that its assessed valuation level corresponds to its proper relative value as established by the state board of equalization."

And renumber the lines and pages accordingly.

Senator Lashkowitz moved that the amendments be adopted.

Senator Orange requested a roll call vote on the motion to adopt the amendments proposed by Senator Lashkowitz, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments proposed by Senator Lashkowitz, the roll was called and there were ayes, 14; nays, 34; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |               |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|---------------|
| REGULAR SESSION     |     |      | ROLL CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |               |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS          |
| •                   |     | •    | JACOBSON   |     | •    | NAADEN   |     | •    |                  |     | SMYKOWSKI     |
|                     |     |      | JONES      |     | •    | NELSON   |     | •    |                  |     | SOLBERG       |
| •                   |     |      | KRAUTER    |     |      | NETHING  |     | •    |                  |     | STRAND        |
|                     |     | •    | LARSON     |     |      | ORANGE   |     | •    |                  |     | STRINDEN      |
|                     |     | •    | LASHKOWITZ |     |      | PETERSON |     | •    |                  |     | TALLACKSON    |
|                     |     | •    | LEE        |     |      | PIETRON  |     | •    |                  |     | TENNEFOS      |
|                     |     | •    | LIPS       |     |      | RAIT     |     | •    |                  |     | THANE         |
|                     |     | •    | LODOEN     |     |      | REDLIN   |     | •    |                  |     | VOSPER        |
|                     |     | •    | MAHER      |     |      | REITEN   |     | •    |                  |     | WALSH         |
|                     |     | •    | MAU        |     |      | SANDNESS |     | •    |                  |     | WENSTROM      |
| •                   |     |      | MELLAND    |     | •    | SANDS    |     | •    |                  |     | WRIGHT        |
|                     |     | •    | MILLER     |     |      | SCHIRADO |     | •    |                  |     | MR. PRESIDENT |
|                     |     | •    | MORGAN     |     |      | SHABLOW  |     | •    |                  |     |               |

The proposed amendments lost.

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has concurred in the Senate amendment to House Bill No. 1443 and House Concurrent Resolution No. 3102.

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to return herewith the following, which the House has failed to pass:

Senate Bill No. 2553

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. 4055

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 2006

Senate Bill No. 2010

ROY GILBREATH, Chief Clerk

## REPORTS OF PROCEDURAL COMMITTEE

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2033

Senate Bill No. 2034

Senate Bill No. 2106

Senate Bill No. 2107

Senate Bill No. 2163

Senate Bill No. 2203

Senate Bill No. 2205

Senate Bill No. 2217

Senate Bill No. 2226

Senate Bill No. 2267

Senate Bill No. 2343

Senate Bill No. 2367

Senate Bill No. 2382

Senate Bill No. 2391

Senate Bill No. 2392

Senate Bill No. 2401

Senate Bill No. 2456

Senate Bill No. 2514

Senate Bill No. 2516

Senate Bill No. 2527

Senate Bill No. 2540

Senate Bill No. 2541

Senate Bill No. 2543

Senate Bill No. 2544

Senate Resolution No. 15

And find the same correctly Enrolled.

SENATOR Str nd, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2209

Senate Bill No. 2342

Senate Bill No. 2359

Senate Bill No. 2515

And find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2033  
Senate Bill No. 2034  
Senate Bill No. 2106  
Senate Bill No. 2107  
Senate Bill No. 2163  
Senate Bill No. 2203  
Senate Bill No. 2205  
Senate Bill No. 2209  
Senate Bill No. 2217  
Senate Bill No. 2226  
Senate Bill No. 2267  
Senate Bill No. 2342  
Senate Bill No. 2343  
Senate Bill No. 2359  
Senate Bill No. 2367  
Senate Bill No. 2382  
Senate Bill No. 2391  
Senate Bill No. 2392  
Senate Bill No. 2401  
Senate Bill No. 2456  
Senate Bill No. 2514  
Senate Bill No. 2515  
Senate Bill No. 2516  
Senate Bill No. 2527  
Senate Bill No. 2540  
Senate Bill No. 2541  
Senate Bill No. 2543  
Senate Bill No. 2544  
Senate Resolution No. 15

And the President signed the same in the presence of the Senate.

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:

Senate Bill No. 2033  
Senate Bill No. 2034  
Senate Bill No. 2106  
Senate Bill No. 2107  
Senate Bill No. 2163  
Senate Bill No. 2203  
Senate Bill No. 2205  
Senate Bill No. 2209  
Senate Bill No. 2217  
Senate Bill No. 2226  
Senate Bill No. 2267  
Senate Bill No. 2342  
Senate Bill No. 2343  
Senate Bill No. 2359  
Senate Bill No. 2367  
Senate Bill No. 2382  
Senate Bill No. 2391  
Senate Bill No. 2392

Senate Bill No. 2401  
 Senate Bill No. 2456  
 Senate Bill No. 2514  
 Senate Bill No. 2515  
 Senate Bill No. 2516  
 Senate Bill No. 2527  
 Senate Bill No. 2540  
 Senate Bill No. 2541  
 Senate Bill No. 2543  
 Senate Bill No. 2544

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 transmit herewith the following:

House Bill No. 1008  
 House Bill No. 1011  
 House Bill No. 1045  
 House Bill No. 1096  
 House Bill No. 1175  
 House Bill No. 1181  
 House Bill No. 1223  
 House Bill No. 1259  
 House Bill No. 1291  
 House Bill No. 1299  
 House Bill No. 1310  
 House Bill No. 1346  
 House Bill No. 1372  
 House Bill No. 1393  
 House Bill No. 1420  
 House Bill No. 1468  
 House Bill No. 1484  
 House Bill No. 1503  
 House Bill No. 1520  
 House Bill No. 1523  
 House Bill No. 1536  
 House Bill No. 1542

Which the Speaker has signed and your signature is respectfully requested.

ROY GILBREATH, Chief Clerk  
 House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

Senate Bill No. 2027  
 Senate Bill No. 2178

And the committees having been unable agree, the Speaker appointed as a new conference committee:

Senate Bill No. 2027:  
 Rep. Murphy  
 Rep. Thorsgard  
 Rep. Mertens  
 Senate Bill No. 2178:

Rep. Kretschmar  
Rep. Wentz  
Rep. Lundene

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 2141  
Senate Bill No. 2384

ROY GILBREATH, Chief Clerk

MOTIONS

Senator Lips moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on Senate Bill No. 2027, which motion prevailed.

The President appointed as a Conference Committee on Senate Bill No. 2027:

Senator Smykowski  
Senator Hanson  
Senator Maher

Senator Freed moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on Senate Bill No. 2178, which motion prevailed.

The President appointed as a Conference Committee on Senate Bill No. 2178:

Senator Sands  
Senator Christensen  
Senator Schirado

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee:

Senate Bill No. 2027:  
Senator Smykowski  
Senator Hanson  
Senator Maher

Senate Bill No. 2178:  
Senator Sands  
Senator Christensen  
Senator Schirado

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

House Bill No. 1344. A Bill for an Act to provide a state matching program for county and city senior citizen programs and activities; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, (SJ Page 1574) the roll was called and there were ayes, 22; nays, 26; absent and not voting, 2.



| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |     |               |   |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|-----|---------------|---|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |     |               |   |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V | NAYS          |   |
|                     |             | •    |           | JACOBSON   | •    |      | NAADEN   |      |                  |     | SMYKOWSKI     | • |
| •                   | BARTH       |      | •         | JONES      |      |      | NELSON   | •    |                  |     | SOLBERG       | • |
| •                   | BERUBE      |      | •         | KRAUTER    |      |      | NETHING  | •    |                  |     | STRAND        | • |
|                     | CHRISTENSEN | •    | •         | LARSON     |      | •    | ORANGE   |      |                  |     | STRINDEN      | • |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      |      | PETERSON | •    |                  | •   | TALLACKSON    |   |
|                     | FARRINGTON  | •    |           | LEE        | •    | •    | PIETRON  |      |                  | •   | TENNEFOS      |   |
|                     | FREED       | •    |           | LIPS       |      | •    | RAIT     |      |                  |     | THANE         | • |
|                     | FRITZLL     | •    |           | LODDEN     | •    | •    | REDLIN   |      |                  |     | VOSPER        | • |
|                     | GOODMAN     |      | •         | MAHER      |      |      | REITEN   | •    |                  | •   | WALSH         |   |
|                     | HANSON      | •    | •         | MAJ        |      |      | SANDNESS |      |                  |     | WENSTROM      | • |
| •                   | HOFFNER     |      |           | MELLAND    | •    |      | SANDS    | •    |                  |     | WRIGHT        | • |
| •                   | HOLMBERG    |      | •         | MILLER     |      |      | SCHIRADO |      |                  |     | MR. PRESIDENT |   |
|                     | ISZLER      | •    |           | MORGAN     | •    | •    | SHABLOW  |      |                  |     |               |   |

House Bill 1344 was declared lost.

Senator Nething moved that the Senate recess until 4:30, which motion prevailed.

The Senate reconvened, President Pro tem Freed presiding.

Senator Nething requested a call of the Senate, which request was granted.

Senator Nething moved that the call of the Senate be dispensed with, which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1008

House Bill No. 1011

House Bill No. 1045

House Bill No. 1096

House Bill No. 1175

House Bill No. 1181

House Bill No. 1223

House Bill No. 1259

House Bill No. 1291

House Bill No. 1299

House Bill No. 1310

House Bill No. 1346

House Bill No. 1372

House Bill No. 1393

House Bill No. 1420

House Bill No. 1468

House Bill No. 1484

House Bill No. 1503

House Bill No. 1520

House Bill No. 1523

House Bill No. 1536

House Bill No. 1542

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 1008

House Bill No. 1011

House Bill No. 1045

House Bill No. 1096

House Bill No. 1175

House Bill No. 1181

House Bill No. 1223  
 House Bill No. 1259  
 House Bill No. 1291  
 House Bill No. 1299  
 House Bill No. 1310  
 House Bill No. 1346  
 House Bill No. 1372  
 House Bill No. 1393  
 House Bill No. 1420  
 House Bill No. 1468  
 House Bill No. 1484  
 House Bill No. 1503  
 House Bill No. 1520  
 House Bill No. 1523  
 House Bill No. 1536  
 House Bill No. 1542

Which the President has signed.

LEO LEIDHOLM, Secretary

REPORTS OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Resolution No. 15

Was delivered to the Secretary of State on April 4, 1977.

SENATOR STRAND, Chairman

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2551

And find the same correctly Engrossed.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 2033  
 Senate Bill No. 2034  
 Senate Bill No. 2106  
 Senate Bill No. 2107  
 Senate Bill No. 2163  
 Senate Bill No. 2203  
 Senate Bill No. 2205  
 Senate Bill No. 2209  
 Senate Bill No. 2217  
 Senate Bill No. 2226  
 Senate Bill No. 2267  
 Senate Bill No. 2342  
 Senate Bill No. 2343  
 Senate Bill No. 2359  
 Senate Bill No. 2367  
 Senate Bill No. 2382  
 Senate Bill No. 2391  
 Senate Bill No. 2392  
 Senate Bill No. 2401

Senate Bill No. 2456  
 Senate Bill No. 2514  
 Senate Bill No. 2515  
 Senate Bill No. 2516  
 Senate Bill No. 2527  
 Senate Bill No. 2540  
 Senate Bill No. 2541  
 Senate Bill No. 2543  
 Senate Bill No. 2544

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk  
 House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1002

And the committees having been unable agree, the Speaker appointed as a new conference committee:

Rep. Marsden  
 Rep. Unhjem  
 Rep. Lardy

ROY GILBREATH, Chief Clerk  
 House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1262

And the Speaker appointed as a new conference committee:

Rep. Gackle  
 Rep. A. Hausauer  
 Rep. Backes

ROY GILBREATH, Chief Clerk

#### MOTIONS

Senator Lips moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1002, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1002:

Senator Melland  
 Senator Strinden  
 Senator Maher

Senator Goodman moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman  
 Senator Jacobson  
 Senator Barth

#### MOTION

Senator Nothing moved that the Senate reconsider its action by which it adopted the conference committee report on House Bill No. 1280.

Senator Orange requested a roll call vote, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby the



On page 2 of the engrossed bill, line 2, underscore the numerals "1,405,481"

On page 2 of the engrossed bill, delete line 3

On page 2 of the engrossed bill, line 4, delete the numerals "42,852,054" and insert in lieu thereof the numerals "42,672,054"

On page 2 of the engrossed bill, line 5, delete the numerals "10,416,893" and insert in lieu thereof the numerals "10,326,893"

On page 2 of the engrossed bill, line 6, delete the numerals "32,435,161" and insert in lieu thereof the numerals "32,345,161"

On page 2 of the engrossed bill, line 8, delete the numerals "34,648,161" and insert in lieu thereof the numerals "34,558,161"

On page 2 of the engrossed bill, line 21, delete the numerals "3,497,114" and insert in lieu thereof the numerals "3,497,144"

On page 2 of the engrossed bill, line 24, underscore the numerals "1,207,856"

On page 2 of the engrossed bill, delete line 25

On page 2 of the engrossed bill, line 26, delete the numerals "36,308,669" and insert in lieu thereof the numerals "36,128,669"

On page 2 of the engrossed bill, line 27, delete the numerals "8,053,849" and insert in lieu thereof the numerals "7,963,849"

On page 2 of the engrossed bill, line 28, delete the numerals "28,254,820" and insert in lieu thereof the numerals "28,164,820"

On page 2 of the engrossed bill, line 30, delete the numerals "29,926,720" and insert in lieu thereof the numerals "29,836,720"

On page 2 of the engrossed bill, line 33, delete the numerals "1,359,767" and insert in lieu thereof the numerals "1,436,951"

On page 2 of the engrossed bill, line 34, delete the numerals "81,817" and insert in lieu thereof the numerals "101,522"

On page 2 of the engrossed bill, line 35, delete the numerals "269,379" and insert in lieu thereof the numerals "270,379"

On page 3 of the engrossed bill, line 2, delete the numerals "94,765" and insert in lieu thereof the underscored numerals "96,765"

On page 3 of the engrossed bill, delete line 3

On page 3 of the engrossed bill, line 4, delete the numerals "1,862,093" and insert in lieu thereof the numerals "1,911,047"

On page 3 of the engrossed bill, line 6, delete the numerals "1,346,003" and insert in lieu thereof the numerals "1,394,957"

On page 3 of the engrossed bill, line 9, delete the numerals "1,416,045" and insert in lieu thereof the numerals "1,464,999"

On page 3 of the engrossed bill, line 11, delete the numerals "606,118" and insert in lieu thereof the numerals "620,249"

On page 3 of the engrossed bill, line 15, delete the numerals "924,879" and insert in lieu thereof the numerals "939,010"

On page 3 of the engrossed bill, line 17, delete the numerals "563,003" and insert in lieu thereof the numerals "577,134"

On page 3 of the engrossed bill, line 20, delete the numerals "612,103" and insert in lieu thereof the numerals "626,234"

On page 3 of the engrossed bill, line 22, delete the numerals "2,028,148" and insert in lieu thereof the numerals "2,091,233"

On page 3 of the engrossed bill, line 26, delete the numerals "10,470,739" and insert in lieu thereof the numerals "10,649,013"

On page 3 of the engrossed bill, line 28, delete the numerals "1,817,953" and insert in lieu thereof the numerals "1,821,439"

On page 3 of the engrossed bill, line 29, delete the numerals "569,558" and insert in lieu thereof the underscored numerals "581,798"

On page 3 of the engrossed bill, delete line 30

On page 3 of the engrossed bill, line 31, delete the numerals "14,099,458" and insert in lieu thereof the numerals "14,213,458"

On page 3 of the engrossed bill, line 32, delete the numerals "2,664,420" and insert in lieu thereof the numerals "2,778,420"

On page 4 of the engrossed bill, line 2, delete the numerals "4,100,967" and insert in lieu thereof the numerals "4,144,627"

On page 4 of the engrossed bill, line 3, delete the numerals "823,878" and insert in lieu thereof the numerals "844,878"

On page 4 of the engrossed bill, line 4, delete the numerals "324,542" and insert in lieu thereof the numerals "329,882"

On page 4 of the engrossed bill, line 5, delete the numerals "190,246" and insert in lieu thereof the numerals "200,246"

On page 4 of the engrossed bill, line 6, underscore the numerals "108,248"

On page 4 of the engrossed bill, delete line 7

On page 4 of the engrossed bill, line 14, delete the numerals "8,158,888" and insert in lieu thereof the numerals "8,218,888"

On page 4 of the engrossed bill, line 15, delete the numerals "1,024,018" and insert in lieu thereof the numerals "1,031,518"

On page 4 of the engrossed bill, line 16, delete the numerals "443,488" and insert in lieu thereof the numerals "450,988"

On page 4 of the engrossed bill, line 18, delete the numerals "282,845" and insert in lieu thereof the underscored numerals "247,845"

On page 4 of the engrossed bill, delete line 19

On page 4 of the engrossed bill, line 23, delete the numerals "581,000" and insert in lieu thereof the numerals "681,000"

On page 4 of the engrossed bill, line 24, delete the numerals "8,720,216" and insert in lieu thereof the numerals "8,820,216"

On page 4 of the engrossed bill, line 26, delete the numerals "2,940,335" and insert in lieu thereof the numerals "3,003,000"

On page 4 of the engrossed bill, line 27, delete the numerals "385,340" and insert in lieu thereof the numerals "440,491"

On page 4 of the engrossed bill, line 28, delete the numerals "518,361" and insert in lieu thereof the numerals "550,687"

On page 4 of the engrossed bill, line 29, delete the numerals "89,924" and insert in lieu thereof the numerals "115,892"

On page 4 of the engrossed bill, line 30, underscore the numerals "108,248"

On page 4 of the engrossed bill, delete line 31

On page 4 of the engrossed bill, line 32, delete the numerals "4,122,208" and insert in lieu thereof the numerals "4,218,318"

On page 4 of the engrossed bill, line 34, delete the numerals "3,414,106" and insert in lieu thereof the numerals "3,510,216"

On page 5 of the engrossed bill, line 1, delete the numerals "3,602,977" and insert in lieu thereof the numerals "3,699,087"

On page 5 of the engrossed bill, line 3, delete the numerals "4,033,899" and insert in lieu thereof the numerals "4,089,966"

On page 5 of the engrossed bill, line 4, delete the numerals "610,924" and insert in lieu thereof the numerals "628,773"

On page 5 of the engrossed bill, line 5, delete the numerals "317,779" and insert in lieu thereof the numerals "319,879"

On page 5 of the engrossed bill, line 6, delete the numerals "158,599" and insert in lieu thereof the numerals "162,583"

On page 5 of the engrossed bill, line 7, underscore the numerals "108,248"

On page 5 of the engrossed bill, delete line 8

On page 5 of the engrossed bill, line 25, delete the numerals "68,308" and insert in lieu thereof the numerals "102,325"

On page 5 of the engrossed bill, line 26, delete the numerals "9,828,751" and insert in lieu thereof the numerals "9,862,768"

On page 5 of the engrossed bill, line 28, delete the numerals "239,814" and insert in lieu thereof the numerals "241,000"

On page 5 of the engrossed bill, line 29, delete the numerals "26,400" and insert in lieu thereof the numerals "28,900"

On page 5 of the engrossed bill, line 30, delete the numerals "26,000" and insert in lieu thereof the numerals "31,000"

On page 5 of the engrossed bill, line 32, delete the numerals "303,214" and insert in lieu thereof the numerals "311,900"

On page 5 of the engrossed bill, line 33, delete the numerals "169,483" and insert in lieu thereof the numerals "163,000"

On page 5 of the engrossed bill, line 34, delete the numerals "133,731" and insert in lieu thereof the numerals "148,900"

On page 5 of the engrossed bill, line 35, delete the numerals "116,091,836" and insert in lieu thereof the numerals "116,186,200"

On page 6 of the engrossed bill, line 1, delete the numerals "38,995,085" and insert in lieu thereof the numerals "39,506,619"

On page 6 of the engrossed bill, line 2, delete the numerals "155,086,921" and insert in lieu thereof the numerals "155,692,819"

On page 7 of the engrossed bill, after line 9, insert the following new sections:

**SECTION 6. LEGISLATIVE INTENT.)** The legislative assembly recognizes the need for flexibility in coordination of the use of appropriated funds and nonappropriated funds for the development of the medical school; however, it is the intent of the legislative assembly that any proposed departure from the priorities established for development of the medical school residency program be approved by the budget section of the legislative council prior to implementation.

**SECTION 7. APPROPRIATION.)** Any federal funds which can be used for the purpose of providing equal opportunities in programs as mandated by Title IX that may become available to the institutions of higher education under the control of the board of higher education during the biennium beginning July 1, 1977, and ending June 30, 1979, are hereby appropriated.

**SECTION 8. BOARD OF HIGHER EDUCATION — BOND ISSUANCE — PURPOSES.)** The state board of higher education is hereby authorized to issue and sell in accordance with chapter 15-55, self-liquidating, tax-exempt bonds in an amount not to exceed five hundred fifty thousand dollars for the purpose of renovating and remodeling pioneer hall at Minot state college, Minot, North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

**SECTION 9. APPROPRIATION — USE OF PROCEEDS.)** The proceeds resulting from the sale of bonds authorized in section 8, or so much thereof as may be necessary, are hereby appropriated for

renovating and remodeling pioneer hall at Minot state college as authorized in section 8. Any unexpended balances from the sale of bonds shall be placed in a sinking fund for the retirement of the bonds authorized in section 8.

SECTION 10. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that if the department of vocational education has funds available to fund the admission counselor II position at the state school of forestry on a fifty percent ratio basis with the state, upon receiving such funds from the department of vocational education, the state school of forestry shall return to the general fund fifty percent of the general fund appropriation included in its budget to fund the admission counselor's position."

SECTION 11. LEGISLATIVE INTENT.) The forty-fifth legislative assembly hereby expresses its intent that the board of higher education take such actions and direct expenditures to coordinate and correlate the work in the different institutions under its control and direction to prevent wasteful duplication and to develop cooperation among the institutions in the exchange of instructors and students as required by subsection 9 of section 15-10-17 of the North Dakota Century Code. The board of higher education shall prepare a report which sets forth the method and procedure by which unnecessary duplication within the colleges and universities under the board's control will be eliminated. This report shall be submitted to the forty-sixth legislative assembly.

SECTION 12. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the board of higher education study and determine whether the number of educational institutions under its control and direction exceed the needs of higher education in this state. It is the intent of the legislative assembly that the board of higher education prepare a report which sets forth their findings and submit the report to the forty-sixth legislative assembly."

On page 7 of the engrossed bill, delete lines 19 through 35

On page 8 of the engrossed bill, delete lines 1 through 13

And renumber the lines, sections, and pages accordingly.

And when so amended recommends the same do pass

Statement of Purpose of Amendment:

Title IX

This amendment deletes the \$180,000 "Title IX" line item from the University of North Dakota and North Dakota State University appropriations. The estimated income and the general fund appropriations were reduced each by \$90,000. It is the intent that although the Title IX line items were deleted these institutions are to comply with Title IX directives to provide equal opportunities to both women and men in programs coming under the provisions of Title IX at the universities. Funds to comply with such directive shall be derived from the other line item appropriations in the budgets.

For all other institutions of higher education, Title IX funds were allocated to the line items in each college's budget for equal opportunities for women as follows:



|                            | Salaries<br>and<br>wages | Fees<br>and<br>services | Supplies<br>and<br>materials | Equip-<br>ment | Total    |
|----------------------------|--------------------------|-------------------------|------------------------------|----------------|----------|
| Minot State College        | \$60,000                 | \$ 7,500                | \$7,500                      | \$ 5,000       | \$80,000 |
| Dickinson State College    | 43,660                   | 21,000                  | 5,340                        | 10,000         | 80,000   |
| Valley City State College  | 56,067                   | 17,849                  | 2,100                        | 3,984          | 80,000   |
| Mayville State College     | 23,700                   | 24,352                  | 5,980                        | 25,968         | 80,000   |
| ND State School of Science | 64,274                   | —                       | 3,486                        | 12,240         | 80,000   |
| NDSU-Bottineau             | 47,230                   | 705                     | 1,000                        | 2,000          | 50,935   |

#### State School of Forestry—Bottineau

In addition to allocating the Title IX funds among the appropriate line items this amendment adds \$29,954 to the salaries and wages line item for an admissions counselor II position and adds \$19,000 to the fees and services line item to allow for the continuation of the present level of services.

#### North Dakota Forest Service

This amendment adds \$14,131 to the salaries and wages line item for a clerk-typist position.

#### State School of Science—Wahpeton

In addition to allocating Title IX funds among the appropriate line items this amendment adds \$114,000 to the salaries and wages line item of the State School of Science's appropriation for three new positions needed as a result of 150 additional students not anticipated when the budget for the 1977-79 biennium was prepared. The additional \$114,000 is funded from institutional collections.

#### Dickinson State College

The amendment to Dickinson State College's appropriation is allocating Title IX funds among the appropriate line items.

#### Minot State College

In addition to allocating Title IX funds among the appropriate line items of the Minot State College appropriation this amendment adds \$100,000 to land, structures and major improvements for Minot State College to adapt facilities for improved access to such buildings by handicapped persons. This amendment also authorizes the Board of Higher Education to sell revenue bonds (\$550,000 worth) for renovating and remodeling Pioneer Hall at Minot State College.

#### Mayville State College

In addition to allocating Title IX funds among the appropriate line items this amendment increases salaries and wages by \$38,965 for two new instructor positions for the second year of the biennium, one of which is added for the court reporting program and the other in the English Department. This amendment increases fees and services by \$30,799 and supplies and materials by \$26,346 to provide instructional support funds for four new positions added in the Governor's budget.

#### Valley City State College

The amendment to the Valley City State College appropriation is allocating Title IX funds among the appropriate line items.

#### Medical Center Rehabilitation Hospital

This amendment adds \$34,017 to the equipment line item of the Medical Center Rehabilitation Hospital's appropriation for the replacement of as well as for additional equipment needed for the physical and occupational therapy programs.

## NDSU—Toxicology Laboratory

This amendment increases the salaries and wages line item for the NDSU-Toxicology Laboratory by \$1,186 for adequate fringe benefits. Also, fees and services are increased by \$2,500 and supplies and materials by \$5,000 to provide adequate funds for present levels of operations and increased workload. Estimated income is reduced by \$6,483 to reflect revised estimates.

For the Senate  
 Senator Lips  
 Senator Melland  
 Senator Walsh

For the House  
 Rep. Wagner  
 Rep. Unhjem  
 Rdp. G. Martin

Senate Bill No. 2001 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2027 has had the same under consideration and recommends:

That the House recede from its amendments.

For the Senate  
 Senator Smykowski  
 Senator Hanson  
 Senator Maher

For the House  
 Rep. Murphy  
 Rep. Thorsgard  
 Rep. Mertens

Senate Bill No. 2027 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2003 has had the same under consideration and recommends:

That the House recede from its amendments, and that engrossed Senate Bill No. 2003 be amended as follows:

On page 2 of the engrossed bill, line 18, delete the numerals "611,950" and insert in lieu thereof the numerals "637,094"

On page 2 of the engrossed bill, line 24, delete the numerals "951,174" and insert in lieu thereof the numerals "976,318"

On page 2 of the engrossed bill, line 26, delete the numerals "395,599" and insert in lieu thereof the numerals "420,743"

On page 2 of the engrossed bill, line 33, delete the numerals "2,634,880" and insert in lieu thereof the numerals "2,672,880"

On page 2 of the engrossed bill, line 34, delete the numerals "3,072,520" and insert in lieu thereof the numerals "3,110,520"

On page 3 of the engrossed bill, line 1, delete the numerals "96,000" and insert in lieu thereof the numerals "134,000"

On page 3 of the engrossed bill, line 2, delete the numerals "1,076,104" and insert in lieu thereof the numerals "1,139,248"

On page 3 of the engrossed bill, line 4, delete the numerals "4,608,199" and insert in lieu thereof the numerals "4,671,343"

Statement of Purpose of Amendment:

The purpose of this amendment is to add \$25,144 to the Soldiers' Home salary and wage appropriation for the employment of a nurse. The grants, benefits, and claims line item for the Office of Economic Opportunity is increased by \$38,000 from the general fund for matching funds for the low income weatherization program.

For the Senate

Senator Strinden

Senator Thane

Senator Maher

For the House

Rep. Kuchera

Rep. Unhjem

Rep. G. Martin

Senate Bill No. 2003 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Senator Nething moved that the Senate recess until Tuesday, April 5, 1977 at 8:30 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary

SIXTY-FOURTH DAY AFTER RECESS

Bismarck, April 5, 1977

The Senate convened at 8:30 A.M., pursuant to recess taken, President Sanstead presiding.

MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee:

House Bill No. 1002:

Senator Melland  
Senator Strinden  
Senator Maher

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee:

House Bill No. 1049:

Senator Freed  
Senator Sands  
Senator Lashkowitz

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee:

House Bill No. 1262:

Senator Goodman  
Senator Jacobson  
Senator Barth

LEO LEIDHOLM, Secretary

Senator Thane moved that the absent Senator be excused, which motion prevailed.

Senator Nething moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary

SIXTY-FIFTH DAY

Bismarck, April 5, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding. The prayer was offered by Rev. Lea E. Johnson, House of Prayer Lutheran Church, Bismarck.

"Let us Pray.

Almighty, everlasting God, Creator of the Universe, please listen to our prayer:

Today we raise our voices and say "thank you" for the ground, the water, and the air we call North Dakota. Thank you for the majestic buffalo, thank you for the graceful meadowlark, thank you for the golden wheat, thank you for the busy little prairie dog. And, today, we give special thanks for the most important resource we have, our people!

Lord, give to our citizens, and especially our legislators who work on our behalf, give all of us a truckload of your wisdom and love so we might take care of your creation as we ought; and so we will see each other as fellow human beings and not as pawns in a game or numbers on a chart.

Thank you, Lord, for our state... Now, help us say that with our hands and feet. In Jesus' Name, Amen."

The roll was called and all members were present except Senators Larson and Sandness.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-fourth day and recommends that the same be corrected as follows:

On page 1600, line 26, delete the numbers 61 and insert in lieu thereof the numbers 36

On page 1608, delete line 18 and insert in lieu thereof "House Bill 1344 was declared lost".

And when so corrected recommends that the same be approved.

SENATOR VOSPER, Chairman

Senator Shablow moved that the report be adopted, which motion prevailed.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

Senator Lips moved that the Conference Committee Report on Senate Bill No. 2001 as printed on pages 1611-1617 of the Senate Journal be adopted, which motion prevailed.

Senator Lips moved that the rules be suspended, that Senate Bill No. 2001 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion lost for lack of a two thirds majority to suspend the rules.

Senate Bill No. 2001 was placed on the calendar for the succeeding legislative day.

Senator Strinden moved that the Conference Committee Report on Senate Bill No. 2003 as printed on pages 1617-1618 of the Senate Journal be adopted, which motion prevailed.

Senator Strinden moved that the rules be suspended, that Senate Bill No. 2003 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILLS

Senate Bill No. 2003. Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, (SJ pages 1617-1618) the roll was called and there were ayes, 46; nays, 1; absent and not voting, 3.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |     |      |            |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|---------------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON          |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH         |     |      | • JONES             |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE        |     |      | • KRAUTER           |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN   |     |      | • LARSON            |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ        |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON    |     |      | • LIFE              |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRED          |     |      | • LIPS              |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL      |     |      | • LODDEN            |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN       |     |      | • MAHER             |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON        |     |      | • MAU               |     |      | • SANDONIS |     |      | • WENSTROM       |     |      |
| • HOFFNER       |     |      | • MELLAND           |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG      |     |      | • MILLER            |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER        |     |      | • MORGAN            |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

Senator Smykowski moved that the Conference Committee Report on Senate Bill No. 2027 as printed on page 1617 of the Senate Journal be adopted, which motion prevailed.

**MESSAGE FROM THE HOUSE**

House Chamber

Mr. President: I have the honor to inform you that the House has refused to concur in the Senate amendment to House Bill No. 1587.

And the Speaker has appointed as a conference committee to act with a like committee from the Senate:

- Rep. Timm
- Rep. Nicholas
- Rep. Nordby

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to transmit House Bill No. 1350, which the Speaker has signed the certification over the Governor's veto and your signature is respectfully requested.

ROY GILBREATH, Chief Clerk

**MOTION**

Senator Goodman moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1587, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1587:

- Senator Farrington
- Senator Lee
- Senator Shablow

**SIGNING OF BILLS AND RESOLUTIONS**

The Secretary announced that the President was about to sign the certification by which House Bill No. 1350 was passed over the Governor's veto.

And the President signed the same in the presence of the Senate.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to return House Bill No. 1350. The President has signed the certification over the Governor's veto.

LEO LEIDHOLM, Secretary

**REPORT OF PROCEDURAL COMMITTEE**

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2033  
 Senate Bill No. 2034  
 Senate Bill No. 2106  
 Senate Bill No. 2107  
 Senate Bill No. 2163  
 Senate Bill No. 2203  
 Senate Bill No. 2205  
 Senate Bill No. 2209  
 Senate Bill No. 2217  
 Senate Bill No. 2226  
 Senate Bill No. 2267  
 Senate Bill No. 2342  
 Senate Bill No. 2343  
 Senate Bill No. 2359  
 Senate Bill No. 2367  
 Senate Bill No. 2382  
 Senate Bill No. 2391  
 Senate Bill No. 2392  
 Senate Bill No. 2401  
 Senate Bill No. 2456  
 Senate Bill No. 2514  
 Senate Bill No. 2515  
 Senate Bill No. 2516  
 Senate Bill No. 2527  
 Senate Bill No. 2540  
 Senate Bill No. 2541  
 Senate Bill No. 2543  
 Senate Bill No. 2544

Were delivered to the Governor for his approval on April 5, 1977.

SENATOR STRAND, Chairman

#### MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2003

Senate Bill No. 2027

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House, on House Bill No. 1587:

Senator Farrington

Senator Lee

Senator Shablow

LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 2027, and subsequently failed to pass Senate Bill No. 2027.

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1262

And the Speaker appointed as a new conference committee:

Rep. Gacklè

Rep. A. Hausauer

Rep. Backes

ROY GILBREATH, Chief Clerk

## House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1587

Senate Bill No. 2003

ROY GILBREATH, Chief Clerk

## MOTION

Senator Goodman moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman

Senator Jacobson

Senator Barth

## 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. 1262:

Senator Goodman

Senator Jacobson

Senator Barth

LEO LEIDHOLM, Secretary

## SECOND READING OF SENATE BILLS

Senate Bill No. 2005. Board of Public School Education — A Bill for an Act making an appropriation to the board of public school education for defraying expenses of various departments, and various divisions thereof, of the state of North Dakota.

Which has been read.

Senator Orange offered the following proposed amendments to Senate Bill No. 2005:

In addition to the amendments to engrossed Senate Bill No. 2005 as adopted by the Senate on April 4, 1977, engrossed Senate Bill No. 2005 is hereby amended as follows:

On page 1 of the engrossed bill, line 20, as amended by the Senate on April 4, 1977, after the words "Foundation payments" delete the numerals "186,752,000" and insert in lieu thereof the numerals "188,792,625"

On page 2 of the engrossed bill, line 1, as amended by the Senate on April 4, 1977, after the words "Total all funds" delete the numerals "222,462,111" and insert in lieu thereof the numerals "224,502,736"

On page 2 of the engrossed bill, line 3, as amended by the Senate on





The proposed amendments lost.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1348-1349, 1594-1595) the roll was called and there were ayes, 48; nays, 0; absent and not voting, 2.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | • SOLBERG        |     |      |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • STRAND            |     |      | • STRAND         |     |      |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRINDEN          |     |      | • TALLACKSON     |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • TENNEFOS          |     |      | • THANE          |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • VOSPER            |     |      | • WALSH          |     |      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • WENSTROM          |     |      | • WRIGHT         |     |      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • MR. PRESIDENT     |     |      |                  |     |      |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      |                     |     |      |                  |     |      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      |                     |     |      |                  |     |      |
| • HANSON        |     |      | • MAU        |     |      | • SANDNES  |     |      |                     |     |      |                  |     |      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      |                     |     |      |                  |     |      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      |                     |     |      |                  |     |      |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Melland moved that the rules be suspended, that Senate Bill No. 2001 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2001. State Institutions of Higher Learning — A Bill for an Act making an appropriation for defraying expenses of the state institutions of higher learning of the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1611-1617) the roll was called and there were ayes, 38; nays, 10; absent and not voting, 2.

| REGULAR SESSION |     |      |              |     |      |            |     |      | NORTH DAKOTA SENATE |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|--------------|-----|------|------------|-----|------|---------------------|-----|------|------------------|-----|------|
| ROLL-CALL       |     |      |              |     |      |            |     |      |                     |     |      |                  |     |      |
| YEAS            | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS                | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS        |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI         |     |      | • SOLBERG        |     |      |
| • BARTH         |     |      | • JONES      |     |      | • NELSON   |     |      | • STRAND            |     |      | • STRAND         |     |      |
| • BERUBE        |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRINDEN          |     |      | • TALLACKSON     |     |      |
| • CHRISTENSEN   |     |      | • LARSON     |     |      | • ORANGE   |     |      | • TENNEFOS          |     |      | • THANE          |     |      |
| • ERDMAN        |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • VOSPER            |     |      | • WALSH          |     |      |
| • FARRINGTON    |     |      | • LEE        |     |      | • PIETRON  |     |      | • WENSTROM          |     |      | • WRIGHT         |     |      |
| • FREED         |     |      | • LIPS       |     |      | • RAIT     |     |      | • MR. PRESIDENT     |     |      |                  |     |      |
| • FRITZELL      |     |      | • LODOEN     |     |      | • REDLIN   |     |      |                     |     |      |                  |     |      |
| • GOODMAN       |     |      | • MAHER      |     |      | • REITEN   |     |      |                     |     |      |                  |     |      |
| • HANSON        |     |      | • MAU        |     |      | • SANDNES  |     |      |                     |     |      |                  |     |      |
| • HOFFNER       |     |      | • MELLAND    |     |      | • SANDS    |     |      |                     |     |      |                  |     |      |
| • HOLMBERG      |     |      | • MILLER     |     |      | • SCHIRADO |     |      |                     |     |      |                  |     |      |
| • ISZLER        |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                     |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2551. A Bill for an Act to provide for the sharing of the state's general fund with counties, cities, city park districts, and townships; to provide an appropriation; and to provide an expiration date.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ page 1601) the roll was called and there were ayes, 36; nays, 12; absent and not voting, 2.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      |              |     |      | ROLL-CALL  |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDOEN    |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHRADO  |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

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. 1587 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1587 be further amended as follows:

In the Senate amendment in Section 2, subsection 1 preceding the words "percent of all revenues" delete "-five"

In the Senate amendment in Section 2, subsection 2 preceding the words "percent of the revenues" delete the triple parentheses around the word "Forty" and also delete "Thirty-five"

For the Senate,

Senator Farrington

Senator Lee

Senator Shablow

For the House

Rep. Timm

Rep. Nicholas

Rep. Nordby

House Bill No. 1587 was placed on the 7th order of business on the calendar for the succeeding legislative day.

Senator Nething moved that the Senate recess until Wednesday, April 6, 1977 at 8:30 A.M., which motion prevailed.

LEO LEIDHÖLM, Secretary

SIXTY-FIFTH DAY AFTER RECESS

Bismarck, April 6, 1977

The Senate convened at 8:30 A.M., pursuant to recess taken, President Sanstead presiding.

Senator Nething requested a call of the Senate, which request was granted.

Senator Nething moved that the Senate recede from the Call of the Senate, which motion prevailed.

MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

House Bill No. 1344. A Bill for an Act to provide a state matching program for county and city senior citizen programs and activities; and to provide an appropriation.

House Bill No. 1344, and subsequently failed to pass.

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2001

Senate Bill No. 2005

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Bill No. 2551

LEO LEIDHOLM, Secretary

MOTIONS

Senator Nething moved that the Senate reconsider its action by which it adopted the conference committee on House Bill No. 1280.

Senator Mau requested a roll call vote on the motion to reconsider the conference committee report on House Bill No. 1280, which request was granted.

ROLL CALL

The question being on the motion to reconsider the conference committee report on House Bill No. 1280, the roll was called and there were ayes, 31; nays, 16; absent and not voting, 3.

| REGULAR SESSION |      |      |            |      |      | NORTH DAKOTA SENATE |      |      |            |      |      | 1977 LEGISLATURE |      |      |
|-----------------|------|------|------------|------|------|---------------------|------|------|------------|------|------|------------------|------|------|
| ROLL CALL       |      |      |            |      |      |                     |      |      |            |      |      |                  |      |      |
| YEAS            | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS                | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS |
| •               |      |      | •          |      |      | •                   |      |      | •          |      |      | •                |      |      |
| ALBERS          |      |      | JACOBSON   |      |      | NAADEN              |      |      | SMYKOWSKI  |      |      |                  |      | •    |
| BARTH           |      | •    | JONES      |      |      | NELSON              |      |      | SOLBERG    |      |      |                  |      |      |
| BERUBE          |      | •    | KRAUTER    |      | •    | NETHING             |      |      | STRAND     |      |      |                  |      |      |
| CHRISTENSEN     |      | •    | LARSON     |      | •    | ORANGE              |      | •    | STRINDEN   |      |      |                  |      |      |
| ERDMAN          |      | •    | LASHKOWITZ |      | •    | PETERSON            |      |      | TALLACKSON |      |      |                  |      | •    |

|              |           |            |               |
|--------------|-----------|------------|---------------|
| ● FARRINGTON | ● LEE     | PIETRON    | ● TENNEFOS    |
| ● FREED      | ● LIPS    | RAIT       | ● THANE       |
| ● FRITZELL   | ● LODGFEN | ● REDLIN   | ● VOSPER      |
| ● GOODMAN    | ● MAHER   | ● REITEN   | ● WALSH       |
| ● HANSON     | ● MAU     | ● SANDNES  | ● WENSTROM    |
| ● HOFFNER    | ● MELLAND | ● SANDS    | ● WRIGHT      |
| ● HOLMBERG   | ● MILLER  | ● SCHIRADO | MR. PRESIDENT |
| ● ISZLER     | ● MORGAN  | ● SHABLOW  |               |

The motion to reconsider the conference committee report on House Bill No. 1280 prevailed.

Senator Thane moved that the absent Senators be excused, which motion prevailed.

Senator Nothing moved that the Senate adjourn, which motion prevailed.

LEO LEIDHOLM, Secretary  
SIXTY-SIXTH DAY

Bismarck, April 6, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Fr. Gerald Ruelle, Chaplain, St. Alexius Hospital.

"I lift up my eyes to the hills. From whence does my help come?

My help comes from the Lord, who made heaven and earth.

He will not let your foot be moved, he who keeps you will not slumber.

Behold, he who keeps Israel will neither slumber nor sleep.

The Lord is your keeper; the Lord is your shade on your right hand.

The sun shall not smite you by day, nor the moon by night.

The Lord will keep you from all evil; he will keep your life.

The Lord will keep your going out and your coming in from this time forth and for evermore."

Psalm 121

The roll was called and all members were present except Senators Larson, Peterson and Sandness.

A quorum was declared by the President.

#### CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-fourth day after recess and Sixty-fifth day and finds the same to be correct.

SENATOR VOSPER, Chairman

Senator Farrington moved that the report be adopted, which motion prevailed.

#### 1977-1979 INTERIM COMMITTEE APPOINTMENTS

President Sanstead announced the following 1977-1979 Interim Committee Appointments:

##### CAPITOL GROUNDS PLANNING COMMISSION

Senator Tennesfos

Senator Hanson

Senator Berube

##### COMBINED LAW ENFORCEMENT COUNCIL

Senator Morgan

##### MULTISTATE TAX COMPACT ADVISORY COMMITTEE

Senator Lee

Senator Redlin

##### LEGISLATIVE COUNCIL

Senator Goodman

Senator Melland

Senator Smykowski

Senator Barth  
 Senator Miller

APPOINTMENTS OF THE SENATE  
 NORTH DAKOTA HERITAGE COMMISSION

Senator Nething moved that the name of Senator H. Kent Jones be placed in nomination as a member of the North Dakota Heritage Commission.

Senator Nething moved that since there were no further nominations, that the nominations cease and that the Senate cast a unanimous ballot for Senator Jones, which motion prevailed on a voice vote.

Senator Jones: Thank you Mr. President. It has been a privilege and an honor to represent this body. It started from behind, and now at least we have started, it looks like we are going to finish it up and it is really an honor to be there when we are going to finish it up and see it actually exist.

Senator Jones was elected as a member of the North Dakota Heritage Commission.

EDUCATION COMMISSION OF THE STATES

Senator Nething moved that the name of Senator Thane be placed in nomination as a delegate of the Education Commission of the States.

Senator Nething moved that since there were no further nominations, that the nominations cease and that the Senate cast a unanimous ballot for Senator Thane, which motion prevailed on a voice vote.

Senator Thane: Mr. President, ladies and gentlemen of the Senate, I appreciate your response to this. I assure you that the Education Commission of the States has now become, since last session and this session, of extreme value to the State of North Dakota because we are now funding our share of the Commission. In the past we did not, so at the present time, we can participate, we can get the information from the Commission, which proves to be a great value to not only individual Senators but also to the Education Committee and Appropriations committee. Thank you.

Senator Thane was elected as a member of the Education Commission of the States.

PRESIDENT PRO-TEM

Senator Freed moved that the name of Senator Theron Strinden be placed in nomination for President Pro Tem for the Interim.

Senator Erdman moved that the name of Senator George Rait be placed in nomination for President Pro Tem for the Interim.

Senator Nething moved that 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 31 votes for Strinden, 17 votes for Erdman, absent and not voting, 2.

Those voting for Strinden were:

|             |          |           |          |
|-------------|----------|-----------|----------|
| Albers      | Iszler   | Naaden    | Solberg  |
| Christensen | Jacobson | Nelson    | Strand   |
| Farrington  | Jones    | Nething   | Tennefos |
| Freed       | Lee      | Peterson  | Thane    |
| Fritzell    | Lips     | Rait      | Vosper   |
| Goodman     | Lodoen   | Reiten    | Wenstrom |
| Hanson      | Melland  | Sands     | Wright   |
| Holmberg    | Morgan   | Smykowski |          |

Those voting for Rait were:

|            |        |            |
|------------|--------|------------|
| Barth      | Maher  | Schirado   |
| Berube     | Mau    | Shablou    |
| Erdman     | Miller | Strinden   |
| Hoffner    | Orange | Tallackson |
| Krauter    | Pieton | Walsh      |
| Lashkowitz | Redlin |            |

Absent and not voting were:

Larson  
Sandness

| NORTH DAKOTA SENATE |             |      |           |            |      |      |          |      |                  |               |      |
|---------------------|-------------|------|-----------|------------|------|------|----------|------|------------------|---------------|------|
| REGULAR SESSION     |             |      | ROLL-CALL |            |      |      |          |      | 1977 LEGISLATURE |               |      |
| YEAS                | N-V         | NAYS | YEAS      | N-V        | NAYS | YEAS | N-V      | NAYS | YEAS             | N-V           | NAYS |
|                     |             | •    |           | JACOBSON   |      |      | NAADEN   |      |                  | SMYKOWSKI     | •    |
| •                   | BARTH       |      |           | JONES      | •    |      | NELSON   | •    |                  | SOLBERG       | •    |
| •                   | BERUBE      |      | •         | KRAUTER    |      |      | NETHING  |      |                  | STRAND        | •    |
|                     | CHRISTENSEN | •    |           | LARSON     | •    |      | ORANGE   |      | •                | STRINDEN      | •    |
| •                   | ERDMAN      |      | •         | LASHKOWITZ |      |      | PETERSON | •    |                  | TALLACKSON    | •    |
|                     | FARRINGTON  | •    |           | LEE        | •    | •    | PIETRON  |      |                  | TENNEFOS      | •    |
|                     | FREED       | •    |           | LIPS       | •    |      | RAIT     | •    |                  | THANE         | •    |
|                     | FRITZELL    | •    |           | LODDEN     | •    | •    | REDLIN   |      |                  | VOSPER        | •    |
|                     | GOODMAN     | •    | •         | MAHER      |      |      | REITEN   | •    | •                | WALSH         | •    |
|                     | HANSON      | •    |           | MAU        |      |      | SANDNESS |      |                  | WENSTRÖM      | •    |
| •                   | HOFFNER     |      | •         | MELLAND    | •    |      | SANDS    | •    |                  | WRIGHT        | •    |
|                     | HOLMBERG    | •    | •         | MILLER     |      | •    | SCHIRADO |      |                  | MR. PRESIDENT | •    |
|                     | ISZLER      | •    |           | MORGAN     | •    | •    | SHABLOW  |      |                  |               |      |

Senator Strinden was elected President Pro Tem during the Interim.

Senator Strinden: Mr. President, ladies and gentlemen of the Senate, that "red" vote was beautiful. I have served with Senator Rait for a number of years, I have always held him in the highest esteem; there too, we have had our differences, but always fairly. The only thing I would like to say, Mr. President, ladies and gentlemen of the Senate, I certainly am deeply honored of the election to the post of the President Pro Tem during the Interim. Should the occasion arise where I should have to preside, I promise you only fairness.

Senator Rait: Mr. President, members of the Senate, I wish to thank the people who nominated me and supported me in this election. I deem it a great privilege to be nominated for this high honor. I did not hardly anticipate being elected when I was nominated, but I do appreciate it. At this time, Mr. President, I move that a unanimous ballot be cast for Senator Strinden for President Pro Tem for the Interim I wish Senator Strinden the best of luck in his new position, I have enjoyed knowing Senator Strinden. We have been on opposite sides of the fence a lot of the time, but he has been forthright and you never have to wonder the position Senator Strinden was taking because he always told us that. I have enjoyed my sessions with him in the Senate, and also working with the numerous people that I have learned to know during these seven sessions. It is quite interesting to note that over the years here, coming here seven sessions ago, there are not too many people that are serving at the present time that were members of this body when I came in here, and these memories will go on forever as far as I am concerned. Thank you very much.

#### POINT OF PERSONAL PRIVILEGE

Senator Thane: Mr. President, I rise on a point of personal privilege.

Mr. President, ladies and gentlemen of the Senate and members of the press who are present. This is my first biennial report on and to the reporters, and possibly my last. It is not meant to be humorous, although

some might consider it so, — nor is it meant to be overly critical. Rather, my comments shall be both objective and candid. Whether what I say goes beyond the Senate floor is immaterial — what is important is that I have the right and privilege to speak and that you have the right and privilege to listen — or not — as you see fit.

Those of us who have served in the Senate for a number of sessions have seen legislative sessions and committee meetings evolve from executive sessions and committee meetings where the press was barred, to the present status where all meetings are open and the press is invited and welcomed. We have also endured the apprehension and the frustration of never knowing whether we are quoted, misquoted, photographed or simply ignored. Some of us have developed acting ability and perform to some degree for your benefit, only to discover that you have left and only our colleagues and a few disinterested spectators are listening. Some of us suffer from paranoia and are convinced that our entire political future is in direct proportion to our coverage by the media.

In the final analysis, we have a joint obligation to the citizens. Yours — a moral obligation not necessarily bound by law, and ours — a moral and legal obligation to the voters and to the Constitutions of our state and nation. Because of these restraints and obligations, and because of our own convictions — you and I, with rare exceptions, do our very best. We like to look to you as friends. We realize you are dedicated to the concept of what is news. We hope you recognize the mechanics of the political arena and our position as participants in that arena.

In closing, I personally say "thank you". I am glad that you are a partner in our joint efforts to assure the citizens of the continuance of our freedoms.

#### MESSAGE FROM THE HOUSE House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1002

ROY GILBREATH, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEES

Mr. President: Your Conference Committee to whom was referred House Bill No. 1002 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that engrossed House Bill No. 1002 be further amended as follows:

In addition to the amendments to engrossed House Bill No. 1002 as adopted by the Senate on March 17, March 25, and March 28, 1977, engrossed House Bill No. 1002 is hereby amended as follows:

On page 2 of the engrossed bill, line 25, subdivision 4, as amended by the Senate, after the words "Salaries and wages" delete the numerals "288,521" and insert in lieu thereof the numerals "335,957"

On page 2 of the engrossed bill, line 31, subdivision 4, as amended by the Senate, after the words "Total all funds" delete the numerals "2,109,085" and insert in lieu thereof the numerals "2,156,521"

On page 2 of the engrossed bill, line 32, subdivision 4, as amended by the Senate, after the words "Less estimated income" delete the numerals "1,926,393" and insert in lieu thereof the numerals "1,950,111"

On page 2 of the engrossed bill, line 33, subdivision 4, as amended by the Senate, after the words "Total general fund transfer and appropriation"



delete the numerals "182,692" and insert in lieu thereof the numerals "206,410"

On page 2 of the engrossed bill, line 34, as amended by the Senate, after the words "Grand total general fund appropriation" delete the numerals "2,217,248" and insert in lieu thereof the numerals "2,740,966"

On page 2 of the engrossed bill, line 35, as amended by the Senate, after the words "Grand total special funds appropriated" delete the numerals "7,339,382" and insert in lieu thereof the numerals "7,363,100"

On page 3 of the engrossed bill, line 1, as amended by the Senate, after the words "Grand total all funds H.B. 1002" delete the numerals "10,056,630" and insert in lieu thereof the numerals "10,104,066"

In the Senate amendments to the engrossed bill, section 5, after the words "requested by the" delete the words "legislative council" and insert in lieu thereof the words "resources research committee"

In the Senate amendments to the engrossed bill, section 5, after the words "a special limited application computer-system shall be acquired by central data processing at the request of the" delete the words "legislative council for use of REAP." and insert in lieu thereof the following: "resources research committee for use of REAP. The resources research committee shall, prior to making a request for data processing services, review the proposals submitted by various vendors for the REAP computer system, the Arthur Andersen & Co. study of central data processing, the IBM system analysis and plan report for REAP and any other computer studies that may have been completed for central data processing or REAP during the 1975-1977 biennium which relate to central data processing computer services for REAP. After the resources research committee has reviewed such reports and studies, it shall request data processing services, which may include a special limited application computer system, necessary for REAP to develop its systems prior to the next legislative assembly, and, upon a finding that any additional costs, which might arise because of such request, if such request includes a special limited application computer, are justified either on a basis of long-term projected cost savings or on the value and necessity of REAP services to the forty-sixth legislative assembly."

In the Senate amendments to the engrossed bill, section 5, after the words "The mainframe of such" insert the words "special limited application"

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

The purpose of this amendment is to restore \$47,436 in the State Planning Division salary and wage line item for the position of economic development planner. Of this amount, \$23,718 is from the general fund and \$23,718 is from federal funds.

For the Senate

Senator Melland

Senator Strinden

Senator Maher

For the House

Rep. Marsden

Rep. Unhjem

Rep. Lardy

House Bill No. 1002 was placed on the 7th order of business on the calendar for the succeeding legislative day.

MOTION

Senator Melland moved that the rules be suspended, that House Bill No. 1002 be placed on the 7th Order of Business, which motion prevailed.

Senator Melland moved that the conference committee report on House Bill 1002 be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1002 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1002. Budgets — Department of Accounts and Purchases — A Bill for an Act making an appropriation for defraying the expenses of various divisions thereof of the state of North Dakota and which are under the supervision of the director of accounts and purchases.

Which has been read. ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 41; nays, 5; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |                 |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|-----------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |                 |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS            | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     | •    | • SMYKOWSKI     |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON         |     |      | • SOLBERG       |     | •    |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND        |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN      |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON    |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS      |     |      |
| • FRED              |     |      | • LIPS       |     |      | • RAIT           |     | •    | • THANE         |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     |      | • VOSPER        |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH         |     | •    |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS        |     |      | • WENSTROM      |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS          |     |      | • WRIGHT        |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO       |     |      | • MR. PRESIDENT |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW        |     |      |                 |     |      |

So the bill passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

Senator Farrington moved that the Conference Committee Report on House Bill No. 1587 as printed on page 1626 of the Senate Journal be adopted, which motion prevailed.

Senator Farrington moved that the rules be suspended, that House Bill No. 1587 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1587. A Bill for an Act to amend and reenact section 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenue formulas for the privilege tax on coal conversion facilities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 40; nays, 6; absent and not voting, 4.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |              |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|--------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |              |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS         | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN         |     |      | • SMYKOWSKI  |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON         |     |      | • SOLBERG    |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING        |     |      | • STRAND     |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE         |     |      | • STRINDEN   |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ | •   |      | • PETERSON       |     |      | • TALLACKSON |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON        |     |      | • TENNEFOS   |     |      |
| • FRED              | •   |      | • LIPS       |     |      | • RAIT           |     | •    | • THANE      |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDLIN         |     | •    | • VOSPER     |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN         |     |      | • WALSH      |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS        |     |      | • WENSTROM   |     |      |

|            |           |            |               |
|------------|-----------|------------|---------------|
| • HOFFNER  | • MELLAND | • SANDS    | • WRIGHT      |
| • HOLMBERG | • MILLER  | • SCHIRADO | MR. PRESIDENT |
| • ISZLER   | • MORGAN  | • SHABLOW  |               |

So the bill passed and the title was agreed to.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

House Bill No. 1002

House Bill No. 1587

LEO LEIDHOLM, Secretary

Senator Nething moved that the Senate recess until 11:00 A.M., which motion prevailed.

The Senate reconvened, the President presiding.

**- REPORT OF CONFERENCE COMMITTEES**

Mr. President: Your Conference Committee to whom was referred Senate Bill No. 2178 has had the same under consideration and recommends:

That the Senate accede to the House amendments.

For the Senate

Senator Sands — refused to sign

Senator Christensen

Senator Schirado

For the House

Rep. Kretschmar

Rep. Wentz

Rep. Lundene

Senator Christensen moved that the report be adopted, which motion prevailed.

Senator Christensen moved that the rules be suspended, that Senate Bill No. 2178 be deemed properly re-engrossed and placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2178. A Bill for an Act to establish a judicial nominating committee to submit lists of candidates to the governor from which to fill vacancies on the supreme court and district court pursuant to section 97 of the North Dakota Constitution, and to declare an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 13; nays, 35; absent and not voting, 2.

| REGULAR SESSION |     |      | ROLL CALL  |     |      | 1977 LEGISLATURE |     |      |
|-----------------|-----|------|------------|-----|------|------------------|-----|------|
| YEAS            | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
|                 |     | •    | JACOBSON   | •   | •    | SMYKOWSKI        |     | •    |
| •               |     |      | JONES      |     | •    | SOLBERG          |     | •    |
| •               |     |      | KRAUTER    |     | •    | STRAND           |     | •    |
|                 |     | •    | LARSON     |     | •    | STRINDEN         |     | •    |
|                 |     | •    | LASHKOWITZ |     | •    | TALLACKSON       |     | •    |
|                 |     | •    | LEE        |     | •    | TENNEFOS         |     | •    |
|                 |     | •    | LIPS       |     | •    | THANE            |     | •    |
|                 |     | •    | LODGEN     |     | •    | VOSPER           |     | •    |
|                 |     | •    | MAHER      |     | •    | WALSH            |     | •    |
|                 |     | •    | MAU        |     | •    | WENSTROM         |     | •    |
| •               |     |      | MELLAND    |     | •    | WRIGHT           |     | •    |
| •               |     | •    | MILLER     |     | •    | MR. PRESIDENT    |     |      |
|                 |     | •    | MORGAN     |     | •    |                  |     |      |
|                 |     |      |            |     | •    |                  |     |      |

Senate Bill No. 2178 was declared lost.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Committee on Delayed Bills introduced:

**Senate Concurrent Resolution No. 4091.** A concurrent resolution commending Dean H. Pederson of Valley City upon his selection as North Dakota's outstanding Vietnam veteran for 1977.

Was read the first time.

Senator Strinden moved that the rules be suspended, that Senate Concurrent Resolution No. 4091 not be printed as a bill, not referred to a committee, but 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 Committee on Delayed Bills.

A concurrent resolution commending Dean H. Pederson of Valley City upon his selection as North Dakota's outstanding Vietnam veteran for 1977.

WHEREAS, Dean H. Pederson of Valley City has been selected as North Dakota's outstanding Vietnam veteran for 1977; and

WHEREAS, Dean H. Pederson was wounded and blinded by a grenade explosion while serving as a paratrooper in Vietnam in 1969; and

WHEREAS, Dean H. Pederson has overcome his handicap through vocational training with the Veteran's Administration and has started his own cabinetmaking business in Valley City; and

WHEREAS, Dean H. Pederson is an outstanding example of what North Dakota Vietnam veterans have accomplished since serving our country in the military service; and

WHEREAS, his perseverance and fortitude, in spite of his handicap, have made Dean H. Pederson a successful businessman and a civic leader in his community;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Forty-fifth Legislative Assembly extends its congratulations to Dean H. Pederson of Valley City upon his selection as North Dakota's outstanding Vietnam veteran for 1977; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded by the Secretary of State to Dean H. Pederson.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS.**

**Senate Concurrent Resolution No. 4091.** A concurrent resolution commending Dean H. Pederson of Valley City upon his selection as North Dakota's outstanding Vietnam veteran for 1977.

Was read the second time.

The question being on the final adoption of the resolution.

Senate Concurrent Resolution No. 4091 was declared adopted on a voice vote.

**MESSAGE FROM THE HOUSE**

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

Senate Bill No. 2001

ROY GILBREATH, Chief Clerk

Senator Nething moved that the Senate recess until 4:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Concurrent Resolution No. 4091

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2178, and subsequently failed to pass.

Senate Bill No. 2178. A Bill for an Act to establish a judicial nominating committee to submit lists of candidates to the governor from which to fill vacancies on the supreme court and district court pursuant to section 97 of the North Dakota Constitution, and to declare an emergency.

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1006

Senate Bill No. 2005

And the Speaker appointed as a new conference committee:

House Bill No. 1006:

Senate Bill No. 2005:

Rep. Kuchera

Rep. Wagner

Rep. Gunsch

Rep. Unhjem

Rep. Horgan

Rep. Mertens

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1049

And the Speaker appointed as a new conference committee:

Rep. Winkjer

Rep. Conmy

Rep. Meiers

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:

Senate Bill No. 2446

ROY GILBREATH, Chief Clerk

MOTIONS

Senator Lips moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on Senate Bill No. 2005, which motion prevailed.

The President appointed as a Conference Committee on Senate Bill No. 2005:

Senator Melland

Senator Strinden

Senator Maher

Senator Lips moved that the President appoint a new committee of

three to act with a like committee from the House as a Conference Committee on House Bill No. 1006, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1006:

- Senator Thane
- Senator Strinden
- Senator Maher

Senator Freed moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1049, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1049:

- Senator Freed
- Senator Sands
- Senator Lashkowitz

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee on:

Senate Bill No. 2005:

- Senator Melland
- Senator Strinden
- Senator Maher

House Bill No. 1006:

- Senator Thane
- Senator Strinden
- Senator Maher

House Bill No. 1049:

- Senator Freed
- Senator Sands
- Senator Lashkowitz

LEO LEIDHOLM, Secretary

MOTION

Senator Nething moved that the Senate advise the House that the Senate will adjourn at 12:00 noon on April 7, 1977 until 10:00 A.M., June 20, 1977.

Senator Mau requested a roll call vote on the motion of Senator Nething, which request was granted.

ROLL CALL

The question being on the motion that the Senate advise the House that the Senate will adjourn at 12:00 noon on April 7, 1977 until 10:00 A.M., June 20, 1977, the roll was called and there were ayes, 29; nays, 20; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRINDEN       |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODDEN     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNOS  |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHRADO  |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

The motion prevailed.

Senator Nething moved that the Senate recess until 6:30 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE FROM THE HOUSE

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

House Chamber

Mr. President: I have the honor to return herewith the following, which the House has amended:

Senate Bill No. 2551

ROY GILBREATH, Chief Clerk

HOUSE AMENDMENTS TO SENATE BILL No. 2551

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; to provide for a state coal development impact commission and a county coal development impact commission to approve or disapprove impact grants; and to provide an appropriation for revenue sharing.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. DEFINITIONS.) As used in this Act:

1. The "board" or "state board" means the state board of equalization.
2. The "fair market value of the coal" means, in the case of each individual sales contract for coal, a price per ton for coal which has been sold under an arms-length contract and which includes all costs as herein provided. Such costs must include but are not limited to the following:
  - a. Market value of the rights of the coal mine operator in the coal before severance or, when the unsevered coal is owned wholly or partly by the user, the market value of the owner's rights therein.
  - b. Any rents, royalties, or bonuses paid with respect to the coal.
  - c. All mining costs, including the costs of extraction of the coal from the earth, costs of loading and hauling such coal from the place of extraction to the various points of processing and loading for shipment, costs of coal treatment processes such as crushing, sizing, and oiling, costs of loading the coal onto transportation equipment for shipment, and costs of reclamation of mined land, all of which costs shall include, but shall not be limited to, the following:

(1) Labor and management costs, including but not limited to salaries and wages, payroll and other taxes, payments to labor union funds and retirement plans.

(2) The cost of owning and financing or of leasing equipment used for the purposes described in this subdivision and the cost of operating such equipment.

(3) The cost of electricity and fuel, or the equivalent value thereof when not purchased, required to operate all mining equipment.

Fair market value of the coal shall not, however, include the amount of severance tax imposed by this Act and shall not include transportation costs other than those described in subdivision c of this subsection.

3. "Coal development" shall mean the mining of coal and industries directly related to the processing of coal, including, but not limited to, the generation of electricity from coal or coal products, coal gasification, coal liquefaction, and the manufacture of fertilizer from coal, and shall also include the transportation of coal and products therefrom.

4. "Impacted city or other political subdivision" shall mean a city or other political subdivision which demonstrates actual or anticipated extraordinary expenditures caused by coal development or the growth incidental thereto.

5. "Impacted county" shall mean a county which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

6. "Impacted school district" shall mean a public school district which demonstrates actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto.

7. "Coal" means a dark-colored compact and earthy organic rock with less than forty percent inorganic components, based on dry material, formed by the accumulation and decomposition of plant material. The term shall include lignite in both oxidized and nonoxidized forms as well as any coal bodies enriched in radio-active materials.

8. "Person" includes any individual, firm, partnership, joint adventure, association, corporation, estate, business trust, receiver, or any other group or combination acting as a unit and the plural as well as the singular growth.

9. "Fiscal year" means a twelve month period beginning on July first and ending on the following June thirtieth.

#### SECTION 2. IMPOSITION OF TAX — PAYMENT OF TAX — COMPUTATION OF COAL PRICE.)

1. There is hereby imposed for the privilege of severing coal in North Dakota from the earth for sale or for industrial purposes a tax in the amount hereinafter provided. Such tax shall be in lieu of any tax imposed by law upon the sale or use of such coal in this state. Each coal mine owner or operator shall remit such tax for each calendar quarter year, within thirty days after the end of each quarter, to the state tax commissioner upon such reports and forms as the tax commissioner shall deem necessary.

2. The amount of tax imposed shall be a flat rate per ton of coal determined annually as follows: on the first Tuesday in June and each day thereafter as necessary the state board of equalization shall hold a public hearing at the state capitol at which any person interested may appear and present evidence relating to the statewide average contract price of a ton of coal, after which the state board shall, as soon as reasonably possible, determine the statewide average contract price of a ton of coal of two thousand pounds prevailing in this state on June first of that year. The rate of tax imposed for each ton of coal severed in the following fiscal year shall then be twenty-five percent of such statewide average contract price as so established by the board which the board shall certify to the state tax commissioner as the rate of tax for the next



fiscal year. The tax rate per ton as certified by the board shall be rounded to the nearest tenth of a cent. The tax rate for any fiscal year, however, shall not be less than one dollar per ton.

3. For purposes of determining the statewide average contract price per ton of coal prevailing in the state on June first of any year the state board of equalization shall, if necessary, adjust the price of coal that is provided for in each contract so that the price represents as nearly as possible, the fair market value of the coal as defined in this Act. In any case where the coal before severance is owned, wholly or partly, by the person who will use it after severance in an energy conversion process or for any other purpose or where a person neglects or refuses to furnish to the state board any information required by it as provided in this section, the state board may determine a fair market value of such coal for use in establishing the statewide average contract price.

4. When adjusting contract sales prices to determine the fair market value of coal mined under a contract, the board may utilize the factors authorized by the federal Internal Revenue Code, 26 United States Code, section 613, or that provision as it may be labelled or amended, and the regulations thereunder, for determining gross income from mining property, or the board may utilize any other or additional criteria that are appropriate. Each coal mine owner or operator and each buyer and seller of coal shall, upon request made by the board at any time, furnish to the board copies of the contracts under which it is then buying or selling coal and any other information deemed necessary by the board for the performance of its duties. The board may also take into consideration the reports or other information filed by any coal mine owner or operator or any buyer or seller of coal with any other agency of government, federal, state or local which such agency is not prohibited by law from disclosing to the board.

5. In establishing the statewide average contract price per ton of coal as of June first of any year the state board shall take into account the fair market value of coal under contracts which provide for the production of more than twenty-five thousand tons of coal per year and shall use the weighted arithmetic mean price of such coal, except that no contract for the production of that type of coal known as leonardite shall be taken into account for the purpose of this subsection.

6. The board's certification of the annual tax rate to the state tax commissioner shall be prima facie evidence of its correctness. The tax rate provided for in this section shall be applicable for all coal mined on or after July 1, 1977.

7. The state board of equalization is hereby authorized and empowered to prescribe and promulgate rules and regulations in accordance with the procedure provided in chapter 28-32 of the North Dakota Century Code that are necessary and advisable for the administration of its duties under this section.

8. An appeal from the determination of the annual tax rate by the state board may be taken to the district court of Burleigh county within thirty days after the certification of that tax rate by the state board to the state tax commissioner. The appeal shall be heard and determined de novo by the district court.

SECTION 3. WHEN TAX DUE — WHEN DELINQUENT.) The severance tax as provided in this Act shall be due within thirty days after the end of each quarter year period, and if not received by the thirtieth

day shall become delinquent and shall be collected as herein provided. The tax commissioner, upon request and proper showing of the necessity therefor, may grant an extension of time, not to exceed fifteen days, for paying the tax, and when such request is granted, the tax shall not be delinquent until the extended period has expired. The tax commissioner shall require a report to be filed quarterly by each owner or operator of a coal mine, in such form as the tax commissioner may specify, to list a full description of the mine, the number of tons of coal severed, the amount of tax due and remitted, and any other information deemed necessary by the tax commissioner for the proper administration of this Act.

**SECTION 4. POWERS OF STATE TAX COMMISSIONER.)** The state tax commissioner shall have power to require any person engaged in the mining of coal, and the agent or employee of such person, or purchaser of such coal, or the owner of any royalty interest therein, to furnish any additional information deemed by him to be necessary for the purpose of correctly computing the amount of tax due, and to examine the books, records, and files of such person, and shall have power to conduct hearings and compel the attendance of witnesses, the production of books, records, and papers of any person, and full authority to make any investigation or hold any inquest deemed necessary to a full and complete disclosure of the true facts as to the amount of production from any coal mine or of any company or other producer thereof, and as to the rendition thereof for taxing purposes. In case of refusal by a person to comply with a requirement of the state tax commissioner to furnish information or to produce books, records or files for examination, the tax commissioner may invoke the aid of any court of competent jurisdiction and such court may issue an order requiring the person to appear before the tax commissioner and give evidence or produce books, records and files, as the case may be, and any failure to obey such order of the court may be punished by the court as contempt thereof.

**SECTION 5. TAX COMMISSIONER TO COMPUTE TAX ON INCORRECT RETURNS.)** The state tax commissioner shall have the power and authority to ascertain and determine whether or not any report or remittance filed with him is correct, and if the owner or operator has made an untrue or incorrect report or remittance, the commissioner shall ascertain the correct amount of taxes due, and give immediate notice to the owner or operator filing the incorrect return or remittance. Any coal mine operator or owner receiving notice from the tax commissioner that he has filed an incorrect return or remittance shall remit the tax assessed by the commissioner within fifteen days of such notice. Any owner or operator aggrieved by a decision of the tax commissioner may make application in writing within fifteen days of notification for a hearing which shall be granted not later than fifteen days after receipt of the application. The tax commissioner may grant or reject, in whole or in part, the contentions of the owner or operator and upon conclusion of the hearings shall proceed to make a final determination of taxes due. Such taxes assessed by the commissioner shall become delinquent five days after the conclusion of the hearing, except in such cases where an owner or operator shall appeal such assessment to the district court of Burleigh county, in which case they shall become delinquent five days following final judicial determination.

**SECTION 6. PENALTY ON DELINQUENCY — FAILURE TO FILE REPORTS.)** Where the severance tax provided for in this Act shall

become delinquent, the tax commissioner shall, as a penalty for such delinquency, add to the amount of severance taxes due five percent of the delinquent amount plus interest at the rate of one percent per month. If the quarterly report is not filed within thirty days after the end of any quarter year period and taxes due paid, the tax commissioner shall notify the delinquent owner or operator of such delinquency, and if such report and remittance are not filed within an additional fifteen days, the tax commissioner shall notify the public service commission, which shall forthwith suspend such owner's or operator's license or permit until such time as payment is received, or the issues settled to the satisfaction of the tax commissioner; provided that if the quarterly report and a claim that no tax due is filed with the tax commissioner within fifteen days after the notice from the tax commissioner, the tax commissioner shall then proceed in accordance with section 5 if he believes tax is due.

**SECTION 7. LIEN FOR TAX.)** The severance tax herein imposed shall, at all times, be and constitute a first and paramount lien on the coal mine owner's or operator's property, as the case may be, both real and personal. In all cases where such tax is not paid, it may be recovered at the suit of the state, upon relation of the state tax commissioner, in the district court of the county where any such property, assets, and effects are located.

**SECTION 8. APPEAL FROM DECISION OF TAX COMMISSIONER.)** Any person aggrieved because of any action or decision of the tax commissioner under the provisions of this Act may appeal therefrom to the district court of Burleigh county.

**SECTION 9. RULES AND REGULATIONS — BOND.)** The tax commissioner is hereby authorized and empowered to prescribe and promulgate all necessary rules and regulations for the purpose of making and filing of all reports required hereunder to be filed with him and otherwise necessary to the enforcement of the provisions of this Act, and may, at his option and discretion, require a sufficient bond from any coal mine operator or owner charged with the making and filing of report and the payment of the taxes herein imposed, and said bond shall run to the state of North Dakota and shall be conditioned upon the making and filing of reports as required by law or regulation, and for the prompt payment, by the principal therein, of all taxes justly due the state by virtue of the provisions of this Act.

**SECTION 10. DISPOSITION OF REVENUES.)** All moneys collected by the tax commissioner pursuant to this Act shall be turned over by him as soon as practicable to the state treasurer for deposit in the state treasury to the credit of the coal development fund.

**SECTION 11. ALLOCATION OF MONEYS IN COAL DEVELOPMENT FUND.)**

1. Moneys deposited in the coal development fund that are from coal mined prior to January 1, 1984, shall be apportioned quarterly by the state treasurer as follows:

a. Thirty-five percent shall be credited to a special fund in the state treasury for distribution through grants by the coal development impact office to impacted cities, counties, school districts, and other taxing districts.

b. Fifteen percent shall be credited to a special fund in the state treasury to be held in trust to be administered by the board of university and school lands, which shall have full authority to invest such funds and

may consult with the state investment board as provided by law. The income from such trust fund shall be deposited in a special account within the trust fund which shall be known as the "environmental protection research and alternative energy development fund", and income earned by such special account shall also be deposited in that account. Expenditures from such fund may be made, as the legislative assembly directs, for the following purposes:

(1) Research to identify and determine the extent of environmental problems related to coal development in North Dakota;

(2) Research to determine methods of alleviating such problems and for assistance in their alleviations; and

(3) Research and development of other energy sources that are viable alternatives to obtaining energy from fossil fuels and nuclear fission. Such trust fund, but not the income therefrom, shall be perpetual and held in trust as a replacement for depleted natural resources.

c. Fifteen percent shall be allocated to the coal-producing counties and shall be distributed among such counties in such proportion as the number of tons of coal severed in each county bears to the total number of tons of coal severed in the state during such quarterly period. Two-thirds of each such distribution to a county shall be allocated to the county coal development impact commission for the making of grants as provided in section 15 of this Act. One-third of each such distribution to a county shall be promptly distributed within a county as follows:

(1) Forty percent shall be credited to the county general fund and may be expended for county general fund purposes or may be, by resolution of the board of county commissioners, transferred to other county funds for expenditures authorized by law in such amounts as the board deems necessary.

(2) Thirty percent shall be distributed and credited to the general fund of the cities in the county on the basis of the per capita population of all of the incorporated cities situated within the county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

(3) Thirty percent shall be distributed and credited to the school districts within the county on the basis of the average daily membership as certified to the county treasurer by the county superintendent of schools.

d. In addition to the amounts allocated pursuant to subdivision c of this subsection, ten percent shall be allocated to a special fund in the state treasury for distribution, as hereinafter provided, within those counties in which the coal was mined. Any county in which coal is mined or any city or school district in such county which upon application to the coal development impact office establishes to the satisfaction of that office, subject to the approval of the coal development impact commission, a need for funds that is in addition to those provided in subdivision c of this subsection shall receive such percent, but not exceeding a total of ten percent for the county and the cities and school districts therein, of the severance tax revenue from coal mined in that county during such period of time as the coal development impact office and the coal development impact commission shall approve. Any funds allocated pursuant to this subdivision but not distributed as herein provided within one year after their deposit in the coal development fund shall be allocated and credited

to the special fund established by subdivision a of this subsection for distribution as provided in that subdivision.

e. Twenty-five percent shall be deposited in the state revenue sharing fund, which fund is hereby created in the state treasury and shall be administered as provided in section 18 of the Act.

2. Moneys deposited in the coal development fund that are from coal mined after December 31, 1983, shall be apportioned quarterly by the state treasurer as follows:

a. Twenty-five percent shall be credited to a special fund in the state treasury for distribution through grants by the coal development impact office to impacted cities, counties, school districts, and other taxing districts.

b. Thirty-five percent shall be credited to a special fund in the state treasury to be held in trust to be administered by the board of university and school lands, which shall have full authority to invest such funds and may consult with the state investment board as provided by law. The income from such trust fund shall be deposited in the special account established by subdivision b of subsection 1 of this section and expended and used as therein provided, or expended and used to alleviate other problems created by coal development as may be determined by the legislature. Such trust fund, but not the income therefrom, shall be perpetual and held in trust as a replacement for depleted natural resources.

c. Fifteen percent shall be allocated to the coal-producing counties and shall be distributed among such counties in such proportion as the number of tons of coal severed in each county bears to the total number of tons of coal severed in the state during such quarterly period. Two-thirds of each such distribution to a county shall be allocated to the county coal development impact commission for the making of grants as provided in section 15 of this Act. One-third of each such distribution to a county shall be promptly distributed within a county as follows:

(1) Forty percent shall be credited to the county general fund and may be expended for county general fund purposes or may be, by resolution of the board of county commissioners, transferred to other county funds for expenditures authorized by law in such amounts as the board deems necessary.

(2) Thirty percent shall be distributed and credited to the general fund of the cities in the county on the basis of the per capita population of all of the incorporated cities situated within the county as determined by the last official regular or special federal census or the census taken in accordance with the provisions of chapter 40-02 in case of a city incorporated subsequent to such census.

(3) Thirty percent shall be distributed and credited to the school districts within the county on the basis of the average daily membership as certified to the county treasurer by the county superintendent of schools.

d. Twenty-five percent shall be deposited in the state revenue sharing fund, which fund is hereby created in the state treasury and shall be administered as provided in section 18 of this Act.

SECTION 12. COAL DEVELOPMENT IMPACT OFFICE — APPOINTMENT OF DIRECTOR.) There is hereby created in the office of the governor a coal development impact office. The director shall be appointed by and shall serve at the pleasure of the governor. The salary

of the director shall be set by the governor within the limits of legislative appropriations. The director may employ such other persons as may be necessary and may fix their compensation within the appropriation made for such purpose.

**SECTION 13. POWERS AND DUTIES OF COAL DEVELOPMENT IMPACT OFFICE.)** The coal development impact office shall:

1. Develop a plan for the assistance, through financial grants for services and facilities, of counties, cities, school district, and other political subdivisions that demonstrate actual or anticipated extraordinary expenditures because of coal development.

2. Advise, study, recommend, and report to the governor and the legislative assembly on the impact to the state and the political subdivisions of the state resulting from coal development.

3. Establish procedures and provide proper forms to political subdivisions for use in making application for funds for impact assistance as provided in this Act.

4. Make grants to counties, cities, school districts, and other political subdivisions, subject to approval of the coal development impact commission, as provided in this Act. In determining the amount of impact grants for which political subdivisions are eligible, the amount of revenue to which such political subdivisions will be entitled from taxes upon the real property of coal development plants and from other taxes or fund distribution formulas provided by law shall be considered.

**SECTION 14. COAL DEVELOPMENT IMPACT COMMISSION.)** The coal development impact commission shall consist of five members. One member shall be the director of the coal development impact office and four members shall be appointed by the governor. Of the four appointees of the governor, one shall represent cities and shall be appointed from a list submitted by the North Dakota league of cities; one shall represent counties and shall be appointed from a list submitted by the North Dakota county commissioners association; one shall represent school districts and shall be appointed from a list submitted by the North Dakota school boards association; and one shall represent the citizenry at large. The director of the coal development impact office shall be the chairman of the commission. The term for an appointed member shall be two years, but a member may be reappointed to the commission. It shall be the duty and responsibility of the commission to review and approve or disapprove, in whole or in part, the decisions on grants made by the coal development impact office. The appointed members of the commission shall receive the same compensation per day and shall be reimbursed for expenses in the same amounts as provided for in section 54-35-10 for members of the legislative council while attending meetings of the commission or otherwise engaged in the official business of the commission.

**SECTION 15. COUNTY COAL DEVELOPMENT IMPACT COMMISSION — MEMBERSHIP — COMPENSATION — POWERS AND DUTIES.)**

1. A coal development impact commission consisting of five members shall be created in each county in which coal is produced. The board of county commissioners shall select one of their members to serve on the commission, and the county commissioner so selected shall serve as chairman. The members of all school boards of public school districts maintaining a school in the county shall select one of their members and

the governing bodies of all cities in the county shall select one of their members to serve on the commission. The three members of the commission so selected shall name the other two members, who shall be residents of the county. Each member shall serve a term of two years, shall serve until his successor is selected, and shall be eligible for reappointment. The county auditor shall serve as secretary and the county treasurer shall serve as treasurer of the commission, but such officials shall have no vote. The members of the commission who are not full-time employees of the county or another taxing district shall receive the same compensation per day as provided for in section 54-35-10 for members of the legislative council, and all members of the commission shall be reimbursed for expenses incurred in the amounts provided by law for state officers for attending meetings of the commission or otherwise attending to official business of the commission. Such compensation and expenses shall be paid out of funds allocated by section 11 of this Act to the county coal development impact commission.

2. Each county coal development impact commission shall meet within thirty days after funds are allocated to it pursuant to section 11 of this Act, and shall meet at such other times as called by the chairman. The commission shall exchange information and shall cooperate with the state coal development impact office. The commission shall establish procedures for political subdivisions to make application for impact grants and shall establish procedures for hearings on such applications. The commission shall make grants from funds allocated to it to the county and to cities, school districts, and other taxing districts within the county for actual or anticipated extraordinary expenditures caused by coal development and the growth incidental thereto. The commission shall report all grants approved to the state coal development impact office for the use of that office in determining eligibility for grants by that office. All disbursements from funds allocated to the county coal development impact commission, pursuant to section 11, including the administrative costs of the commission, shall be made by the county treasurer only upon order of the county auditor after approval of such disbursements by the commission.

SECTION 16. REFUND OF ERRONEOUSLY OR ILLEGALLY COLLECTED TAXES.) In the event that any tax, penalty or interest imposed by this Act shall have been erroneously or illegally collected from any person, the state tax commissioner shall present a voucher to the department of accounts and purchases for payment to that person of the amount erroneously or illegally collected.

SECTION 17. STATE REVENUE SHARING FUND — DISTRIBUTION FORMULA — OVERBURDEN FACTOR.) Moneys credited to the state revenue sharing fund created by section 11 of this Act shall be distributed to all eligible political subdivisions in the manner provided in this section. The state treasurer may require eligible political subdivisions to provide such information or copies of reports as may be necessary to administer state revenue sharing. A political subdivision receiving funds pursuant to the provisions of this section shall not use these funds for either unlawful or deficit spending purposes. The auditor for each political subdivision receiving funds pursuant to the provisions of this section shall file with the state treasurer a report on January first and July first of each year. This report shall contain an accounting of the expenditures for the previous six months of the funds distributed pursuant to this section. Moneys credited to the fund shall be distributed as follows:

1. Half of the amount credited to the fund pursuant to sections 11 and 18 shall be allocated in the following manner:

a. Each county shall share in the fund in the proportion that the population of each bears to the population of all based upon the last official federal census or upon a more recent census approved by the state treasurer.

2. The available remainder shall be allocated in the following manner:

a. Such money shall be allocated to all countywide areas so that each countywide area shall receive an amount which bears the same ratio to the amount to be allocated from the fund pursuant to this subsection as the real property tax revenues of all political subdivisions within the countywide area bears to the sum of such real property tax revenues in all countywide areas. For the purpose of this Act, "countywide area" shall be the geographical area of a county. The allocation to each countywide area shall consider the property tax revenues of all political subdivisions within the countywide area and shall include the real property tax revenues of the county government.

b. The county government and all cities within the countywide area shall be allocated that portion of the amount allocated to the countywide area pursuant to subdivision a which bears the same ratio to such amount as each such eligible unit's real property tax revenues bear to the sum of the real property tax revenues of the county and of all cities or portions thereof within that countywide area.

3. If any city has established a park district pursuant to chapter 40-49, such city's share of revenue sharing funds shall be divided between the city and the park district in proportion to their total respective mill levies. If the city has established a public library pursuant to chapter 40-38, or is sharing in the operation of a consolidated library service pursuant to chapter 54-40, the city shall divide its remaining allocation, after division with any park district pursuant to this subsection, between itself and the library board in proportion to their total respective mill levies.

4. If any county has townships established pursuant to chapter 58-02, such county's allocation of revenue sharing funds shall be divided between the county and such townships. Such townships shall receive a total of ten percent of the allocations made to such county which shall be distributed to each township in the proportion that the population of each township within the countywide area bears to the population of all townships within the countywide area. If the countywide area is not fully organized into townships, the allocation to townships shall be divided between the county government and the townships within the countywide area in the proportion that the population of the township bears to the population of the countywide area, less the population of all cities within the countywide area. The allocation of the township's share shall be distributed among the townships within the countywide area in the manner otherwise provided by this subsection. The remainder shall be allocated to the county government and shall thereafter be considered a part of the initial allocation to the county government.

5. Notwithstanding subsections 1 and 2 of this section, no county shall receive an allocation which is less than fifty percent of the total allocation, pursuant to subsections 1 and 2 of this section, to the countywide area in which the county is located.

6. On September 30, 1977, March 31, 1978, September 30, 1978, and March 31, 1979, the state treasurer shall allocate and transfer such funds



to eligible political subdivisions in the manner provided by this section. Eligible political subdivisions may receive and expend payments made pursuant to this Act and such payments shall be considered an appropriation in the budget of the political subdivision, which, upon the order of the governing body, may be disbursed in the manner other disbursements are made. The state revenue sharing moneys so received shall be considered a part of the local tax effort of each eligible political subdivision receiving such funds.

**SECTION 18. APPROPRIATION.)** There is hereby appropriated out of the general fund in the state treasury from moneys not otherwise appropriated, the sum of \$3,500,000.00, or so much thereof as may be necessary, to the state revenue sharing fund, one-fourth of which shall be available for distribution from the state revenue sharing fund on each of the following dates: September 30, 1977, March 31, 1978, September 30, 1978, March 31, 1979.

**SECTION 19. PENALTY.)** Any person intentionally violating any of the provisions of this Act is guilty of a class A misdemeanor.

**SECTION 20. SAVINGS CLAUSE.)** If any section, subsection, subdivision, sentence or clause of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act."

**MOTION**

Senator Nething moved that Senate Bill No. 2551 be placed at the head of the 12th Order of Business, which motion prevailed.

**CONSIDERATION OF MESSAGES FROM THE HOUSE**

Senator Goodman moved that the Senate do concur in the House amendments to Senate Bill No. 2551, which motion prevailed.

Senator Goodman moved that the rules be suspended, that Senate Bill No. 2551 be deemed properly re-engrossed and placed on the calendar as amended for second reading and final passage.

Senator Barth requested a roll call vote on the motion, which request was granted.

**ROLL CALL**

The question being on the motion to suspend the rules and place Senate Bill No. 2551 on the calendar, the roll was called and there were ayes, 32; nays, 17; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            | •   |      | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEF        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRED.             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     | •    | • REITEN   |     |      | • WALSH          |     | •    |
| • HANSON            |     |      | • MAU        |     | •    | • SANDNES  |     |      | • WENSTROM       |     |      |
| • HOFFNER           | •   |      | • MRLAND     |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     |      | • MR PRESIDENT   |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

The motion to suspend the rules lost, and Senate Bill No. 2551 was placed on the calendar for the succeeding legislative day.

**MESSAGE FROM THE HOUSE**

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1049

And the Speaker appointed as a new conference committee:

Rep. Winkjer

Rep. Conmy

Rep. Meiers

ROY GILBREATH, Chief Clerk.

Senator Thane moved that the absent Senators be excused, which motion prevailed.

Senator Nething moved that the Senate adjourn until Thursday, April 7, 1977 at 9:00 A.M., which motion prevailed.

LEO LEIDHOLM, Secretary



SIXTY-SEVENTH DAY

Bismarck, April 7, 1977

The Senate convened at 9:00 A.M., President Sanstead presiding.

The prayer was offered by Rev. Stanley G. Knudson, American Lutheran Church, Bismarck.

Our heavenly Father we thank You for this new day. We thank You for life, for families, homes and friends. We thank You that You are able and willing to help us as we deal with people. We are thankful for our country, for North Dakota, for the fifty three counties represented here by these men and women. We pray for the members of this Senate and their families. Help us to use Your gifts to help others. May Your Divine Guidance help the members of this assembly as they deal with issues and with people. May the work that is done today reflect tomorrow that You were with us yesterday.

May Thy Blessing, Benediction and Protection cause us to trust and to look to You as God of all power and might.

We pray in the name of Jesus Christ our Lord. AMEN.

The roll was called and all members were present except Senator Farrington.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

Mr. President: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-fifth day after recess and Sixty-sixth day and finds the same to be correct.

SENATOR VOSPER, Chairman

Senator Shablow moved that the report be adopted, which motion prevailed.

COMMUNICATION  
STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

April 6, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on April 2, 1977, I signed Senate Bill 2092.

Sincerely yours,  
ARTHUR A. LINK  
Governor

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to advise you that the Senate will adjourn at 12:00 o'clock noon on April 7, 1977, until 10:00 o'clock A.M., June 20, 1977.

LEO LEIDHOLM, Secretary

## SECOND READING OF SENATE BILLS

**Senate Bill No. 2551.** A Bill for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; to provide for a state coal development impact commission and a county coal development impact commission to approve or disapprove impact grants; and to provide an appropriation for revenue sharing.

Which has been read.

Senator Barth offered the following proposed amendments to Senate Bill No. 2551:

On page 1 in the last line of the title of the Act delete the words "an appropriation" and insert in lieu thereof the word "appropriations", and insert before the period the words "and for impact grants"

On pages 4 and 5, delete all of subsection 2 of section 2 and insert in lieu thereof the following:

"The amount of tax imposed shall be a flat rate per ton of coal determined annually as follows: on the first Tuesday in June and each day thereafter as necessary the state board of equalization shall hold a public hearing at the state capitol at which any person interested may appear and present evidence relating to the statewide average contract price of a ton of coal, after which the state board shall, as soon as reasonably possible, determine the statewide average contract price of a ton of coal of two thousand pounds prevailing in this state on June first of that year. The rate of tax imposed for each ton of coal severed in the following fiscal year shall then be the lesser of the two following amounts:

(a) twenty-five percent of such statewide average contract price as so established by the board, and (b), as to any particular contract for the sale of coal, twenty-five percent of the price under such contract as adjusted pursuant to subsection 3 of this section; the board shall certify the statewide average contract price and the contract price as adjusted for each contract, rounded to the nearest tenth of a cent, to the state tax commissioner and the rate of tax for the next fiscal year shall be determined accordingly, rounded to the nearest tenth of a cent, provided that the rate of tax for any fiscal year shall not be less than seventy cents per ton."

On page 6, delete the first sentence in subsection 6

On page 14, in the last line of subdivision e of subsection 1 of section 11, delete the number "18" and insert in lieu thereof the number "17"

On page 16, in the last line of subdivision d of subsection 2 of section 11, delete the number "18" and insert in lieu thereof the number "17"

On page 23 in the first line of section 18 delete the word "APPROPRIATION" and insert in lieu thereof the word "APPROPRIATIONS" and insert after the single parenthesis the following: "1."

On page 23 insert before the first line of section 19 the following:

"2. There is hereby appropriated out of any moneys in the special fund created by subdivision a of subsection 1 of section 11 of this Act, not otherwise appropriated, the sum of \$9,040,000.00, or so much thereof as may be necessary, to the coal development impact office for impact grants to impacted cities, counties, school districts and other taxing districts, for the biennium beginning July 1, 1977, and ending June 30, 1979.

3. There is hereby appropriated out of any moneys in the special fund created by subdivision d of subsection 1 of section 11 of this Act, not otherwise appropriated, the sum of \$2,580,000.00, or so much thereof as may be necessary, to the coal development impact office, for impact grants as provided in subdivision d, for the biennium beginning July 1, 1977, and ending June 30, 1979."

Senator Barth moved that the amendments be adopted.

Senator Orange requested a roll call vote on the motion to adopt the amendments, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments proposed by Senator Barth, the roll was called and there were ayes, 32; nays, 18; absent and not voting, 0.

| REGULAR SESSION |     |      | NORTH DAKOTA SENATE |            |      |      |           |      | 1977 LEGISLATURE |     |               |
|-----------------|-----|------|---------------------|------------|------|------|-----------|------|------------------|-----|---------------|
| ROLL-CALL       |     |      | ROLL-CALL           |            |      |      |           |      | ROLL-CALL        |     |               |
| YEAS            | N-V | NAYS | YEAS                | N-V        | NAYS | YEAS | N-V       | NAYS | YEAS             | N-V | NAYS          |
|                 |     | •    |                     |            | •    |      |           | •    |                  |     | •             |
| •               |     |      | •                   | JACOBSON   |      | •    | NAADEN    |      | •                |     | •             |
| •               |     |      | •                   | JONES      |      | •    | NELSON    |      | •                |     | •             |
| •               |     |      | •                   | KRAUTER    |      | •    | NETHING   |      | •                |     | •             |
| •               |     |      | •                   | LARSON     |      | •    | ORANGE    |      | •                |     | •             |
| •               |     |      | •                   | LASHKOWITZ |      | •    | PETERSON  |      | •                |     | •             |
| •               |     |      | •                   | LEE        |      | •    | PIETRON   |      | •                |     | •             |
| •               |     | •    |                     | LIPS       |      | •    | RATT      |      | •                |     | •             |
| •               |     |      |                     | LODGEN     |      | •    | REDLIN    |      | •                |     | •             |
| •               |     |      |                     | MAHER      |      | •    | REITEN    |      | •                |     | •             |
| •               |     |      |                     | MAU        |      | •    | SANDNESS  |      | •                |     | •             |
| •               |     |      |                     | MELLAND    |      | •    | SANDS     |      | •                |     | •             |
| •               |     |      |                     | MILLER     |      | •    | SCHIRADDO |      | •                |     | •             |
| •               |     |      |                     | MORGAN     |      | •    | SHABLOW   |      | •                |     | •             |
|                 |     |      |                     |            |      |      |           |      |                  |     | •             |
|                 |     |      |                     |            |      |      |           |      |                  |     | MR. PRESIDENT |

The proposed amendments of Senator Barth were adopted.

Senator Melland moved that the rules be suspended, that Senate Bill No. 2551 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. 2551. A Bill for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; to provide for a state coal development impact commission and a county coal development impact commission to approve or disapprove impact grants; and to provide an appropriation for revenue sharing.

Which has been read.

Senator Lips moved the previous question, which motion prevailed.

**ROLL CALL**

The question being on the final passage of the bill, as amended, (SJ pages 1638-1648) the roll was called and there were ayes, 18; nays, 32; absent and not voting, 0.



On page 3 of the engrossed bill, after line 20, insert the following section:

“(SECTION 4. LEGISLATIVE INTENT.) It is the intent of the legislative assembly that the educational support per pupil for foundation payments shall be seven hundred seventy-five dollars for the first year of the 1977-1979 biennium and eight hundred fifty dollars for the second year of the 1977-1979 biennium, and that transportation payments shall be seventeen cents per mile for school buses having a capacity of sixteen or fewer pupils and thirty-four cents per mile for school buses having a capacity of seventeen or more pupils.”

And renumber the lines and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

This amendment provides funds for foundation payments in accordance with the following schedule:

STATE FUNDING (Two years)

|   |                      |
|---|----------------------|
| Per-pupil payments  |                      |
| \$775 at 141,200 units                                      | \$109,430,000        |
| \$850 at 141,362 units                                      | 120,157,700          |
| Transportation payments                                     | 18,965,000           |
| Total   | <u>\$248,552,700</u> |
| Less twenty-one mill county levy and twenty mill local levy | \$ 59,700,700        |
| Less 874 reduction  | 2,100,000            |
| Total general fund appropriation                            | <u>\$186,752,000</u> |

The appropriation for special education, as amended, is \$515,866 over the amount originally recommended by the Senate and \$1,355,866 over the amount recommended in the executive budget.

This amendment increases the Division of Independent Study equipment line item by \$35,000 which represents additional film rental income. These amendments also reduce estimated income line by \$11,384 to reflect actual estimated income as projected by the Division of Independent Study and to add \$46,384 to the general fund appropriation to reflect total dollars required in accordance with the total appropriation authorized by the 45th Legislative Assembly.

For the Senate

Senator Melland

Senator Strinden

Senator Maher — refused to sign

For the House

Rep. Wagner

Rep. Unhjem

Rep. Mertens — refused to sign

Senator Melland moved that the report be adopted.

Senator Melland moved that Senate Bill No. 2005 be placed the 7th Order of Business, which motion prevailed.

Senator Melland moved that the conference committee report on Senate Bill No. 2005 be adopted.

Senator Hoffner requested a roll call vote on the motion, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Senate Bill No. 2005, the roll was called and there were ayes, 34; nays, 16; absent and not voting, 0.



| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    | •   |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH          | •   |      |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           | •   |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

The conference committee report on Senate Bill No. 2005 was adopted. Senator Lashkowitz moved that the Senate recess for ten minutes, which motion lost.

Senator Melland 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.

Senator Lashkowitz requested a roll call vote on the motion to suspend the rules, which request was granted.

**ROLL CALL**

The question being on the motion to suspend the rules and place Senate Bill No. 2005 on the calendar, the roll was called and there were ayes, 33; nays, 17; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             | •   |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            | •   |      | • KRAUTER    | •   |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     | •   |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            | •   |      | • LASHKOWITZ | •   |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     | •    | • TENNEFOS       |     |      |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOEN     |     |      | • REDLIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      | •   |      | • REITEN   |     |      | • WALSH          | •   |      |
| • HANSON            |     |      | • MAU        | •   |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           | •   |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          | •   |      | • MILLER     | •   |      | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

The motion to suspend the rules and place Senate Bill No. 2005 on the calendar lost.

Senator Melland moved that the Senate reconsider its action by which it adopted the conference committee report on Senate Bill No. 2005, which motion prevailed.

Senator Melland moved that the Senate adopt the conference committee report on Senate Bill No. 2005.

Senator Hoffner requested a roll call vote on the motion to adopt the conference committee report on Senate Bill No. 2005, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Senate Bill No. 2005, the roll was called and there were ayes, 19; nays, 31; absent and not voting, 0.

| NORTH DAKOTA SENATE |     |      |            |     |      |          |     |      |                  |     |      |
|---------------------|-----|------|------------|-----|------|----------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL-CALL  |     |      |          |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS       | N-V | NAYS | YEAS     | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     | •    | • JACOBSON |     | •    | • NAADEN |     | •    | • SMYKOWSKI      |     | •    |

|               |              |            |                 |
|---------------|--------------|------------|-----------------|
| • BARTH       | • JONES      | • NELSON   | • SOLBERG       |
| • BERUBE      | • KRAUTER    | • NETHING  | • STRAND        |
| • CHRISTENSEN | • LARSON     | • ORANGE   | • STRINDEN      |
| • ERDMAN      | • LASHKOWITZ | • PETERSON | • TALLACKSON    |
| • FARRINGTON  | • LEE        | • PIETRON  | • TENNEFOS      |
| • FREED       | • LIPS       | • RAIT     | • THANE         |
| • FRITZELL    | • LODOEN     | • REDLIN   | • VOSPER        |
| • GOODMAN     | • MAHER      | • REITEN   | • WALSH         |
| • HANSON      | • MAU        | • SANDNESS | • WENSTROM      |
| • HOFFNER     | • MELLAND    | • SANDS    | • WRIGHT        |
| • HOLMBERG    | • MILLER     | • SCHIRADO | • MR. PRESIDENT |
| • ISZLER      | • MORGAN     | • SHABLOW  |                 |

The motion to adopt the conference committee report on Senate Bill No. 2005 lost. The conference committee report on Senate Bill No. 2005 was not adopted.

**MESSAGE FROM THE HOUSE**  
House Chamber

Mr. President: The House of Representatives respectfully requests that the Senate delay its adjournment. It is the strong wish of the House of Representatives to complete its work and be able to adjourn sine die today, Thursday, April 7th. We respectfully request the Senate to delay adjournment until the House and Senate have made a concerted effort to finish our work.

ROY GILBREATH, Chief Clerk

Senator Nothing moved that the Senate recess until 11:30 A.M., which motion prevailed.

The Senate reconvened, the President presiding.

**REPORTS OF PROCEDURAL COMMITTEE**

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2240

Senate Bill No. 2415

Senate Bill No. 2495

Senate Resolution No. 18

Senate Concurrent Resolution No. 4040

And find the same correctly Enrolled.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

Mr. President: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2013

Senate Bill No. 2063

Senate Bill No. 2111

Senate Bill No. 2199

Senate Bill No. 2234

Senate Bill No. 2294

Senate Bill No. 2327

Senate Bill No. 2338

Senate Bill No. 2369

Senate Bill No. 2388

Senate Bill No. 2428

Senate Bill No. 2439

Senate Bill No. 2513

Senate Bill No. 2517

And find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2013

Senate Bill No. 2063

Senate Bill No. 2111

Senate Bill No. 2199

Senate Bill No. 2234

Senate Bill No. 2240

Senate Bill No. 2294

Senate Bill No. 2327

Senate Bill No. 2338

Senate Bill No. 2369

Senate Bill No. 2388

Senate Bill No. 2415

Senate Bill No. 2428

Senate Bill No. 2439

Senate Bill No. 2495

Senate Bill No. 2513

Senate Bill No. 2517

Senate Resolution No. 18

Senate Concurrent Resolution No. 4040

And the President signed the same in the presence of the Senate.

#### MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following:

Senate Bill No. 2013

Senate Bill No. 2063

Senate Bill No. 2111

Senate Bill No. 2199

Senate Bill No. 2234

Senate Bill No. 2240

Senate Bill No. 2294

Senate Bill No. 2327

Senate Bill No. 2338

Senate Bill No. 2369

Senate Bill No. 2388

Senate Bill No. 2415

Senate Bill No. 2428

Senate Bill No. 2439

Senate Bill No. 2495

Senate Bill No. 2513

Senate Bill No. 2517

Senate Concurrent Resolution No. 4040

Which the President has signed and your signature is respectfully requested.

LEO LEIDHOLM, Secretary

#### MOTIONS

Senator Melland moved that the Senate reconsider its action by which it failed to adopt the conference committee report on Senate Bill No. 2005, which motion prevailed.

Senator Melland moved that Senate Bill No. 2005 be placed on the 7th Order of Business, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

Senator Melland moved that the conference committee report on Senate Bill No. 2005 be adopted, which motion prevailed.

Senator Melland 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. Board of Public School Education — A Bill for an Act making an appropriation to the board of public school education for defraying expenses of various departments, and various divisions thereof, of the state of North Dakota.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                  |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      | 1977 LEGISLATURE |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     |      | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     |      | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     |      | • STRIDEN        |     |      |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON     |     |      |
| • FARRINGTON        |     |      | • LEE        | •   |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FRED              |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE          |     |      |
| • FRITZELL          |     |      | • LODOLF     |     |      | • REDLIN   |     |      | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | MR. PRESIDENT    |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                  |     |      |

So the bill passed and the title was agreed to.

**MOTION**

Senator Nething moved that Senate Bill No. 2005 be messaged to the House immediately, which motion prevailed.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

Senate Bill No. 2005

LEO LEIDHOLM, Secretary

**MOTIONS**

Senator Christensen moved that the Senate reconsider its action whereby it failed to pass Senate Bill No. 2135, which motion prevailed.

Senator Nething moved that the Senate recess until 2:30 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

**COMMUNICATION  
STATE OF NORTH DAKOTA**

Executive Office  
Bismarck

April 7, 1977

The Honorable Wayne G. Sanstead  
President of the Senate  
Senate Chambers  
Bismarck, North Dakota 58505

Dear Mr. President:

This letter is to inform you that on April 6, 1977, I signed the following Senate Bills:

Senate Bill No. 2033  
 Senate Bill No. 2034  
 Senate Bill No. 2106  
 Senate Bill No. 2107  
 Senate Bill No. 2163  
 Senate Bill No. 2203  
 Senate Bill No. 2205  
 Senate Bill No. 2209  
 Senate Bill No. 2217  
 Senate Bill No. 2226  
 Senate Bill No. 2267  
 Senate Bill No. 2342  
 Senate Bill No. 2343  
 Senate Bill No. 2359  
 Senate Bill No. 2367  
 Senate Bill No. 2382  
 Senate Bill No. 2391  
 Senate Bill No. 2392  
 Senate Bill No. 2401  
 Senate Bill No. 2456  
 Senate Bill No. 2515  
 Senate Bill No. 2516  
 Senate Bill No. 2527  
 Senate Bill No. 2540  
 Senate Bill No. 2541  
 Senate Bill No. 2543

On April 7, 1977, I signed the following Senate Bills:

Senate Bill No. 2514  
 Senate Bill No. 2544

Sincerely yours,  
 ARTHUR A. LINK  
 Governor

#### REPORT OF PROCEDURAL COMMITTEE

The Committee on Enrollment and Grossment respectfully reports that:

Senate Resolution No. 18

Was delivered on the Secretary of State on April 7, 1977.

SENATOR STRAND, Chairman

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on House Bill No. 1262 and the Speaker appointed as a new conference committee.

Rep. Gackle

Rep. A. Hausauer

Rep. Backes

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:

House Bill No. 1049

ROY GILBREATH, Chief Clerk

MOTION

Senator Goodman moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman  
 Senator Jacobson  
 Senator Barth

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee on:

House Bill No. 1262:  
 Senator Goodman  
 Senator Jacobson  
 Senator Barth

LEO LEIDHOLM, Secretary

Senator Nothing requested a Call of the Senate, which request was granted.

Senator Nothing moved that the Senate recede from the Call of the Senate which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

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 engrossed House Bill No. 1049 be amended as follows:

On page 1, line 2 of the engrossed bill, after "16.1-07" insert "16.1-08,"  
 On page 2, line 8, after "16-20-04," insert "16-20-05," and after "16-20-07," insert the following: "16-20-08, 16-20-09, 16-20-10,"

On page 2, line 9 after "16-20-18," insert "16-20-22,"

On page 2, line 13 delete the word "and" and after "16-20-19" insert "and 16-20-24"

On page 3, line 17 delete the word "challenge" and insert in lieu thereof the word "election"

On page 6, line 5 after the period delete the remainder of the line

On page 6, delete lines 6 and 7

On page 6, line 8 delete the following: "and shall remain open continuously until nine p.m."

On page 19, line 6 after the word "electors" insert a period and delete the remainder of the line and insert in lieu thereof the following: "It shall be the duty of both election judges together to give any assistance requested by electors in marking ballots or operating voting machines. It shall be the duty of the election officers to instruct voters on how to open and close voting machines and how to move the levers to cast and change votes."

On page 19, delete, lines 7 through 9

On page 19, line 10 delete the following: "change their vote."

On page 23 of the engrossed bill, delete lines 5 through 33 and insert in lieu thereof the following new section:

“16.1-06-05. FORM OF GENERAL ELECTION BALLOT.) The official ballots provided for partisan election at general elections in precincts in which voting machines are not used shall be prepared as follows:

1. The ballots shall be of sufficient width to contain all of the political party tickets to be voted for, under the appropriate party designation for each.

2. On the left-hand side of such ballot shall be a column designating the office to be voted for, and on the same line, in the column under the appropriate party designation of each, all of the names of the candidates duly nominated for that office shall be printed.

3. The names of candidates under headings designating each official position shall be alternated in the printing of the official ballot in the same manner as is provided for the primary election ballot.

4. The names of all persons nominated by petition shall be placed in one column under the designation “independent nominations” in the lines respectively specifying the offices for which they are nominated.

5. The size of types shall be specified by the secretary of state.

In precincts in which voting machines are used, the list of offices and candidates and the statements of measures and questions to be submitted to the voters shall be arranged in a manner and form approximating the requirements of this section.”

On page 24 of the engrossed bill, delete lines 12 through 28 and insert in lieu thereof the following new section:

“16.1-06-07. ARRANGEMENT OF NAMES ON BALLOT — PRESIDENTIAL ELECTORS.) The ballot provided for in section 16.1-06-05 shall be arranged as follows: The names of the candidates of the party casting the highest number of votes in the state for members of Congress at the last preceding general election shall be arranged in the first or left-hand column of such ballot; of the party casting the next highest number of votes in the second column; of the party casting the next highest number of votes in the third column; and of such other party as the secretary of state may direct in the fourth and successive columns. In presidential election years the names of presidential electors presented in one certificate of nomination, shall be arranged in a group enclosed in brackets to the right and opposite the center of which shall be printed in bold type the surname of the presidential candidate represented. To the right and in a line with such surname, near the margin, shall be placed a single square, and a mark within such square shall be designated a vote for all the electors, and such group shall be placed at the head of the column under the party designated or represented in such certificate.”

On page 33, line 29 after the period delete the word “The”

On page 33, delete lines 30 through 35

On page 34, delete lines 1 through 3

On page 34, line 4 after the word “understand” delete the remainder of the line

On page 34, delete line 5

On page 34, line 6 delete the words “application is unreasonable under the law, and”

On page 34, line 7 delete the words and comma “, punishable by imprisonment for up to”

On page 34, delete line 8

On page 34, line 11 delete the blank line and insert in lieu thereof the words and period “at least thirty days.”

On page 34, line 12, delete the following: "(years/months/days)"

On page 34 delete lines 14 and 15

On page 38 after line 31, add the following new section:

"SECTION 6.) Chapter 16.1-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

16.1-08-01. DEFINITIONS.) As used in this chapter, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including, but not limited to, labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. Association shall not include corporations, cooperative corporations, political committees, or political parties.

2. "Candidate" means a person whose name is presented for nomination to public office at any primary election or convention, whether the person is actually nominated or not; a person whose name is printed as a candidate on an official ballot used at any election; or a person who seeks election through write-in votes.

3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office, or in furtherance of or to defeat any constitutional amendment, initiated measure, referred measure, or other question submitted to the electors of the state or political subdivision. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and includes funds received by a political committee which are transferred to that committee from another political committee or other source.

4. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office, or in the furtherance of or to defeat any constitutional amendment, initiated measure, referred measure, or other question submitted to the electors of the state or political subdivision. Expenditure also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.

5. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, or other organization or group of persons.

6. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures for political purposes.

7. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political sub-



divisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

8. "Political purpose" or "political purposes" means any activity undertaken in support of or in opposition to the election or nomination of a candidate, or in support of or in opposition to the adoption of any question or measure submitted to the electors of the state or political subdivision, whether the activity is undertaken by a candidate, a political committee, a political party, or any person.

16.1-08-02. CAMPAIGN CONTRIBUTIONS BY CORPORATIONS OR COOPERATIVE CORPORATIONS PROHIBITED.) No corporation or cooperative corporation doing business in this state, directly or indirectly, shall pay, use, offer, consent, or agree to pay or use, any money, property, or any thing of value for any of the following:

1. To aid any political party, committee, or organization.
2. To aid any corporation or association organized or maintained for political purposes.
3. To aid any candidate for political office or for nomination for such office.
4. For any political purpose or the reimbursement or indemnification of any person for money or property so used.
5. For the influencing of legislation of any kind, except in accordance with chapter 54-05.

If an officer, employee, agent, attorney, or other representative of a corporation or cooperative corporation makes any payments prohibited by this section out of corporate funds or otherwise violates the provisions of this section, it shall be prima facie evidence of a violation by such corporation or cooperative corporation. No person shall solicit or receive such payment or other thing of value from any corporation.

16.1-08-03. PENALTY FOR CORPORATION OR OFFICER THEREOF CONTRIBUTING FOR POLITICAL PURPOSES.)

1. It shall be a class A misdemeanor for an officer, director, stockholder, attorney, agent, or representative of any corporation or association to violate any of the provisions of section 16.1-08-02, or to counsel or consent to any such violation. Any person who solicits or knowingly receives any money or property in violation of the provisions of section 16.1-08-02 shall be guilty of a class A misdemeanor.

2. Any officer, director, stockholder, attorney, agent, or representative who makes, counsels, or consents to, the making of a contribution in violation of section 16.1-08-02 shall be liable to the company, corporation, or association for the amount so contributed.

16.1-08-04. PERSON NOT EXCUSED FROM TESTIFYING AS TO VIOLATION — PROSECUTION OR PENALTY WAIVED UPON TESTIFYING.) No person shall be excused from attending and testifying or producing any books, papers, or other documents before any court upon any investigation, proceeding, or trial for a violation of any of the provisions of this chapter, upon the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate or degrade him. No person shall be prosecuted nor subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him in any criminal investigation or proceeding."

On page 55, after line 30 insert the following new sentence: "Sample

ballots with inverted columns must be printed twice in each issue of the newspaper and in such manner as to assure that the column of each political party shall be displayed once in each issue in an upright position."

On page 110, line 27, after "16-20-04," insert "16-20-05," and after "16-20-07," insert the following: "16-20-08, 16-20-09, 16-20-10,"

On page 110, line 28 after "16-20-18," insert "16-20-22,"

On page 110, line 32 delete the word "and" and after "16-20-19" insert " , and 16-20-24"

And renumber the lines, pages, and sections accordingly.

For the Senate

Senator Freed

Senator Sands

Senator Lashkowitz (refused to sign)

For the House

Rep. Winkjer

Rep. Conmy

Rep. Meiers (refused to sign)

Senator Freed moved that the report be adopted.

Which motion prevailed.

Senator Freed moved that House Bill No. 1049 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

House Bill No. 1049. A Bill for an Act to create and enact chapter 16.1-01, 16.1-04, 16.1-05, 16.1-06, 16.1-07, 16.1-08, 16.1-09, 16.1-10, 16.1-12, 16.1-13, 16.1-15, and 16.1-16, and sections 16.1-11-03, 16.1-11-04, 16.1-11-05, 16.1-11-06, 16.1-11-07, 16.1-11-08, 16.1-11-09, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-13, 16.1-11-14, 16.1-11-15, 16.1-11-16, 16.1-11-17, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-23, 16.1-11-24, 16.1-11-26, 16.1-11-27, 16.1-11-28, 16.1-11-29, 16.1-11-30, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-34, 16.1-14-01, 16.1-14-02, 16.1-14-03, 16.1-14-04, 16.1-14-05, 16.1-14-06, 16.1-14-07, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, 16.1-14-14, 16.1-14-15, 16.1-14-16, and 16.1-14-17 of the North Dakota Century Code, relating to a new election code establishing qualifications for electors, initiative and referendum procedures, election offenses, the administration of elections, the establishment of voting precincts, the qualifications and duties of election officers, election supplies, ballots and voting machines, absent voters' ballots, the disclosure of financial interests, corrupt practices, primary elections, nominations at the general election, the conduct of elections, presidential electors, election returns, recounts, and contests; and to repeal chapters 16-01, 16-03, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 16-11, 16-12, 16-13, 16-14, 16-15, 16-18, 16-21, and 16-22, and sections 16-04-02.1, 16-04-03, 16-04-05, 16-04-06, 16-04-07, 16-04-08, 16-04-09, 16-04-10, 16-04-12, subsections 2, 3, and 4 of section 16-04-13, sections 16-04-15.2, 16-04-18, 16-04-19, 16-04-20, 16-04-25, 16-04-26, 16-04-27, 16-04-28, 16-04-29, 16-04-30, 16-04-31, 16-04-32, 16-04-33, 16-04-34, 16-04-35, 16-04-36, 16-16-01, 16-16-02, 16-16-03, 16-16-04, 16-16-05, 16-16-06, 16-16-07, 16-16-08, 16-16-09, 16-16-10, 16-16-11, 16-16-12, 16-16-13, 16-16-14, 16-16-15, 16-16-16, 16-20-04, 16-20-05, 16-20-07, 16-20-08, 16-20-09, 16-20-10, 16-20-12, 16-20-15, 16-20-16, 16-20-17, 16-20-18, 16-20-22, and 16-20-23 of the North Dakota Century Code, and sections 16-04-02, 16-04-04, subsection 1 of section 16-04-13, sections 16-04-16, 16-04-17, 16-04-21, 16-16-03.1, 16-20-01, 16-20-01.1, 16-20-06, 16-20-17.1, 16-20-17.2, 16-20-17.3, 16-20-19

and 16-20-24 of the 1975 Supplement to the North Dakota Century Code, relating to general election provisions, individual nominations, primary elections, nominations for office, general and special elections, the no-party ballot, the establishment of precincts and voting places, election officers and supplies, the conduct of elections, returns and contests of elections, voting by new residents, absent voters' ballots, corrupt practices, voting machines, and the disclosure of financial interests.

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, 30; nays, 19; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      | 1977 LEGISLATURE |     |      |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|------------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      |            |     |      |                  |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS             | N-V | NAYS |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI      |     |      |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG        |     |      |
| • BERUBE            |     | •    | • KRAUTER    |     | •    | • NETHING  |     |      | • STRAND         |     |      |
| • CHRISTENSEN       |     |      | • LARSON     |     |      | • ORANGE   |     | •    | • STRINDEN       |     |      |
| • ERDMAN            |     | •    | • LASHKOWITZ |     | •    | • PETERSON |     |      | • TALLACKSON     |     | •    |
| • FARRINGTON        |     |      | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS       |     |      |
| • FREED             |     | •    | • LIPS       |     |      | • RAIT     |     | •    | • THANE          |     |      |
| • FRITZELL          |     |      | • LODGEN     |     |      | • REDJIN   |     | •    | • VOSPER         |     |      |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH          |     |      |
| • HANSON            |     |      | • MAUJ       |     |      | • SANDNESS |     |      | • WENSTROM       |     |      |
| • HOFFNER           |     | •    | • MELLAND    |     |      | • SANDS    |     |      | • WRIGHT         |     |      |
| • HOLMBERG          |     |      | • MILLER     |     | •    | • SCHIRADO |     |      | • MR. PRESIDENT  |     |      |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     | •    |                  |     |      |

So the bill passed and the title was agreed to.

Senator Nething moved that the Senate recess until 4:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

**MESSAGE TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:

House Bill No. 1049

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE**

House Chamber

Mr. President: I have the honor to transmit herewith the following:

- House Bill No. 1012
- House Bill No. 1056
- House Bill No. 1163
- House Bill No. 1240
- House Bill No. 1264
- House Bill No. 1284
- House Bill No. 1361
- House Bill No. 1383
- House Bill No. 1405
- House Bill No. 1412
- House Bill No. 1423
- House Bill No. 1441
- House Bill No. 1446
- House Bill No. 1455
- House Bill No. 1470
- House Bill No. 1475
- House Bill No. 1532
- House Bill No. 1583

House Bill No. 1597

House Concurrent Resolution No. 3039

House Concurrent Resolution No. 3059

Which the Speaker has signed and your signature is respectfully requested.

ROY GILBREATH, Chief Clerk  
House Chamber

Mr. President: I have the honor to return herewith the following:

Senate Bill No. 2013

Senate Bill No. 2063

Senate Bill No. 2111

Senate Bill No. 2199

Senate Bill No. 2234

Senate Bill No. 2240

Senate Bill No. 2294

Senate Bill No. 2327

Senate Bill No. 2338

Senate Bill No. 2369

Senate Bill No. 2388

Senate Bill No. 2415

Senate Bill No. 2428

Senate Bill No. 2439

Senate Bill No. 2495

Senate Bill No. 2513

Senate Bill No. 2517

Senate Concurrent Resolution No. 4040

Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

REPORTS OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Concurrent Resolution No. 4040

Was delivered to the Secretary of State on April 7, 1977.

SENATOR STRAND, Chairman

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2013

Senate Bill No. 2063

Senate Bill No. 2111

Senate Bill No. 2199

Senate Bill No. 2234

Senate Bill No. 2240

Senate Bill No. 2294

Senate Bill No. 2327

Senate Bill No. 2338

Senate Bill No. 2369

Senate Bill No. 2388

Senate Bill No. 2415

Senate Bill No. 2428

Senate Bill No. 2439

Senate Bill No. 2495

Senate Bill No. 2513

Senate Bill No. 2517

Were delivered to the Governor for his approval on April 7, 1977.  
 SENATOR STRAND, Chairman

## SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1012  
 House Bill No. 1056  
 House Bill No. 1163  
 House Bill No. 1240  
 House Bill No. 1264  
 House Bill No. 1284  
 House Bill No. 1361  
 House Bill No. 1383  
 House Bill No. 1405  
 House Bill No. 1412  
 House Bill No. 1423  
 House Bill No. 1441  
 House Bill No. 1446  
 House Bill No. 1455  
 House Bill No. 1470  
 House Bill No. 1475  
 House Bill No. 1532  
 House Bill No. 1583  
 House Bill No. 1597

House Concurrent Resolution No. 3039

House Concurrent Resolution No. 3059

And the President signed the same in the presence of the Senate.

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to return herewith the following:

House Bill No. 1012  
 House Bill No. 1056  
 House Bill No. 1163  
 House Bill No. 1240  
 House Bill No. 1264  
 House Bill No. 1284  
 House Bill No. 1361  
 House Bill No. 1383  
 House Bill No. 1405  
 House Bill No. 1412  
 House Bill No. 1423  
 House Bill No. 1441  
 House Bill No. 1446  
 House Bill No. 1455  
 House Bill No. 1470  
 House Bill No. 1475  
 House Bill No. 1532  
 House Bill No. 1583  
 House Bill No. 1597

House Concurrent Resolution No. 3039

House Concurrent Resolution No. 3059

Which the President has signed.

LEO LEIDHOLM, Secretary

Senator Nething moved that the Senate recess until 7:00 P.M., which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE FROM THE HOUSE

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1262

And the Speaker appointed as a new conference committee:

Rep. Gackle

Rep. A. Hausauer

Rep. Backes

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman

Senator Jacobson

Senator Barth

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that

The President appointed as a new conference committee on:

House Bill No. 1262

Senator Goodman

Senator Jacobson

Senator Barth

LEO LEIDHOLM, Secretary

Senator Nething moved that the Senate recess subject to the Call of the Chair, which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE FROM THE HOUSE

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1262.

And the Speaker appointed as a new conference committee:

Rep. Gackle

Rep. A. Hausauer

Rep. Backes

ROY GILBREATH, Chief Clerk

MOTION

Senator Nething moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Goodman

Senator Jacobson

Senator Barth

## MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee:

House Bill No. 1262:

Senator Goodman

Senator Jacobson

Senator Barth

LEO LEIDHOLM, Secretary

Senator Nothing moved that the Senate stand recessed subject to the Call of the Chair, which motion prevailed.

The Senate reconvened, the President presiding.

## MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on House Bill No. 1262.

ROY GILBREATH, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

Mr. President: Your Conference Committee to whom was referred House Bill No. 1262 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1262 be further amended as follows:

In the Senate amendment, in Section 1, subsection 2, in the first line delete the word "three" and insert in lieu thereof the word "one"

And renumber the lines accordingly.

For the Senate

Senator Goodman (refused to sign)

Senator Jacobson

Senator Barth

For the House

Rep. Gackle

Rep. A. Hausauer

Rep. Backes

Senator Barth moved that the report be adopted.

Senator Shablow requested a roll call vote on the motion to adopt the conference committee report on House Bill 1262, which request was granted.

## ROLL CALL

The question being on the motion to adopt the conference committee report on House Bill 1262, the roll was called and there were 20 ayes; 29 nays; absent and not voting 1.

| NORTH DAKOTA SENATE |      |      |              |      |      |            |      |      |                  |      |      |
|---------------------|------|------|--------------|------|------|------------|------|------|------------------|------|------|
| REGULAR SESSION     |      |      | ROLL CALL    |      |      |            |      |      | 1977 LEGISLATURE |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS       | N.V. | NAYS | YEAS             | N.V. | NAYS |
| • ALBERS            |      |      | JACOBSON     | •    |      | NAADEN     | •    |      | SMYKOWSKI        | •    |      |
| • BARTH             |      |      | JONES        | •    |      | NELSON     | •    |      | SOLBERG          | •    |      |
| • BERUBE            |      |      | • KRAUTER    |      |      | • NETHING  |      |      | • STRAND         |      |      |
| • CHRISTENSEN       | •    |      | • KRASON     |      |      | • ORANGE   |      |      | • STRINDEN       |      |      |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON | •    |      | • TALLACKSON     |      |      |
| • FARRINGTON        | •    |      | LEE          | •    |      | • PIETRON  |      |      | • TENNEFOS       |      |      |
| • FREED             | •    |      | LIPS         | •    |      | • RAIT     |      |      | • THANE          |      |      |
| • FRITZELL          |      |      | LODDOEN      | •    |      | • REDLIN   |      |      | • VOSPER         |      |      |
| • GOODMAN           |      |      | • MAHER      |      |      | • REITEN   | •    |      | • WALSH          |      |      |
| • HANSON            | •    |      | • MAU        |      |      | • SANDNESS | •    |      | • WENSTROM       |      |      |
| • HOFFNER           |      |      | • MELLAND    | •    |      | • SANDS    | •    |      | • WRIGHT         |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO |      |      | • MR. PRESIDENT  |      |      |
| • ISZLER            | •    |      | • MORGAN     | •    |      | • SHABLOW  |      |      |                  |      |      |

The motion to adopt the conference committee report on House Bill 1262 lost.

THURSDAY, APRIL 7, 1977

1671

MOTION

Senator Melland moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Nething  
Senator Jacobson  
Senator Barth

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has not adopted the conference committee report on House Bill No. 1262 and the President appointed as a new conference committee:

Senator Nething  
Senator Jacobson  
Senator Barth

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

Senate 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 House Bill No. 1262:

Rep. Gackle  
Rep. A. Hausauer  
Rep. Backes

ROY GILBREATH, Chief Clerk

Senator Nething moved that the Senate recess for ten minutes, which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on House Bill No. 1262 and the Speaker appointed as a new conference committee:

Rep. Gackle  
Rep. A. Hausauer  
Rep. Backes

ROY GILBREATH, Chief Clerk

MOTION

Senator Melland moved that the President appoint a new committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1262, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1262:

Senator Nething  
Senator Jacobson  
Senator Barth

MESSAGE TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee on House Bill No. 1262:

Senator Nething  
Senator Jacobson



Senator Barth

LEO LEIDHOLM, Secretary

Senator Melland moved that the Senate stand in recess until 3:00 A.M., which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE FROM THE HOUSE  
Senate Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1262

And the Speaker appointed as a new conference committee.

Rep. Gackle

Rep. A. Hausauer

Rep. Backes

ROY GILBREATH, Chief Clerk

MOTIONS

Senator Melland moved that the Senate be on the 7th Order of Business, which motion prevailed.

Senator Melland moved that the Senate not adopt the conference committee report on House Bill 1280.

Senator Hoffner moved that the Senate recess for fifteen minutes, which motion prevailed.

The Senate reconvened, the President presiding.

MESSAGE FROM THE HOUSE

House Chamber

Mr. President: I have the honor to inform you that the House has dissolved the House Conference Committee on House Bill No. 1006, and the Speaker has appointed as a new conference committee:

Rep. Eagles

Rep. Unhjem

Rep. G. Martin

ROY GILBREATH, Chief Clerk

House Chamber

Mr. President: I have the honor to inform you that the House has not adopted the conference committee report on:

House Bill No. 1026

And the Speaker appointed as a new conference committee:

Rep. Wagner

Rep. Swiontek

Rep. Jacobson

ROY GILBREATH, Chief Clerk

MOTIONS

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1006, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1006:

Senator Thane

Senator Strinden

Senator Maher

Senator Solberg moved that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on House Bill No. 1026, which motion prevailed.

The President appointed as a Conference Committee on House Bill No. 1026:

Senator Strinden  
 Senator Thane  
 Senator Orange

#### MESSAGES TO THE HOUSE

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has dissolved the Senate Conference Committee on House Bill No. 1006 and the President has appointed as a new conference committee:

Senator Strinden  
 Senator Thane  
 Senator Maher

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the President appointed as a new conference committee:

House Bill No. 1026  
 Senator Strinden  
 Senator Thane  
 Senator Orange

LEO LEIDHOLM, Secretary

Senator Lips moved that the Senate stand at ease subject to the Call of the Chair, which motion prevailed.

The Senate reconvened, the President presiding.

#### MESSAGE FROM THE HOUSE

House Chamber

Mr. President: The House has reconsidered the action by which it did not adopt the conference committee report on House Bill No. 1262, and subsequently did adopt the conference committee report.

ROY GILBREATH, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE.

Mr. President: Your Conference Committee to whom was referred House Bill No. 1262 has had the same under consideration and recommends:

That the House accede to the Senate amendments and that House Bill No. 1262 be further amended as follows:

In the Senate amendment, in the last line of the title, delete the word "and", and after the word "penalty" and before the period insert the following: "; and to provide that the provisions of this Act shall be temporary"

In the Senate amendment, in Section 1, subsection 2, in the first line delete the words "three points" and insert in lieu thereof the words "one point"

In the Senate amendment, after the last line of Section 15, insert the following new section:

"SECTION 16. PROVISIONS OF ACT TEMPORARY.) The provisions of this Act shall be effective for the period beginning July 1, 1977, and ending June 30, 1979, and thereafter shall be of no force and effect unless reenacted by the legislative assembly."

And renumber the lines accordingly.

For the Senate

Senator Nething

Senator Jacobson  
 Senator Barth (refused to sign)  
 For the House  
 Rep. Gackle  
 Rep. A Hausauer  
 Rep. Backes (refused to sign)  
 Senator Nothing moved that the report be adopted.

**MOTION**

Senator Nothing moved that House Bill 1262 be placed at the head of the 7th Order of Business, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Nothing moved that the conference committee report on House Bill 1262 be adopted, which motion prevailed.

Senator Nothing moved that the rules be suspended, that House Bill No. 1262 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1262. A Bill for an Act to provide for a severance tax upon all coal mined; to provide procedures for the imposition, collection, and administration of such tax; to provide for the allocation of moneys collected; to provide an impact program for impacted school districts, cities, counties, and other taxing districts; to provide for the establishment of a coal impact office in the office of the governor; to provide for impact loans to be administered by the board of university and school lands; to provide a penalty; and to provide that the provisions of this Act shall be temporary.

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, 37; nays, 8; absent and not voting, 5.

| NORTH DAKOTA SENATE |      |      |              |           |      |            |      |                  |                 |      |             |
|---------------------|------|------|--------------|-----------|------|------------|------|------------------|-----------------|------|-------------|
| REGULAR SESSION     |      |      |              | ROLL-CALL |      |            |      | 1977 LEGISLATURE |                 |      |             |
| YEAS                | N.V. | NAYS | YEAS         | N.V.      | NAYS | YEAS       | N.V. | NAYS             | YEAS            | N.V. | NAYS        |
| • ALBERS            |      |      | • JACOBSON   |           |      | • NAADEN   |      |                  |                 |      | • SMYKOWSKI |
| • BARTH             |      | •    | • JONES      |           |      | • NELSON   |      |                  | • SOLBERG       |      |             |
| • BERUBE            |      |      | • KRAUTER    |           | •    | • NOTHING  |      |                  | • STRAND        |      |             |
| • CHRISTENSEN       |      |      | • LARSON     |           |      | • ORANGE   |      |                  | • STRINDEN      |      |             |
| • ERDMAN            |      |      | • LASHKOWITZ |           |      | • PETERSON |      |                  | • TALLACKSON    |      | •           |
| • FARRINGTON        |      |      | • LEE        |           |      | • PIETRON  |      |                  | • TENNEFOS      |      | •           |
| • FREED             | •    |      | • LIPS       |           |      | • RAIT     |      |                  | • THANE         |      |             |
| • FRITZELL          |      |      | • LODOEN     |           |      | • REDLIN   | •    |                  | • VOSPER        |      |             |
| • GOODMAN           |      | •    | • MAHER      | •         |      | • REITEN   |      |                  | • WALSH         |      | •           |
| • HANSON            |      |      | • MAU        |           | •    | • SANDNESS |      |                  | • WENSTROM      |      |             |
| • HOFNER            |      |      | • MELLAND    |           |      | • SANDS    |      | •                | • WRIGHT        |      |             |
| • HOLMBERG          |      |      | • MILLER     |           |      | • SCHRAMBO |      |                  | • MR. PRESIDENT |      |             |
| • ISZLER            |      |      | • MORGAN     |           |      | • SHABLOW  |      |                  |                 |      |             |

So the bill passed and the title was agreed to.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Melland moved that the Conference Committee Report on Bill No. 1280 as printed on pages 1563-1565 of the Senate Journal be adopted, which motion prevailed.

Senator Melland moved that the rules be suspended, that House Bill No. 1280 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1280. A Bill for an Act to provide an appropriation for the construction, additions to, remodeling, and equipping of buildings at state

agencies, departments, and institutions and to repeal sections 1 and 4 of chapter 23 of the 1975 Session Laws 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, 29; nays, 20; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |            |     |      |                 |     |      |                  |  |  |
|---------------------|-----|------|--------------|-----|------|------------|-----|------|-----------------|-----|------|------------------|--|--|
| REGULAR SESSION     |     |      |              |     |      | ROLL CALL  |     |      |                 |     |      | 1977 LEGISLATURE |  |  |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS       | N-V | NAYS | YEAS            | N-V | NAYS |                  |  |  |
| • ALBERS            |     |      | • JACOBSON   |     |      | • NAADEN   |     |      | • SMYKOWSKI     |     |      |                  |  |  |
| • BARTH             |     | •    | • JONES      |     |      | • NELSON   |     |      | • SOLBERG       |     |      |                  |  |  |
| • BERUBE            |     | •    | • KRAUTER    |     |      | • NETHING  |     |      | • STRAND        |     |      |                  |  |  |
| • CHRISTENSEN       |     |      | • LARSON     |     | •    | • ORANGE   |     |      | • STRINDEN      |     |      |                  |  |  |
| • ERDMAN            |     |      | • LASHKOWITZ |     |      | • PETERSON |     |      | • TALLACKSON    |     |      |                  |  |  |
| • FARRINGTON        |     | •    | • LEE        |     |      | • PIETRON  |     |      | • TENNEFOS      |     |      |                  |  |  |
| • FREED             |     |      | • LIPS       |     |      | • RAIT     |     |      | • THANE         |     |      |                  |  |  |
| • FRITZELL          |     |      | • LOOGEN     |     | •    | • REDLIN   |     |      | • VOSPER        |     |      |                  |  |  |
| • GOODMAN           |     |      | • MAHER      |     |      | • REITEN   |     |      | • WALSH         |     |      |                  |  |  |
| • HANSON            |     |      | • MAU        |     |      | • SANDNESS |     |      | • WENSTROM      |     |      |                  |  |  |
| • HOFFNER           |     |      | • MELLAND    |     |      | • SANDS    |     | •    | • WRIGHT        |     |      |                  |  |  |
| • HOLMBERG          |     |      | • MILLER     |     |      | • SCHIRADO |     |      | • MR. PRESIDENT |     |      |                  |  |  |
| • ISZLER            |     |      | • MORGAN     |     |      | • SHABLOW  |     |      |                 |     |      |                  |  |  |

So the bill passed and the title was agreed to.

**SECOND READING OF SENATE BILLS**

Senate Bill No. 2135. A Bill for an Act to create and enact two new sections to chapter 50-01 of the North Dakota Century Code, relating to reimbursement to counties by the social service board of North Dakota for county general assistance payments; and to create and enact a new section to chapter 50-18 of the North Dakota Century Code, relating to establishing reasonable rates payable to boarding homes for the aged and infirm for the care of recipients of general assistance; and to provide an appropriation to carry out the provisions of this Act.

Which has been read.

Senator Christensen offered the following proposed amendments to Senate Bill 2135:

On page 1, line 4, delete the comma and the words " , and social"

On page 1, delete line 5

On page 1, line 6, delete the words "social services"

On page 1, line 10, after the word "assistance" and before the period insert the following: " ; and to provide an appropriation to carry out the provisions of this Act"

On page 2, delete lines 8 through 24

On page 2, after line 34, insert the following new section:

"SECTION 3. APPROPRIATION.) The sums hereinafter named only, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds derived from federal funds or other income in the state treasury to the social service board of North Dakota for the biennium beginning July 1, 1977, and ending June 30, 1979, for the following purposes:

|  |                   |
|--|-------------------|
| Reimbursement to counties by the state for general assistance (including SSI optional supplementation) | \$673,776         |
| Salaries and wages   | 29,422            |
| Travel, equipment, and supplies  | 10,726            |
| Total all funds  | <u>\$713,924</u>  |
| Less estimated income  | 24,089            |
| Total general fund transfer and appropriation  | <u>\$689,835"</u> |

And renumber the lines, sections, and pages accordingly.

Senator Christensen moved that the amendments be adopted, which



**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Strinden moved that the conference committee report on House Bill 1026 be adopted, which motion prevailed.

Senator Strinden moved that the rules be suspended, that House Bill No. 1026 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1026. A Bill for an Act to create and enact a new subsection to section 15-40.1-08 of the North Dakota Century Code, relating to foundation payments for special education pupils between certain ages; to amend and reenact sections 15-40.1-06 and 15-40.1-16 of the North Dakota Century Code, relating to increasing the educational support payment and the transportation aid payment.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 49; nays, 0; absent and not voting, 1.

| NORTH DAKOTA SENATE |     |      |              |     |      |                  |     |      |               |     |      |
|---------------------|-----|------|--------------|-----|------|------------------|-----|------|---------------|-----|------|
| REGULAR SESSION     |     |      | ROLL CALL    |     |      | 1977 LEGISLATURE |     |      |               |     |      |
| YEAS                | N-V | NAYS | YEAS         | N-V | NAYS | YEAS             | N-V | NAYS | YEAS          | N-V | NAYS |
| ● ALBERS            |     |      | ● JACOBSON   |     |      | ● NAADEN         |     |      | ● SMYKOWSKI   |     |      |
| ● BARTH             |     |      | ● JONES      |     |      | ● NELSON         |     |      | ● SOLBERG     |     |      |
| ● BERUBE            |     |      | ● KRAUTER    |     |      | ● NETHING        |     |      | ● STRAND      |     |      |
| ● CHRISTENSEN       |     |      | ● LARSON     |     |      | ● ORANGE         |     |      | ● STRINDEN    |     |      |
| ● ERDMAN            |     |      | ● LASHKOWITZ |     |      | ● PETERSON       |     |      | ● TALLACKSON  |     |      |
| ● FARRINGTON        |     |      | ● LEE        |     |      | ● PIETRON        |     |      | ● TENNEFOS    |     |      |
| ● FRED              |     |      | ● LIPS       |     |      | ● RAIT           |     |      | ● THANE       |     |      |
| ● FRITZELL          |     |      | ● LODOWN     |     |      | ● REDLIN         |     |      | ● VOSPER      |     |      |
| ● GOODMAN           |     |      | ● MAHER      |     |      | ● REITEN         |     |      | ● WALSH       |     |      |
| ● HANSON            |     |      | ● MAU        |     |      | ● SANDNESS       |     |      | ● WENSTROM    |     |      |
| ● HOFFNER           |     |      | ● MELLAND    |     |      | ● SANDS          |     |      | ● WRIGHT      |     |      |
| ● HOLMBERG          |     |      | ● MILLER     |     |      | ● SCHIRADO       |     |      | MR. PRESIDENT |     |      |
| ● ISZLER            |     |      | ● MORGAN     |     |      | ● SHABLOW        |     |      |               |     |      |

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 adopted the conference committee report on:

House Bill No. 1006

ROY GILBREATH, Chief Clerk

**REPORT OF CONFERENCE COMMITTEES**

Mr. President: Your Conference Committee to whom was referred House Bill No. 1006 has had the same under consideration and recommends:

That the Senate recede from its amendments and that engrossed House Bill No. 1006 be amended as follows:

On page 3 of the engrossed bill, line 13, delete the numerals "464,453" and insert in lieu thereof the numerals "404,453"

On page 3 of the engrossed bill, line 16, delete the numerals "4,000,000" and insert in lieu thereof the numerals "3,125,263"

On page 3 of the engrossed bill, line 17, delete the numerals "4,534,737" and insert in lieu thereof the numerals "3,600,000"

On page 3 of the engrossed bill, line 34, delete the numerals "6,387,128" and insert in lieu thereof the numerals "5,702,391"

On page 4 of the engrossed bill, line 1, delete the numerals "6,740,318" and insert in lieu thereof the numerals "6,055,581"

On page 4 of the engrossed bill, after line 31, insert the following sections:

"SECTION 4. APPROPRIATION.) There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$250,000.00, or so much thereof as may be necessary, to the emergency commission for the purpose of providing funds for litigation costs related to the Garrison diversion project during the biennium beginning July 1, 1977, and ending June 30, 1979. The funds herein appropriated shall be transferred and spent by the attorney general only after the emergency commission has approved a request from his office for such funds for the purpose herein stated. That portion of section 54-16-01 which states "The aggregate total of transfers from the state contingency fund, within the limits of legislative appropriations, can exceed five hundred thousand dollars only to the extent that requests for transfers from the state contingency fund have been approved by the budget section of the legislative council." shall not apply to the appropriation contained in this section.

SECTION 5. EDUCATIONAL BROADCASTING COUNCIL.) The funds herein appropriated to the North Dakota educational broadcasting council in the line item entitled "Salaries and wages" shall be used by the educational broadcasting council to employ such personnel as it deems necessary to implement the educational broadcasting system within the amount of funds herein appropriated during the biennium beginning July 1, 1977, and ending June 30, 1979."

On page 4 of the engrossed bill, line 32, delete the numeral "4" and insert in lieu thereof the numeral "6"

On page 4 of the engrossed bill, line 32, delete the word "appropriation" and insert in lieu thereof the word "appropriations"

On page 4 of the engrossed bill, delete line 33, and insert in lieu thereof the following: "subdivisions 7 and 16 of section 1 of this Act are hereby declared to be emergency measures"

On page 4 of the engrossed bill, line 34, delete the words "emergency measure"

On page 4 of the engrossed bill, line 35, delete the word "its" and insert in lieu thereof the word "their"

And renumber the lines, sections and pages accordingly.

And when so amended recommends the same do pass.

Statement of Purpose of Amendment:

This amendment reduces the appropriation for the Educational Broadcasting Council by \$934,737 from the House recommendation and \$615,980 from the executive recommendation. The appropriation as amended for the council provides for the following:

|                            |            |
|----------------------------|------------|
| Activate Bismarck channel  | \$ 471,772 |
| Activate Minot channel     | 878,334    |
| Activate Dickinson channel | 919,815    |
| Activate Williston channel | 819,875    |
| SUB-TOTAL                  | 3,089,796  |
| To apply for grants        | 510,204    |
| totaling \$1,379,222       |            |

(To be used for microwave interconnection, Fargo transmitter relocation, translators and test terminal equipment)

TOTAL STATE CONSTRUCTION

\$3,600,000

The intent is that the appropriation as amended also provides salaries and wages for a contract coordinator and staff necessary to implement the educational broadcasting system during the 1977-79 biennium.

For the Senate

- Senator Thane
- Senator Strinden
- Senator Maher

For the House

- Rep. Eagles
- Rep. Unhjem
- Rep. Martin

Senator Thane moved that the report be adopted.

Senator Nething moved that House Bill No. 1006 be placed at the head of the 7th Order of Business, which motion prevailed.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORTS**

Senator Thane moved that the conference committee report on House Bill No. 1006 be adopted, which motion prevailed.

Senator Thane moved that the rules be suspended, that House Bill No. 1006 be placed on the calendar for second reading and final passage, as amended, which motion prevailed.

**SECOND READING OF HOUSE BILLS**

House Bill No. 1006. Budgets—A Bill for An Act making an appropriation for defraying expenses of the various departments and various divisions thereof, 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, 34; nays, 15; absent and not voting, 1.

| NORTH DAKOTA SENATE |      |      |              |      |      |                  |      |      |                 |      |      |
|---------------------|------|------|--------------|------|------|------------------|------|------|-----------------|------|------|
| REGULAR SESSION     |      |      |              |      |      | 1977 LEGISLATURE |      |      |                 |      |      |
| ROLL CALL           |      |      |              |      |      |                  |      |      |                 |      |      |
| YEAS                | N.V. | NAYS | YEAS         | N.V. | NAYS | YEAS             | N.V. | NAYS | YEAS            | N.V. | NAYS |
| • ALBERS            |      |      | • JACOBSON   |      |      | • NAADEN         |      |      | • SMYKOWSKI     |      | •    |
| • BARTH             |      |      | • JONES      |      | •    | • NELSON         |      | •    | • SOLBERG       |      |      |
| • BERUBE            |      |      | • KRAUTER    |      | •    | • NETHING        |      |      | • STRAND        |      | •    |
| • CHRISTENSEN       |      |      | • LARSON     |      | •    | • ORANGE         |      |      | • STRINDEN      |      | •    |
| • ERDMAN            |      |      | • LASHKOWITZ |      |      | • PETERSON       |      | •    | • TALLACKSON    |      |      |
| • FARRINGTON        | •    |      | • LEE        |      |      | • PIETRON        |      |      | • TENNEFOS      |      |      |
| • FREED             | •    |      | • LIPS       |      |      | • RAIT           |      |      | • THANE         |      |      |
| • FRITZELL          |      |      | • LOOEN      |      |      | • REDLIN         | •    |      | • VOSPER        |      | •    |
| • GOODMAN           | •    |      | • MAHER      |      |      | • REITEN         |      |      | • WALSH         |      |      |
| • HANSON            |      |      | • MAU        |      |      | • SANDNESS       |      |      | • WENSTROM      |      |      |
| • HOFFNER           |      |      | • MELLAND    |      |      | • SANDS          |      | •    | • WRIGHT        |      |      |
| • HOLMBERG          |      |      | • MILLER     |      |      | • SCHIRADO       |      |      | • MR. PRESIDENT |      |      |
| • ISZLER            |      | •    | • MORGAN     |      | •    | • SHABLOW        |      |      |                 |      |      |

So the bill passed, the title was agreed to, and the emergency clause carried.

**MESSAGES TO THE HOUSE**

Senate Chamber

Mr. Speaker: I have the honor to transmit herewith the following, which the Senate has passed and your favorable consideration is requested on:

Senate Bill No. 2135

LEO LEIDHOLM, Secretary

Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has adopted the conference committee report on:



House Bill No. 1006  
 House Bill No. 1026  
 House Bill No. 1262  
 House Bill No. 1280

LEO LEIDHOLM, Secretary

**MESSAGE FROM THE HOUSE**  
 House Chamber

Mr. President: I have the honor to inform you that the House has adopted the conference committee report on:  
 Senate Bill No. 2005

ROY GILBREATH, Chief Clerk

**MOTION**

Senator Mau moved that the Senate reconsider its action by which it failed to pass Senate Bill No. 2064, which motion lost.

**MESSAGE 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. 2135

ROY GILBREATH, Chief Clerk

**MESSAGE TO THE HOUSE**  
 Senate Chamber

Mr. Speaker: I have the honor to inform you that the Senate has concurred in the House amendment to Senate Bill No. 2551, and failed to pass the bill.

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. 2007 | Senate Bill No. 2214 |
| Senate Bill No. 2009 | Senate Bill No. 2218 |
| Senate Bill No. 2012 | Senate Bill No. 2233 |
| Senate Bill No. 2016 | Senate Bill No. 2246 |
| Senate Bill No. 2018 | Senate Bill No. 2280 |
| Senate Bill No. 2031 | Senate Bill No. 2287 |
| Senate Bill No. 2036 | Senate Bill No. 2325 |
| Senate Bill No. 2051 | Senate Bill No. 2398 |
| Senate Bill No. 2109 | Senate Bill No. 2406 |
| Senate Bill No. 2126 | Senate Bill No. 2420 |
| Senate Bill No. 2135 | Senate Bill No. 2446 |
| Senate Bill No. 2146 | Senate Bill No. 2460 |
| Senate Bill No. 2158 | Senate Bill No. 2475 |
| Senate Bill No. 2171 | Senate Bill No. 2476 |
| Senate Bill No. 2201 | Senate Bill No. 2509 |

Senate Bill No. 2520  
Senate Bill No. 2536  
Senate Bill No. 2549  
Senate Bill No. 2552  
Senate Memorial Resolution No. 3  
Senate Resolution No. 13  
Senate Resolution No. 17  
Senate Resolution No. 19  
Senate Resolution No. 20  
Senate Concurrent Resolution No. 4002  
Senate Concurrent Resolution No. 4003  
Senate Concurrent Resolution No. 4004  
Senate Concurrent Resolution No. 4009  
Senate Concurrent Resolution No. 4012  
Senate Concurrent Resolution No. 4013  
Senate Concurrent Resolution No. 4015  
Senate Concurrent Resolution No. 4018  
Senate Concurrent Resolution No. 4021  
Senate Concurrent Resolution No. 4024  
Senate Concurrent Resolution No. 4030  
Senate Concurrent Resolution No. 4031  
Senate Concurrent Resolution No. 4033  
Senate Concurrent Resolution No. 4034  
Senate Concurrent Resolution No. 4035  
Senate Concurrent Resolution No. 4041  
Senate Concurrent Resolution No. 4045  
Senate Concurrent Resolution No. 4046  
Senate Concurrent Resolution No. 4048  
Senate Concurrent Resolution No. 4049  
Senate Concurrent Resolution No. 4052  
Senate Concurrent Resolution No. 4055  
Senate Concurrent Resolution No. 4060  
Senate Concurrent Resolution No. 4061  
Senate Concurrent Resolution No. 4065  
Senate Concurrent Resolution No. 4070  
Senate Concurrent Resolution No. 4071  
Senate Concurrent Resolution No. 4072  
Senate Concurrent Resolution No. 4073  
Senate Concurrent Resolution No. 4074  
Senate Concurrent Resolution No. 4075  
Senate Concurrent Resolution No. 4076  
Senate Concurrent Resolution No. 4077  
Senate Concurrent Resolution No. 4079  
Senate Concurrent Resolution No. 4081  
Senate Concurrent Resolution No. 4084  
Senate Concurrent Resolution No. 4086  
Senate Concurrent Resolution No. 4088  
Senate Concurrent Resolution No. 4089  
Senate Concurrent Resolution No. 4090  
Senate Concurrent Resolution No. 4091  
And find the same correctly Enrolled.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed, and the report was adopted.

## REPORT OF PROCEDURAL COMMITTEE

Mr. President: Your committee on Enrollment and Engrossment respectfully report that they have examined the following bills:

Senate Bill No. 2001  
Senate Bill No. 2002  
Senate Bill No. 2003  
Senate Bill No. 2004  
Senate Bill No. 2005  
Senate Bill No. 2006  
Senate Bill No. 2008  
Senate Bill No. 2010  
Senate Bill No. 2011  
Senate Bill No. 2014  
Senate Bill No. 2022  
Senate Bill No. 2025  
Senate Bill No. 2062  
Senate Bill No. 2110  
Senate Bill No. 2122  
Senate Bill No. 2139  
Senate Bill No. 2141  
Senate Bill No. 2148  
Senate Bill No. 2160  
Senate Bill No. 2164  
Senate Bill No. 2184  
Senate Bill No. 2202  
Senate Bill No. 2221  
Senate Bill No. 2222  
Senate Bill No. 2224  
Senate Bill No. 2239  
Senate Bill No. 2262  
Senate Bill No. 2277  
Senate Bill No. 2296  
Senate Bill No. 2297  
Senate Bill No. 2307  
Senate Bill No. 2308  
Senate Bill No. 2323  
Senate Bill No. 2324  
Senate Bill No. 2331  
Senate Bill No. 2346  
Senate Bill No. 2364  
Senate Bill No. 2378  
Senate Bill No. 2381  
Senate Bill No. 2384  
Senate Bill No. 2395  
Senate Bill No. 2408  
Senate Bill No. 2417  
Senate Bill No. 2431  
Senate Bill No. 2442  
Senate Bill No. 2463  
Senate Bill No. 2471  
Senate Bill No. 2487  
Senate Bill No. 2496  
Senate Bill No. 2519

Senate Bill No. 2548

Senate Bill No. 2550

And find the same correctly Engrossed and Enrolled.

SENATOR STRAND, Chairman

Senator Mau moved that the report be adopted, which motion prevailed, and the report was adopted.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Bill No. 2001

Senate Bill No. 2002

Senate Bill No. 2003

Senate Bill No. 2004

Senate Bill No. 2005

Senate Bill No. 2006

Senate Bill No. 2007

Senate Bill No. 2008

Senate Bill No. 2009

Senate Bill No. 2010

Senate Bill No. 2011

Senate Bill No. 2012

Senate Bill No. 2014

Senate Bill No. 2016

Senate Bill No. 2018

Senate Bill No. 2022

Senate Bill No. 2025

Senate Bill No. 2031

Senate Bill No. 2036

Senate Bill No. 2051

Senate Bill No. 2062

Senate Bill No. 2109

Senate Bill No. 2110

Senate Bill No. 2122

Senate Bill No. 2126

Senate Bill No. 2135

Senate Bill No. 2139

Senate Bill No. 2141

Senate Bill No. 2146

Senate Bill No. 2148

Senate Bill No. 2158

Senate Bill No. 2160

Senate Bill No. 2164

Senate Bill No. 2171

Senate Bill No. 2184

Senate Bill No. 2201

Senate Bill No. 2202

Senate Bill No. 2214

Senate Bill No. 2218

Senate Bill No. 2221

Senate Bill No. 2222

Senate Bill No. 2224

Senate Bill No. 2233

Senate Bill No. 2239

Senate Bill No. 2246

Senate Bill No. 2262  
Senate Bill No. 2277  
Senate Bill No. 2280  
Senate Bill No. 2287  
Senate Bill No. 2296  
Senate Bill No. 2297  
Senate Bill No. 2307  
Senate Bill No. 2308  
Senate Bill No. 2323  
Senate Bill No. 2324  
Senate Bill No. 2325  
Senate Bill No. 2331  
Senate Bill No. 2346  
Senate Bill No. 2364  
Senate Bill No. 2378  
Senate Bill No. 2381  
Senate Bill No. 2384  
Senate Bill No. 2395  
Senate Bill No. 2398  
Senate Bill No. 2406  
Senate Bill No. 2408  
Senate Bill No. 2417  
Senate Bill No. 2420  
Senate Bill No. 2431  
Senate Bill No. 2442  
Senate Bill No. 2446  
Senate Bill No. 2460  
Senate Bill No. 2463  
Senate Bill No. 2471  
Senate Bill No. 2475  
Senate Bill No. 2476  
Senate Bill No. 2487  
Senate Bill No. 2496  
Senate Bill No. 2509  
Senate Bill No. 2519  
Senate Bill No. 2520  
Senate Bill No. 2536  
Senate Bill No. 2548  
Senate Bill No. 2549  
Senate Bill No. 2550  
Senate Bill No. 2552

And the President signed the same in the presence of the Senate.

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

Senate Concurrent Resolution No. 4002  
Senate Concurrent Resolution No. 4003  
Senate Concurrent Resolution No. 4004  
Senate Concurrent Resolution No. 4009  
Senate Concurrent Resolution No. 4012  
Senate Concurrent Resolution No. 4013  
Senate Concurrent Resolution No. 4015  
Senate Concurrent Resolution No. 4018  
Senate Concurrent Resolution No. 4021  
Senate Concurrent Resolution No. 4024

Senate Concurrent Resolution No. 4030  
Senate Concurrent Resolution No. 4031  
Senate Concurrent Resolution No. 4033  
Senate Concurrent Resolution No. 4034  
Senate Concurrent Resolution No. 4035  
Senate Concurrent Resolution No. 4041  
Senate Concurrent Resolution No. 4045  
Senate Concurrent Resolution No. 4046  
Senate Concurrent Resolution No. 4048  
Senate Concurrent Resolution No. 4049  
Senate Concurrent Resolution No. 4052  
Senate Concurrent Resolution No. 4055  
Senate Concurrent Resolution No. 4060  
Senate Concurrent Resolution No. 4061  
Senate Concurrent Resolution No. 4065  
Senate Concurrent Resolution No. 4070  
Senate Concurrent Resolution No. 4071  
Senate Concurrent Resolution No. 4072  
Senate Concurrent Resolution No. 4073  
Senate Concurrent Resolution No. 4074  
Senate Concurrent Resolution No. 4075  
Senate Concurrent Resolution No. 4076  
Senate Concurrent Resolution No. 4077  
Senate Concurrent Resolution No. 4079  
Senate Concurrent Resolution No. 4081  
Senate Concurrent Resolution No. 4084  
Senate Concurrent Resolution No. 4086  
Senate Concurrent Resolution No. 4088  
Senate Concurrent Resolution No. 4089  
Senate Concurrent Resolution No. 4090  
Senate Concurrent Resolution No. 4091  
Senate Resolution No. 13  
Senate Resolution No. 17  
Senate Resolution No. 19  
Senate Resolution No. 20  
Senate Memorial Resolution No. 3

And the President signed the same in the presence of the Senate  
MESSAGE 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. 2003  
Senate Bill No. 2004  
Senate Bill No. 2005  
Senate Bill No. 2006  
Senate Bill No. 2007  
Senate Bill No. 2008  
Senate Bill No. 2009  
Senate Bill No. 2010  
Senate Bill No. 2011  
Senate Bill No. 2012  
Senate Bill No. 2014

Senate Bill No. 2016  
Senate Bill No. 2018  
Senate Bill No. 2022  
Senate Bill No. 2025  
Senate Bill No. 2031  
Senate Bill No. 2036  
Senate Bill No. 2051  
Senate Bill No. 2062  
Senate Bill No. 2109  
Senate Bill No. 2110  
Senate Bill No. 2122  
Senate Bill No. 2126  
Senate Bill No. 2135  
Senate Bill No. 2139  
Senate Bill No. 2141  
Senate Bill No. 2146  
Senate Bill No. 2148  
Senate Bill No. 2158  
Senate Bill No. 2160  
Senate Bill No. 2164  
Senate Bill No. 2171  
Senate Bill No. 2184  
Senate Bill No. 2201  
Senate Bill No. 2202  
Senate Bill No. 2214  
Senate Bill No. 2218  
Senate Bill No. 2221  
Senate Bill No. 2222  
Senate Bill No. 2224  
Senate Bill No. 2233  
Senate Bill No. 2239  
Senate Bill No. 2246  
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Senate Bill No. 2297  
Senate Bill No. 2307  
Senate Bill No. 2308  
Senate Bill No. 2323  
Senate Bill No. 2324  
Senate Bill No. 2325  
Senate Bill No. 2331  
Senate Bill No. 2346  
Senate Bill No. 2364  
Senate Bill No. 2378  
Senate Bill No. 2381  
Senate Bill No. 2384  
Senate Bill No. 2395  
Senate Bill No. 2398  
Senate Bill No. 2406  
Senate Bill No. 2408  
Senate Bill No. 2417

Senate Bill No. 2420  
Senate Bill No. 2431  
Senate Bill No. 2442  
Senate Bill No. 2446  
Senate Bill No. 2460  
Senate Bill No. 2463  
Senate Bill No. 2471  
Senate Bill No. 2475  
Senate Bill No. 2476  
Senate Bill No. 2487  
Senate Bill No. 2496  
Senate Bill No. 2509  
Senate Bill No. 2519  
Senate Bill No. 2520  
Senate Bill No. 2536  
Senate Bill No. 2548  
Senate Bill No. 2549  
Senate Bill No. 2550  
Senate Bill No. 2552  
Senate Concurrent Resolution No. 4002  
Senate Concurrent Resolution No. 4003  
Senate Concurrent Resolution No. 4004  
Senate Concurrent Resolution No. 4009  
Senate Concurrent Resolution No. 4012  
Senate Concurrent Resolution No. 4013  
Senate Concurrent Resolution No. 4015  
Senate Concurrent Resolution No. 4018  
Senate Concurrent Resolution No. 4021  
Senate Concurrent Resolution No. 4024  
Senate Concurrent Resolution No. 4030  
Senate Concurrent Resolution No. 4031  
Senate Concurrent Resolution No. 4033  
Senate Concurrent Resolution No. 4034  
Senate Concurrent Resolution No. 4035  
Senate Concurrent Resolution No. 4041  
Senate Concurrent Resolution No. 4045  
Senate Concurrent Resolution No. 4046  
Senate Concurrent Resolution No. 4048  
Senate Concurrent Resolution No. 4049  
Senate Concurrent Resolution No. 4052  
Senate Concurrent Resolution No. 4055  
Senate Concurrent Resolution No. 4060  
Senate Concurrent Resolution No. 4061  
Senate Concurrent Resolution No. 4065  
Senate Concurrent Resolution No. 4070  
Senate Concurrent Resolution No. 4071  
Senate Concurrent Resolution No. 4072  
Senate Concurrent Resolution No. 4073  
Senate Concurrent Resolution No. 4074  
Senate Concurrent Resolution No. 4075  
Senate Concurrent Resolution No. 4076  
Senate Concurrent Resolution No. 4077  
Senate Concurrent Resolution No. 4079



Senate Concurrent Resolution No. 4081  
Senate Concurrent Resolution No. 4084  
Senate Concurrent Resolution No. 4086  
Senate Concurrent Resolution No. 4088  
Senate Concurrent Resolution No. 4089  
Senate Concurrent Resolution No. 4090  
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. 2001  
Senate Bill No. 2002  
Senate Bill No. 2003  
Senate Bill No. 2004  
Senate Bill No. 2005  
Senate Bill No. 2006  
Senate Bill No. 2007  
Senate Bill No. 2008  
Senate Bill No. 2009  
Senate Bill No. 2010  
Senate Bill No. 2011  
Senate Bill No. 2012  
Senate Bill No. 2014  
Senate Bill No. 2016  
Senate Bill No. 2018  
Senate Bill No. 2022  
Senate Bill No. 2025  
Senate Bill No. 2031  
Senate Bill No. 2036  
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Senate Bill No. 2146  
Senate Bill No. 2148  
Senate Bill No. 2158  
Senate Bill No. 2160  
Senate Bill No. 2164  
Senate Bill No. 2171  
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Senate Bill No. 2222

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Senate Bill No. 2417  
Senate Bill No. 2420  
Senate Bill No. 2431  
Senate Bill No. 2442  
Senate Bill No. 2446  
Senate Bill No. 2460  
Senate Bill No. 2463  
Senate Bill No. 2471  
Senate Bill No. 2475  
Senate Bill No. 2476  
Senate Bill No. 2487  
Senate Bill No. 2496  
Senate Bill No. 2509  
Senate Bill No. 2519  
Senate Bill No. 2520  
Senate Bill No. 2536  
Senate Bill No. 2548  
Senate Bill No. 2549  
Senate Bill No. 2550  
Senate Bill No. 2552  
Senate Concurrent Resolution No. 4002  
Senate Concurrent Resolution No. 4003  
Senate Concurrent Resolution No. 4004  
Senate Concurrent Resolution No. 4009  
Senate Concurrent Resolution No. 4012  
Senate Concurrent Resolution No. 4013  
Senate Concurrent Resolution No. 4015  
Senate Concurrent Resolution No. 4018

Senate Concurrent Resolution No. 4021  
Senate Concurrent Resolution No. 4024  
Senate Concurrent Resolution No. 4030  
Senate Concurrent Resolution No. 4031  
Senate Concurrent Resolution No. 4033  
Senate Concurrent Resolution No. 4034  
Senate Concurrent Resolution No. 4035  
Senate Concurrent Resolution No. 4041  
Senate Concurrent Resolution No. 4045  
Senate Concurrent Resolution No. 4046  
Senate Concurrent Resolution No. 4048  
Senate Concurrent Resolution No. 4049  
Senate Concurrent Resolution No. 4052  
Senate Concurrent Resolution No. 4055  
Senate Concurrent Resolution No. 4060  
Senate Concurrent Resolution No. 4061  
Senate Concurrent Resolution No. 4065  
Senate Concurrent Resolution No. 4070  
Senate Concurrent Resolution No. 4071  
Senate Concurrent Resolution No. 4072  
Senate Concurrent Resolution No. 4073  
Senate Concurrent Resolution No. 4074  
Senate Concurrent Resolution No. 4075  
Senate Concurrent Resolution No. 4076  
Senate Concurrent Resolution No. 4077  
Senate Concurrent Resolution No. 4079  
Senate Concurrent Resolution No. 4081  
Senate Concurrent Resolution No. 4084  
Senate Concurrent Resolution No. 4086  
Senate Concurrent Resolution No. 4088  
Senate Concurrent Resolution No. 4089  
Senate Concurrent Resolution No. 4090  
Senate Concurrent Resolution No. 4091  
Which the Speaker has signed.

ROY GILBREATH, Chief Clerk

#### 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. 1003  
House Bill No. 1004  
House Bill No. 1005  
House Bill No. 1006  
House Bill No. 1007  
House Bill No. 1009  
House Bill No. 1010  
House Bill No. 1013  
House Bill No. 1014  
House Bill No. 1018  
House Bill No. 1026  
House Bill No. 1028  
House Bill No. 1037  
House Bill No. 1041

House Bill No. 1043  
House Bill No. 1047  
House Bill No. 1049  
House Bill No. 1052  
House Bill No. 1071  
House Bill No. 1074  
House Bill No. 1084  
House Bill No. 1148  
House Bill No. 1156  
House Bill No. 1172  
House Bill No. 1173  
House Bill No. 1174  
House Bill No. 1178  
House Bill No. 1239  
House Bill No. 1242  
House Bill No. 1245  
House Bill No. 1262  
House Bill No. 1280  
House Bill No. 1308  
House Bill No. 1313  
House Bill No. 1320  
House Bill No. 1325  
House Bill No. 1333  
House Bill No. 1384  
House Bill No. 1388  
House Bill No. 1408  
House Bill No. 1419  
House Bill No. 1442  
House Bill No. 1443  
House Bill No. 1476  
House Bill No. 1477  
House Bill No. 1478  
House Bill No. 1525  
House Bill No. 1528  
House Bill No. 1531  
House Bill No. 1548  
House Bill No. 1551  
House Bill No. 1553  
House Bill No. 1559  
House Bill No. 1563  
House Bill No. 1565  
House Bill No. 1587  
House Bill No. 1598  
House Bill No. 1599  
House Bill No. 1601  
House Concurrent Resolution No. 3004  
House Concurrent Resolution No. 3006  
House Concurrent Resolution No. 3014  
House Concurrent Resolution No. 3015  
House Concurrent Resolution No. 3021  
House Concurrent Resolution No. 3027  
House Concurrent Resolution No. 3028  
House Concurrent Resolution No. 3034

House Concurrent Resolution No. 3037  
House Concurrent Resolution No. 3049  
House Concurrent Resolution No. 3051  
House Concurrent Resolution No. 3052  
House Concurrent Resolution No. 3058  
House Concurrent Resolution No. 3063  
House Concurrent Resolution No. 3068  
House Concurrent Resolution No. 3073  
House Concurrent Resolution No. 3081  
House Concurrent Resolution No. 3083  
House Concurrent Resolution No. 3086  
House Concurrent Resolution No. 3088  
House Concurrent Resolution No. 3100  
House Concurrent Resolution No. 3101  
House Concurrent Resolution No. 3102  
House Concurrent Resolution No. 3105  
House Concurrent Resolution No. 3106  
House Concurrent Resolution No. 3107  
House Concurrent Resolution No. 3108  
House Concurrent Resolution No. 3109  
House Concurrent Resolution No. 3110  
House Concurrent Resolution No. 3111

Which the Speaker has signed and your signature is respectfully requested.

ROY GILBREATH, Chief Clerk

#### SIGNING OF BILLS

The Secretary announced that the President was about to sign:

House Bill No. 1001  
House Bill No. 1002  
House Bill No. 1003  
House Bill No. 1004  
House Bill No. 1005  
House Bill No. 1006  
House Bill No. 1007  
House Bill No. 1009  
House Bill No. 1010  
House Bill No. 1013  
House Bill No. 1014  
House Bill No. 1018  
House Bill No. 1026  
House Bill No. 1028  
House Bill No. 1037  
House Bill No. 1041  
House Bill No. 1043  
House Bill No. 1047  
House Bill No. 1049  
House Bill No. 1052  
House Bill No. 1071  
House Bill No. 1074  
House Bill No. 1084  
House Bill No. 1148

House Bill No. 1156  
House Bill No. 1172  
House Bill No. 1173  
House Bill No. 1174  
House Bill No. 1178  
House Bill No. 1239  
House Bill No. 1242  
House Bill No. 1245  
House Bill No. 1262  
House Bill No. 1280  
House Bill No. 1308  
House Bill No. 1313  
House Bill No. 1320  
House Bill No. 1325  
House Bill No. 1333  
House Bill No. 1384  
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House Bill No. 1443  
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House Bill No. 1563  
House Bill No. 1565  
House Bill No. 1587  
House Bill No. 1598  
House Bill No. 1599  
House Bill No. 1601  
House Concurrent Resolution No. 3004  
House Concurrent Resolution no. 3006  
House Concurrent Resolution No. 3014  
House Concurrent Resolution No. 3015  
House Concurrent Resolution No. 3021  
House Concurrent Resolution No. 3027  
House Concurrent Resolution No. 3028  
House Concurrent Resolution No. 3034  
House Concurrent Resolution No. 3037  
House Concurrent Resolution No. 3049  
House Concurrent Resolution No. 3051  
House Concurrent Resolution No. 3052  
House Concurrent Resolution No. 3058  
House Concurrent Resolution No. 3063  
House Concurrent Resolution No. 3068  
House Concurrent Resolution No. 3073

House Concurrent Resolution No. 3081  
House Concurrent Resolution No. 3083  
House Concurrent Resolution No. 3086  
House Concurrent Resolution No. 3088  
House Concurrent Resolution No. 3100  
House Concurrent Resolution No. 3101  
House Concurrent Resolution No. 3102  
House Concurrent Resolution No. 3105  
House Concurrent Resolution No. 3106  
House Concurrent Resolution No. 3107  
House Concurrent Resolution No. 3108  
House Concurrent Resolution No. 3109  
House Concurrent Resolution No. 3110  
House Concurrent Resolution No. 3111

And the President signed the same in the presence of the Senate.

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. 1003  
House Bill No. 1004  
House Bill No. 1005  
House Bill No. 1006  
House Bill No. 1007  
House Bill No. 1009  
House Bill No. 1010  
House Bill No. 1013  
House Bill No. 1014  
House Bill No. 1018  
House Bill No. 1026  
House Bill No. 1028  
House Bill No. 1037  
House Bill No. 1041  
House Bill No. 1043  
House Bill No. 1047  
House Bill No. 1049  
House Bill No. 1052  
House Bill No. 1071  
House Bill No. 1074  
House Bill No. 1084  
House Bill No. 1148  
House Bill No. 1156  
House Bill No. 1172  
House Bill No. 1173  
House Bill No. 1174  
House Bill No. 1178  
House Bill No. 1239  
House Bill No. 1242  
House Bill No. 1245  
House Bill No. 1262  
House Bill No. 1280  
House Bill No. 1308

House Bill No. 1313  
House Bill No. 1320  
House Bill No. 1325  
House Bill No. 1333  
House Bill No. 1384  
House Bill No. 1388  
House Bill No. 1408  
House Bill No. 1419  
House Bill No. 1442  
House Bill No. 1443  
House Bill No. 1476  
House Bill No. 1477  
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House Bill No. 1525  
House Bill No. 1528  
House Bill No. 1531  
House Bill No. 1548  
House Bill No. 1551  
House Bill No. 1553  
House Bill No. 1559  
House Bill No. 1563  
House Bill No. 1565  
House Bill No. 1587  
House Bill No. 1598  
House Bill No. 1599  
House Bill No. 1601  
House Concurrent Resolution No. 3004  
House Concurrent Resolution No. 3006  
House Concurrent Resolution No. 3014  
House Concurrent Resolution No. 3015  
House Concurrent Resolution No. 3021  
House Concurrent Resolution No. 3027  
House Concurrent Resolution No. 3028  
House Concurrent Resolution No. 3034  
House Concurrent Resolution No. 3037  
House Concurrent Resolution No. 3049  
House Concurrent Resolution No. 3051  
House Concurrent Resolution No. 3052  
House Concurrent Resolution No. 3058  
House Concurrent Resolution No. 3063  
House Concurrent Resolution No. 3068  
House Concurrent Resolution No. 3073  
House Concurrent Resolution No. 3081  
House Concurrent Resolution No. 3083  
House Concurrent Resolution No. 3086  
House Concurrent Resolution No. 3088  
House Concurrent Resolution No. 3100  
House Concurrent Resolution No. 3101  
House Concurrent Resolution No. 3102  
House Concurrent Resolution No. 3105  
House Concurrent Resolution No. 3106  
House Concurrent Resolution No. 3107  
House Concurrent Resolution No. 3108



House Concurrent Resolution No. 3109  
House Concurrent Resolution No. 3110  
House Concurrent Resolution No. 3111  
Which the President has signed.

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Bill No. 2001  
Senate Bill No. 2002  
Senate Bill No. 2003  
Senate Bill No. 2004  
Senate Bill No. 2005  
Senate Bill No. 2006  
Senate Bill No. 2007  
Senate Bill No. 2008  
Senate Bill No. 2009  
Senate Bill No. 2010  
Senate Bill No. 2011  
Senate Bill No. 2012  
Senate Bill No. 2014  
Senate Bill No. 2016  
Senate Bill No. 2018  
Senate Bill No. 2022  
Senate Bill No. 2025  
Senate Bill No. 2031  
Senate Bill No. 2036  
Senate Bill No. 2051  
Senate Bill No. 2062  
Senate Bill No. 2109  
Senate Bill No. 2110  
Senate Bill No. 2122  
Senate Bill No. 2126  
Senate Bill No. 2135  
Senate Bill No. 2139  
Senate Bill No. 2141  
Senate Bill No. 2146  
Senate Bill No. 2148  
Senate Bill No. 2158  
Senate Bill No. 2160  
Senate Bill No. 2164  
Senate Bill No. 2171  
Senate Bill No. 2184  
Senate Bill No. 2201  
Senate Bill No. 2202  
Senate Bill No. 2214  
Senate Bill No. 2218  
Senate Bill No. 2221  
Senate Bill No. 2222  
Senate Bill No. 2224  
Senate Bill No. 2233  
Senate Bill No. 2239  
Senate Bill No. 2246

Senate Bill No. 2262  
Senate Bill No. 2277  
Senate Bill No. 2280  
Senate Bill No. 2287  
Senate Bill No. 2296  
Senate Bill No. 2297  
Senate Bill No. 2307  
Senate Bill No. 2308  
Senate Bill No. 2323  
Senate Bill No. 2324  
Senate Bill No. 2325  
Senate Bill No. 2331  
Senate Bill No. 2346  
Senate Bill No. 2364  
Senate Bill No. 2378  
Senate Bill No. 2381  
Senate Bill No. 2384  
Senate Bill No. 2395  
Senate Bill No. 2398  
Senate Bill No. 2406  
Senate Bill No. 2408  
Senate Bill No. 2417  
Senate Bill No. 2420  
Senate Bill No. 2431  
Senate Bill No. 2442  
Senate Bill No. 2446  
Senate Bill No. 2460  
Senate Bill No. 2463  
Senate Bill No. 2471  
Senate Bill No. 2475  
Senate Bill No. 2476  
Senate Bill No. 2487  
Senate Bill No. 2496  
Senate Bill No. 2509  
Senate Bill No. 2519  
Senate Bill No. 2520  
Senate Bill No. 2536  
Senate Bill No. 2548  
Senate Bill No. 2549  
Senate Bill No. 2550  
Senate Bill No. 2552

Were delivered to the Governor for his approval.

SENATOR STRAND, Chairman

#### REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

Senate Resolution No. 13  
Senate Resolution No. 17  
Senate Resolution No. 19  
Senate Resolution No. 20  
Senate Memorial Resolution No. 3  
Senate Concurrent Resolution No. 4002  
Senate Concurrent Resolution No. 4003

Senate Concurrent Resolution No. 4004  
 Senate Concurrent Resolution No. 4009  
 Senate Concurrent Resolution No. 4012  
 Senate Concurrent Resolution No. 4013  
 Senate Concurrent Resolution No. 4015  
 Senate Concurrent Resolution No. 4018  
 Senate Concurrent Resolution No. 4021  
 Senate Concurrent Resolution No. 4024  
 Senate Concurrent Resolution No. 4030  
 Senate Concurrent Resolution No. 4031  
 Senate Concurrent Resolution No. 4033  
 Senate Concurrent Resolution No. 4034  
 Senate Concurrent Resolution No. 4035  
 Senate Concurrent Resolution No. 4041  
 Senate Concurrent Resolution No. 4045  
 Senate Concurrent Resolution No. 4046  
 Senate Concurrent Resolution No. 4048  
 Senate Concurrent Resolution No. 4049  
 Senate Concurrent Resolution No. 4052  
 Senate Concurrent Resolution No. 4055  
 Senate Concurrent Resolution No. 4060  
 Senate Concurrent Resolution No. 4061  
 Senate Concurrent Resolution No. 4065  
 Senate Concurrent Resolution No. 4070  
 Senate Concurrent Resolution No. 4071  
 Senate Concurrent Resolution No. 4072  
 Senate Concurrent Resolution No. 4073  
 Senate Concurrent Resolution No. 4074  
 Senate Concurrent Resolution No. 4075  
 Senate Concurrent Resolution No. 4076  
 Senate Concurrent Resolution No. 4077  
 Senate Concurrent Resolution No. 4079  
 Senate Concurrent Resolution No. 4081  
 Senate Concurrent Resolution No. 4084  
 Senate Concurrent Resolution No. 4086  
 Senate Concurrent Resolution No. 4088  
 Senate Concurrent Resolution No. 4089  
 Senate Concurrent Resolution No. 4090  
 Senate Concurrent Resolution No. 4091  
 were delivered to the Secretary of State.

SENATOR STRAND, Chairman

SPECIAL ORDER OF BUSINESS

President Pro Tem Freed, presiding

Senator Nothing moved that Senator Stella Fritzell be recognized.

Senator Fritzell: Mr. President, I have the honor this morning of speaking of a Senator that had done very much for this body. It is astounding how over the months that we are here, how well we get to know each other, and through his speeches and his ideas, he has given us much food for thought. He steadfastly reiterates the scenario and submits to this body problems that seem insurmountable and I am sure this morning, that is probably how he feels, so it is with a great deal of pleasure that I give our Assistant Minority Leader this gift this morning — Senator Barth.

Senator Barth: Just a word, Mr. President, I didn't realize that somebody could say something so nice about somebody until I heard it was myself. I thank you very much.

Senator Fritzell: I now ask that you recognize Senator Miller.

Senator Miller: Mr. President, members of the Senate, I have the honor today to presenting a gift to our revered Assistant Majority leader, Senator Thane. Senator Thane is a man of high honor whose voting record I have attempted carefully to emulate throughout the entire session. He has attained a high position that many of use over here would like to attain and the sooner the better. Of all the members of this body, his words will inspire me and have inspired me throughout this session more than any other for his deathless daily words, I will carry with me to the grave, "I move the absent Senators be excused". For his high attainment, Senator Thane, we have a gift for you.

Senator Thane: Mr. President, ladies and gentlemen of the Senate, Senator Miller, Thank you very much. I have a few more words other than excusing the absent Senators, but I am going to save that for later. Thank you very much.

Senator Miller: Mr. President, I now ask that you recognize Senator Strinden.

Senator Strinden: Mr. President, I rise on a point of personal privilege, and if Senator Hoffner would wish, we will get a secretary to record my remarks. Mr. President, members of the Senate, Senator Hoffner and myself sit in ideal positions, he can sit there and glare at me, I can sit here and glare back at him. Senator Hoffner plays the role of Minority Leader as it should be played. I think it is his responsibility to keep the Majority on their toes, which he does on occasion. I think the Senator is a tribute to the opposite party, and now Mr. President, if Senator Hoffner would meet me on neutral ground at the front of the podium, it would please me no end to present him with a gift from this body.

Senator Hoffner: Mr. President, may we be on the 8th order? I want to see those remarks in print. I just, this morning, signed a letter to Senator Strinden from the 24th District, and I scribbled a little note on it "Theron, you're a good, clean, out-in-the-open fighter," and I appreciate that, and I really mean that in all sincerity, that Senator Strinden has always been out in the open, I haven't always liked what he says, but I accept that. One thing I do want to say at this time, is that this is an amazing group. You know we have so many proposals every day, you know, the rivals you have on one proposal is tempting, to say, "We'll fix 'em on this one", but you always manage to psychologically gear yourself and deal with the propositions as they are, and Senator Strinden, I appreciate those comments. Thank you.

Senator Strinden: Mr. President, I would now ask that you recognize Senator Redlin.

Senator Redlin: Mr. President, members of the Senate, it is my privilege to stand before you now and present to our Majority floor leader, a token of extreme affection that we have for the way in which he manages the affairs of the Senate. I think all of us have a great privilege to serve in this body, and I think that few of use recognize that the person on whom descends the greatest responsibility to keep the body working effectively, smoothly, and making sure that the majority opinion, whether that be composed of members of both parties, at times, has a chance to work its will in this body. I think through all that we have

done, our work has brought credit to the state in the nation, and that our process of government has been proven again by the 45th legislative session to be way ahead of whatever is in second place. It has not been my privilege to have ever served in the Majority, and I hope along with some of our other members that that day would come along for some in my party at some point in time. But six sessions struggling in the Majority, you would think that the law of averages would catch up with us pretty soon. I do believe that we must say that our Majority leader has been fair to all of us, he has conducted the affairs of the Senate in a diligent and effective manner, and I for one know that I express the sentiments of this Senate in saying that we appreciate it, we respect you, and we would like to give you this gift as a token of that appreciation and respect, Senator Nothing.

Senator Nothing: Mr. President, ladies and gentlemen of the Senate, I do thank you. Two years ago, during this same type of a program, I indicated to you that I thought that everyone should have an opportunity for this job and I didn't realize how unfair I might have been. But it is a challenge and in looking back when we began the session, back in December, when probably the most important decisions were made, at least from my point of view and the mechanical point of view, was to have each Senator on a committee that would bring out the maximum talents to that committee's work. I reflect now and appreciate not only the willingness of all of you to accept those assignments, but the manner in which you have carried those assignments out is certainly a credit to not only this body, but to the state of North Dakota. What the future holds for us, even within the next few hours, we do not know, but to all of us here, they can never take away the experience of serving this body. Thank you.

Senator Redlin: Mr. President, I ask that you recognize Senator Melland.

Senator Melland: Mr. President, members of the Senate, first of all I would like to apologize for my comments last week about obstructionist and delaying tactics, actually that has been my fault this was supposed to have happened on Saturday morning. I knew that I was going to be asked to make a presentation to our presiding officer and I had a great deal of difficulty in finding an appropriate gift. You will recall when the Senate Appropriations Committee, certainly not me personally, it was only my responsibility to carry the amendments to House Bill 1001 on the floor, and in speaking in opposition to a modest reduction in the Lieutenant Governor's budget, someone said we forced him to go "cup in hand" to the Emergency Commission. We know that that likely being the case, we wanted to get him an appropriate gift, and that would be a cup that he could carry to that commission that would be noticeable. That presented an additional problem because we had to find one that would not fall prey to the unusual but carnivorous appetite to the Democrat Senator from District 21. We finally found the cup and are able now to proceed with one of the very last acts of this body and I would ask a page to present this cup to the Lieutenant Governor at this time. (A large plastic cup was presented to Wayne Sanstead. The Lt. Governor extended his thanks, but Sen. Melland asked him to still be seated.)

Senator Melland: Mr. President, then we amended the bill, putting back the money, but putting it this time in the Governor's budget. I think the remark was made when we talked about the Emergency Commission by going "hat in hand" but in this instance, now the Lieutenant Governor

must go to the Governor's office, and we would certainly want him properly attired, we would want him in a noticeable situation, and believe me, he will be. I do have to say to you that this is not a gift, it is only a loan. I would now like to loan to the presiding officer of this body, the outstanding hat of the assistant Minority Leader of this body, and we have secured the pledge of Senator Barth that whenever he needs it, to go to the Governor's office, the hat is available, and I would like you, Laurie, to present it to the Lieutenant Governor. I have one final gift to present and I want to make three comments before I do that. First I'd like to say we had a great deal of trouble with the President Pro Tem on Monday of this week. Having been experienced at the President Pro Tem, its fun to preside, its a privilege to preside, you're good people to work with, and its really a lot of fun to be up there and Senator Freed wanted to be up there more and he informed us on Monday that the Governor was out of the state; that made the Lieutenant Governor the Governor; consequently he had no business presiding over the Senate. That was overruled. Second comment, they brought this gift. I understood that I was to supply the gifts and I was surprised this morning when this gift came to me, but it came with a cryptic message. It says "Melland to Wayne" and it seems that if that's going to happen to me that we go to that process. It is a privilege to make a serious presentation to the Lieutenant Governor and I would like to say, and I know that I speak on behalf of not only the members of the Majority, but all of the members of the Senate, the desk force, the employees, the press, everyone, we have been really pleased to have Wayne Sanstead presiding over this body, he does it with fairness, he does it with dispatch, he does with a major feeling for all of us, and certainly no one can fault the decision of the President. No one can fault the honor of the President. He honors us, we honor his office, it has been a privilege to serve with Wayne Sanstead as the presiding officer of this body and I would like to present this gift to him on behalf of the Senate.

President Sanstead: Mr. President, member of the Senate, thank you very much for that delightful series of gifts and most especially for the kind words. I came here with a suit that has a button missing and I can understand why, today, I don't suspect we ever go home emotionally because we are all excited about going home, but the fact is, I think that we have accomplished a great deal for the state of North Dakota and as the days go by it will be ever clear how much more the state of North Dakota is for the work that has been done in this session. I want to thank especially my desk staff, Leo, particularly and everybody at the desk, those who work for us throughout the assembly in every row, because without all that help we would not get the job done, believe me, and I am also very appreciative to the Senators for their many kindnesses to me and my family and I look forward to being back for another session. I look forward to presiding once again over the State Senate because I have enjoyed these three opportunities I have had to do that. I know that Masons orders are being followed to a pretty heavy degree, I know there is one spot in Masons that makes reference to Jefferson, its says "sometimes it's just not the fact that you apply the rule but that you have a rule" and I'm looking forward to working with some of the Rules Committee members in the sense of future design of our rules to make them even more applicable to the protection of the membership and to the carrying on of the business of the Senate, which after all is the main duty of the presiding officer. Thank you.

Senator Melland: Mr. President, I ask that you now recognize Senator Wenstrom.

Senator Wenstrom: Mr. President, members of the Senate, I will not attempt to follow the act that just preceded me; however I do deem it a great honor to have been selected to present a gift to our esteemed President Pro Tem. I have known this man since he came to the Senate to visit back in the days when his dad was in the Senate, but few of you have been privileged to serve in the Senate under two Freed as President Pro Tem. Both these gentlemen have held up the honor, the decorum, the distinction and all that goes with the privilege of serving in the North Dakota Senate. I have watched Senator Freed, our President Pro Tem, especially during this session like you members of this body have, and I have watched the change in how he handles the Senate. I know that it is only natural when you take the podium to preside in this body that you can't help but be nervous, and today he takes it in stride, he does an excellent job, he has provided everything that is necessary to this body to be, shall we say, a substitute to the presiding officer. Again I say I am especially honored this morning to be privileged to present you on behalf of the members of this body a token of appreciation for your kindness, the way you have administered the affairs of the Senate and for stepping out of your role as chairman of the Judiciary Committee and Political Sub-division, where you usually work, and to be our presiding officer in the Senate.

Senator Freed: Thank you very much, I appreciate the kind words. I would like to say it is an honor for me to preside over you when the Lieutenant Governor is absent. Most of the time it worked out fine, I had a little problem Monday, but other than that, I felt everything went very well, it followed its course. I appreciate your courtesies while I was up here because especially to start with it was very hard for me to just imagine me presiding over you. Your courteous manners, I appreciated, thank you very much.

Senator Wenstrom: Mr. President, I now ask that you recognize Senator Thane:

Senator Thane: Mr. President, ladies and gentlemen of the Senate, I think perhaps in many ways these tokens of appreciation that I am going to have passed out now are more important to these people than to many of the rest of us. We have an outstanding desk force in my estimation and I am sure in the estimation of each and everyone of you and without which the Senate could not function, and we are extremely proud of them and at this time I would like to have the pages take our tokens of appreciation to them. First of all, the Secretary of the Senate is a man who perhaps knows as much or even more about how the Senate should be run than any single one in this body. We truly appreciate him and we rely on him many times for advice, Leo Leidholm.

Leo Leidholm: Mr. President, Senator Thane, members of this august body, it has indeed been a pleasure for me to be the Secretary of the Senate for one more time and it has been real real easy to work for fifty great Senators.

Senator Thane: Leo's assistant, whose friendly manner and efficiency improves the situation each day is indispensable, he is a quiet individual, but he is very much needed at the desk. At this time I would like to have a page take our token of appreciation to Vern Asheim.

Vern Asheim: Thank you so much, it's a real honor to work for you

Senators.

Senator Thane: We have a very outstanding Desk Reporter, who tolerates our impromptu points of personal privilege and does an excellent job of it. We very much appreciate her, Doris McMahon.

Doris McMahon: Thank you very much, I've enjoyed working with all of you, it has been my pleasure. Thank you.

Senator Thane: We have a Bill Clerk who never quits smiling, and it improves the situation as each day goes by. I have never seen her look angry or disturbed and it is a great improvement to the desk force to have Sandy.

Sandy Boehler: This is my very first time in the legislature and I can honestly say I have loved every minute of it. Thank you.

Senator Thane: Our Sergeant-at-Arms, he looks so solemn, quiet, and yet am sure thoroughly enjoys escorting the lady from the House to the desk, Al Bradley.

Al Bradley: I want to thank you all very kindly, thank you.

Senator Thane: Last, but certainly not least, the Deputy Sergeant-at-Arms, Carl Bjerke who always has a friendly greeting when we walk in here in the morning, Carl Bjerke.

The Deputy Sergeant-at-Arms was delivering a Message to the House.

Senator Nothing: Mr. President, I now ask that you would recognize Leo Leidholm.

Leo Leidholm: Mr. President, members of the Senate, on behalf of all the Senate employees, we want to give a small token of appreciation to each member of the Employment Committee, for the employment given to us this session. We thank each and every one of you for the consideration given us and we especially want to thank Senator Solberg, Chairman, for the long hours spent in selecting applications for presentation to the committee members. We hope that we have done a satisfactory job, always trying to keep in mind that we were front and center in representing this body. If the pages would come forward, please give these tokens to Senator Solberg, Senator Thane, Senator Freed, Senator Strinden, Senator Morgan, Senator Barth, Senator Redlin, Senator Mau.

Senator Solberg: Mr. President, members of the Senate. As chairman for this very important assignment, and this committee that worked diligently and never refused to review and determine the areas into which we should go, for the best services to the Senate and also to leave to the State of North Dakota, a record that is proper and one that is correct, so we appreciate very much your thinking of us, we appreciated working, we had very few difficulties. I think the procedure that has been developed is most important and certainly no one had a better committee with which to work because they were not only intelligent in their deliberations but they were consistent and willing to be a part of the services that needed to be given to the employment and the observation of employment so that we got the proper results. It has been a pleasure for two sessions to have served in this capacity, and now that I have been released, I suppose I should ask for a recorded roll call record of this to be put in the Journal so we have a vote on it so that it stands forever and that we do not miss the opportunity, because that is one thing I have never asked, is to have a recorded vote, because I never had anything that important. If I may just say one thing, not taking away from anything or anybody, but I think one



of the things that we have missed this year, and I pay tribute to him in all sincerity, and not to take away from any present members of this body anything whatsoever, but I think we have missed Senator Ringsak, who had the ability to stand and properly align people so that they could best serve and I think the freshmen of this body that have not had the privilege of knowing him and to have risen to order under some of his very exact words of instructions have missed a great opportunity to learn to live with a great body such as this. Thank you very much.

Senator Wenstrom: Mr. President, members of the Senate, I was cleaning my desk a few days ago on the anticipation of going home and I came upon an envelope that had some numbers on it relative to the day that the Easter Seal child was here. Many of the members invested funds in the drive for the Easter Seal program. The total amount of money raised by the Senate was \$765.00, which I think is absolutely fantastic. Even more so when you realize that the House, with twice as many members, and this is not anything derogatory about the House, raised \$325.00. Now this keeps the ratio just a little better than two to one over the House and that is the way it has gone over the years. I do want to say "Thank you" to the Senate for their generosity in providing these funds for these less fortunate citizens.

Senator Miller 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 had completed its business and is about to adjourn sine die, which motion prevailed.

The President appointed as such committee:

Senator Wenstrom

Senator Berube

Senator Morgan

Senator Nething moved that the President appoint a committee of three to notify the House that the Senate had completed its business and is about to adjourn sine die, which motion prevailed.

The President appointed as such committee:

Senator Melland

Senator Farrington

Senator Shablow

Senator Wenstrom announced that the committee appointed to inform the Governor that the Senate had completed its business and is about to adjourn sine die, had completed its business and asked that the committee be discharged, which request was granted.

Senator Melland announced that the committee appointed to inform the House that the Senate had completed its business and is about to adjourn sine die, had completed its work and asked that the committee be discharged, which request was granted.

Senator Nething moved that the Senate adjourn sine die, which motion prevailed and the Senate stood adjourned sine die.

LEO LEIDHOLM, Secretary

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Senate Concurrent Resolution: 50, 303, 321, 649, 745

Senate Resolution: 55, 181, 226

Senate Memorial Resolution: 415

Motions: 3(2), 4, 5(7), 6(5), 7(2), 9(5), 10(2), 11, 20(2), 21, 51, 53, 55, 56, 59, 61, 69, 71(2), 80, 86, 94, 99, 110, 114, 119, 122, 125, 126, 130(4), 136, 137, 143, 153, 158, 159, 154(2), 155, 163, 171, 181, 183, 187, 199, 210, 276, 279, 280, 220, 221(2), 227, 229, 235, 247, 248(2), 255, 290, 295(2), 298(2), 304, 315, 320, 321, 323, 329, 332, 335, 341, 369, 376, 391, 401, 412, 426, 432, 437, 439, 446(2), 462, 467, 470, 481, 490, 492, 507(3), 516, 518, 520, 540, 546, 554, 566, 571, 576,

585, 594, 602, 604(2), 605(2), 606, 608, 629, 631, 643, 645, 651, 671, 672(2), 674, 676, 678, 679, 684, 685, 697, 698, 699(3), 702(4), 703, 704, 705, 707(2), 708(4), 709(3), 710, 711, 712, 713, 715, 716, 717, 718, 719(2), 720, 725, 728(2), 730, 731, 732(3), 733(2), 735, 736, 737(2), 738, 739(2), 740, 742(2), 743(2), 744(2), 745(2), 746, 747, 748, 750, 751(2), 752(3), 753(2), 754, 755, 757, 758, 759(3), 764, 770, 771(2), 772, 773, 775, 776(2), 781, 788, 789(3), 791, 796, 797, 799, 800, 802, 803, 810, 814, 815, 820, 821, 824, 830, 834, 835, 840(2), 843, 857, 860(2), 861, 865(2), 866, 873, 875, 880(2), 881(2), 886, 888, 890, 897, 905(3), 907, 909, 911, 919, 943(2), 953(3), 964, 975, 980, 984, 993, 997, 1008, 1015, 1024(2), 1038, 1069, 1082(2), 1083, 1084(2), 1089, 1094, 1103, 1107(3), 1109, 1113, 1116(2), 1124, 1125, 1126, 1140(2), 1141(2), 1142(3), 1143(2), 1144, 1149, 1154, 1155(2), 1156(3), 1157, 1158, 1159(2), 1160(2), 1163, 1167, 1168, 1169, 1170(2), 1171(2), 1172(2), 1173, 1195, 1198, 1199(3), 1200, 1201(2), 1202, 1221(2), 1239, 1244, 1245(3), 1246(2), 1247, 1248, 1249, 1251, 1252, 1257, 1258, 1260, 1274, 1280(2), 1281(2), 1283, 1284(2), 1285(2), 1308(2), 1310, 1312, 1313, 1318, 1335, 1346, 1356, 1358, 1361, 1375, 1376, 1377, 1387, 1392, 1395, 1396(2), 1408, 1424, 1427(2), 1432(3), 1433(2), 1434, 1443, 1447, 1449, 1450, 1452, 1454, 1455, 1457, 1460, 1461, 1462, 1483, 1491, 1492, 1493, 1496, 1499, 1503, 1508, 1512, 1513, 1515(3), 1517, 1520, 1525, 1530, 1536, 1537, 1538, 1546, 1547(2), 1551, 1556, 1579, 1586(2), 1591, 1593, 1596, 1598, 1601, 1602, 1608(2), 1610, 1618, 1619, 1624, 1626, 1627(3), 1628, 1629(5), 1634, 1635, 1637, 1638, 1648, 1649, 1657, 1659(2), 1661, 1666, 1669(4), 1670, 1671, 1674(3), 1676, 1679, 1698, 1704(3)

Remarks Printed: 111, 366, 546, 479-481, 542, 1293, 1295, 1700

Challenged Sanstead's right to break a tie—546

#### ORANGE

Standing Committee: 19, 20(2)

Conference Committee: 959, 1235, 1478, 1596, 1673

Committees other than Standing: 248

Bills: 34, 45, 118, 129(2), 164, 165, 193, 194, 260, 262, 263, 267, 215, 250

Senate Concurrent Resolution 325, 607

Motions: 741, 1006, 1007, 1624

Remarks Printed: 741

#### PETERSON

Standing Committee: 19, 20(2)

Conference Committee: 959, 1058

Committees other than Standing: 111, 131, 906

Bills: 118, 165, 168, 179(2), 261, 270(2)

Senate Concurrent Resolution: 76, 502

Motions: 124, 705, 1125, 1338(2), 1341(2)

#### PIETRON

Standing Committee: 19(2), 20

Conference Committee: 1167, 1249

Bills: 271, 241

Motions: 101, 161, 231, 299, 317, 403, 442(3), 447, 555, 881, 976, 1173

Remarks Printed: 871

#### RAIT

Standing Committee: 19, 20(2)

Conference Committee: 1166

Committees other than Standing: 248

Bills: 43, 58, 89, 149, 151, 164, 261(2), 262, 237, 239, 240  
 Motions: 111, 543(3), 775(3), 925(2), 1078, 1602  
 Remarks Printed: 3, 1630

**REDLIN**

Standing Committee: 19, 20  
 Conference Committee: 1165, 1296, 1307(2), 1335, 1418  
 Committees other than Standing: 5, 6, 131, 888  
 Bills: 36(2), 43, 46, 179(5), 196, 264(2), 270, 215(2), 241(2), 242(2), 251  
 Senate Concurrent Resolution: 325, 650  
 Motions: 128, 218, 291, 301, 320, 747, 840, 998, 1006, 1221(2), 1223  
 Remarks Printed: 357, 644, 1500, 1550, 1699

**REITEN**

Standing Committee: 19, 20  
 Conference Committee: 1120, 1166, 1235, 1249, 1250, 1304, 1307, 1441  
 Committees other than Standing: 131  
 Bills: 179(4), 194, 195, 262(2), 266, 267, 215, 236, 237, 251  
 Senate Concurrent Resolution: 69, 321  
 Motions: 71, 116, 163, 192(3), 277, 214, 219(3), 298, 301(2), 309, 365, 377, 378,  
 388, 389, 390, 410(2), 411, 475, 535, 536, 547(3), 562(2), 648(2), 649(2), 682,  
 740(3), 752, 798(2), 894(2), 903(2), 904, 1039(2), 1078, 1053(2), 1054(2),  
 1057, 1122, 1164(2), 1165, 1167, 1229, 1230(6), 1235, 1249, 1299(2), 1301,  
 1342, 1343(3), 1392, 1410, 1441, 1476

**SANDNESS**

Standing Committee: 19, 20  
 Conference Committee: 894  
 Committees other than Standing: 594  
 Bills: 88, 117, 164(2), 179(2), 269, 270, 216, 253  
 Senate Concurrent Resolution: 303  
 Motions: 88, 103, 192, 291, 301, 365, 411, 475, 477, 494, 519, 535, 603, 605,  
 683(3), 883, 894, 912(2), 926, 959, 960, 985, 1126, 1127(2), 1157, 1235,  
 1236(2), 1476(2), 1560(2)  
 Remarks Printed: 399-400

**SANDS**

Standing Committee: 19, 20  
 Conference Committee: 1057, 1059, 1165, 1299, 1307, 1346, 1492, 1497, 1512,  
 1530, 1607, 1611, 1637, 1654  
 Committees other than Standing: 6, 248  
 Bills: 165, 195, 215, 236, 237, 240(2)  
 Senate Concurrent Resolution: 324, 325  
 Motions: 71(2), 128, 158, 277, 214, 246, 247(2), 351(2), 365(4), 411(2),  
 448(6), 475, 487(4), 493, 593(3), 630(4), 647, 648, 682(3), 683, 775, 779, 790,  
 791, 943, 961(2), 985, 1054(2), 1056(2), 1057, 1078, 1119, 1120(3), 1121(4),  
 1122(2), 1123, 1127, 1166(2), 1174, 1228, 1250, 1303, 1304, 1307, 1376, 1410,  
 1479, 1491, 1554, 1557(2), 1559(2), 1584(2)  
 Remarks Printed: 1162(2)

**SCHIRADO**

Standing Committee: 19, 20(2)  
 Conference Committee: 436, 875, 959(3), 1057, 1058(2), 1119, 1120, 1165,  
 1166(2), 1249, 1250, 1301, 1302, 1307, 1345, 1470, 1497, 1512, 1530, 1607

Committees other than Standing: 6, 248  
Bills: 89, 165(2), 193, 196, 263, 267(2), 269(3), 270(3), 271(5), 236(3),  
249(2), 250, 251, 252(2)  
Senate Concurrent Resolution: 325, 350(2)  
Motions: 217, 218, 693, 892(3), 1025

**SHABLOW**

Standing Committee: 19  
Conference Committee: 1058, 1166, 1235, 1250, 1304, 1546, 1621  
Committees other than Standing: 6, 111, 1346, 1704  
Bills: 149, 263, 265(2), 215, 216, 237  
Senate Concurrent Resolution: 324  
Motions: 53, 69, 86, 123, 145, 183, 276, 221, 305, 343, 371, 392, 412(2), 438, 482,  
541, 588, 671, 692, 741(2), 747, 765, 822, 829(2), 859, 889, 905, 926, 954, 997,  
1047, 1092, 1168, 1252, 1309, 1319, 1389, 1469, 1476, 1507, 1526(6), 1527,  
1596, 1620, 1651  
Remarks Printed: 209, 648, 741, 1361

**SMYKOWSKI**

Standing Committee: 18, 20  
Conference Committee: 1251, 1308, 1513, 1607  
Committees other than Standing: 5, 6, 248  
Bills: 43, 165, 178, 215  
Motions: 196, 198, 630, 631, 687, 1232, 1288, 1361(2), 1425, 1445, 1446(8),  
1447(7), 1524, 1532, 1554, 1621  
Remarks Printed: 224, 697, 1502

**SOLBERG**

Standing Committee: 19, 20  
Conference Committee: 960, 1249, 1250  
Committees other than Standing: 6  
Bills: 37, 40, 269, 272, 214, 235, 251  
Senate Concurrent Resolution: 181, 217, 321  
Motions: 64, 155(2), 163(2), 177(2), 178(2), 183, 280(2), 235, 248, 351(2),  
365(3), 389(2), 433, 448(2), 468, 506(5), 563, 564, 671(2), 823(3), 861(2),  
875, 960(4), 965, 966, 1023, 1092(4), 1107, 1117, 1118(3), 1119, 1120(3),  
1123(4), 1246, 1249, 1250, 1326, 1342, 1410(2), 1441, 1582, 1672(2)  
Remarks Printed: 421, 705, 764, 1558, 1703

**STRAND**

Standing Committee: 19, 20(2)  
Conference Committee: 875, 960, 1023, 1117, 1118, 1123(2), 1235, 1441  
Committees other than Standing: 131  
Bills: 106, 164, 165, 179(2), 263, 214, 239, 241  
Senate Concurrent Resolution: 217, 476  
Motions: 819, 1293, 1325(2), 1326, 1327, 1342(2), 1489

**STRINDEN**

Standing Committee: 18  
Conference Committee: 1251, 1305(2), 1369, 1478(3), 1513, 1553, 1596, 1610,  
1636, 1637, 1673  
Committees other than Standing: 5, 6(2), 131  
Bills: 36, 118, 150, 181, 260, 215, 238(2), 242, 251

Senate Concurrent Resolution: 181, 325, 684  
 Senate Resolution: 325  
 Motions: 180, 181, 326(2), 416, 433(2), 439, 462(3), 718, 912, 1027, 1078(2),  
 1257, 1375, 1406, 1467(2), 1476, 1620(2), 1635, 1677  
 Remarks Printed: 207, 340, 568, 697, 1104, 1630, 1699

## TALLACKSON

Standing Committee: 19(2)  
 Conference Committee: 894, 1308  
 Bills: 265, 272, 236, 239, 240(2)  
 Motions: 744, 1523  
 Remarks Printed: 831

## TENNEFOS

Standing Committee: 19, 20(2)  
 Conference Committee: 1023, 1057, 1119, 1120, 1123(2), 1235, 1249, 1250(2),  
 1441  
 Bills: 129, 179, 261, 265, 266, 251, 253  
 Senate Concurrent Resolution: 76, 50, 325  
 Motions: 201, 204, 276, 410, 445, 447, 1008(2), 1156, 1234, 1339(2), 1411(2)  
 Remarks Printed: 391, 396, 1629

## THANE

Standing Committee: 18  
 Conference Committee: 1251, 1305, 1345(2), 1346, 1369, 1478(2), 1513, 1530,  
 1596, 1637, 1673  
 Committees other than Standing: 5, 6(2)  
 Bills: 37, 38(2), 41, 105, 117, 118(2), 149, 150, 166, 179, 194, 266, 268(2), 215,  
 216  
 Senate Concurrent Resolution: 413, 606  
 Motions: 18, 51, 59, 69, 70(2), 71, 86, 110, 128, 183, 199, 220, 229, 290, 291,  
 300, 332, 341, 351, 360, 364, 369, 377, 391, 410, 412, 462, 475, 493, 516, 535,  
 543, 562, 585, 593, 629, 647, 649, 681, 730(2), 756, 776, 797, 798, 819, 821, 843,  
 857, 875, 902, 905, 943, 964, 965, 985, 997, 1022, 1039, 1046, 1047, 1077, 1082,  
 1089, 1109, 1124, 1151, 1168, 1171, 1173, 1222, 1251, 1274, 1318, 1355, 1375,  
 1387, 1402, 1408, 1467(2), 1475, 1483, 1510, 1538, 1553(2), 1556, 1579, 1596,  
 1619, 1628, 1676, 1679(3)  
 Remarks Printed: 1258, 1630, 1699, 1702

## VOSPER

Standing Committee: 19(2)  
 Conference Committee: 1023, 1059, 1296, 1308  
 Committees other than Standing: 6, 131  
 Bills: 44, 149, 265, 266(3), 267, 240  
 Senate Concurrent Resolution: 325  
 Motions: 124, 163(2), 178(2), 192(2), 436, 462, 475(2), 516, 798(2), 953, 1107,  
 1412(2), 1468(3), 1469, 1477

## WALSH

Standing Committee: 19  
 Conference Committee: 1305, 1346, 1478, 1530  
 Bills: 195, 237, 249(2)  
 Senate Concurrent Resolution: 324  
 Motions: 717  
 Remarks Printed: 551, 697, 1408

## WENSTROM

Standing Committee: 19, 20

Conference Committee: 1058, 1295, 1369, 1478

Committees other than Standing: 5, 888, 1704

Bills: 37, 39, 41, 42, 66, 129(3), 178, 193, 194, 262, 242, 248, 250(2)

Senate Concurrent Resolution: 50, 69, 130, 325, 434, 684(2)

Motions: 1323, 1392, 1490, 1510, 1552, 1581

Remarks Printed: 3, 1702, 1704

## WRIGHT

Standing Committee: 19, 20(2)

Conference Committee: 1058, 1165, 1335

Committees other than Standing: 1107

Bills: 117, 149, 196, 269, 215, 216(3)

Senate Concurrent Resolution: 684

Motions: 277, 279(3), 323, 324, 1521

## Record of Senate Bills In The Senate

### Senate Bill No. 2001 — (Committee on Appropriations)

**Senate Bill No. 2001.** State Institutions of Higher Learning — A Bill for an Act making an appropriation for defraying expenses of the state institutions of higher learning of the state of North Dakota.

Introduction, First Reading, 23  
 Referred to Committee on Appropriations  
 Reported back amended, 608  
 Question divided, 693  
 Floor Amendments, 692  
 Amendments adopted, 647, 693  
 Engrossed, 681  
 Re-engrossed, 693  
 Second reading, 693, 1625  
 Passed, 697, 1625  
 Clincher motion, 697  
 To House, 782  
 House amendments, 1377  
 Returned to Senate, amended, 1377  
 Conference Committee, 1395, 1415  
 Conference Committee Report, 1611  
 Adopts, 1620  
 House adopts, 1635  
 Senate does not concur, 1395  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

### Senate Bill No. 2002 — (Committee on Appropriations)

**Senate Bill No. 2002.** Extension Division and Experiment Stations — A Bill for an Act making an appropriation for defraying expenses of the extension division and the experiment stations of the North Dakota state university of agriculture and applied science.

Introduction first reading, 23  
 Referred to Committee on Appropriations  
 Reported back, amended, 521  
 Amendments adopted, 562  
 Engrossed, 588  
 Re-engrossed, 1466  
 Second reading, 630, 1466  
 Passed, 631, 1467  
 To House, 720  
 House amendments, 1270  
 Returned to Senate, amended, 1270  
 Conference Committee, 1305, 1353  
 Conference Committee Report, 1415

Adopts, 1466  
 House adopts, 1543  
 Senate does not concur, 1305  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2003 — (Committee on Appropriations)**

**Senate Bill No. 2003.** Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Introduction, first reading, 23  
 Referred to Committee on Appropriations  
 Reported back, amended, 403, Floor Amendments, 433, 462, 486(2)  
 Amendments reconsidered, 462  
 Amendments adopted, 433(2), 462, 486(2)  
 Engrossed, 447  
 Re-engrossed, 462, 471, 486, 1467, 1620  
 Second reading, 462, 486, 1467, 1620  
 Passed 487, 1467, 1620  
 To House 553  
 House amendments, 1271  
 Returned to Senate, amended, 1270  
 Conference Committee, 1305, 1353, 1512, 1513  
 Conference Committee Report, 1416, 1617  
 Adopts, 1467, 1620  
 House adopts, 1623  
 Senate does not concur, 1305  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2004 — (Committee on Appropriation)**

**Senate Bill No. 2004.** A Bill for an Act to appropriate money for the expenses of the legislative branch of government; and declaring an emergency.

Introduction, first reading, 24  
 Referred to Committee on Appropriations  
 Reported back, amended, 652  
 Question divided, 728  
 Amendments adopted, 681  
 Engrossed, 727  
 Re-engrossed, 1561  
 Second reading, 727, 1561  
 Passed, 728, 1561  
 Clincher motion, 728  
 Emergency carried, 728, 1561



To House, 782  
 House amendments, 1271-1272  
 Returned to Senate, amended, 1270  
 Senate concurs, 1560  
 House requests return, 1257 (Denied—1258)  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2005 — (Committee on Appropriations)**

**Senate Bill No. 2005.** Board of Public School Education — A Bill for an Act making an appropriation to the board of public school education for defraying expenses of various departments, and various divisions thereof, of the state of North Dakota.

Introduction, first reading, 24  
 Referred to Committee on Appropriations  
 Reported back, amended, 653  
 Amendments adopted, 681  
 Engrossed, 727  
 Re-engrossed, 1659  
 Second reading, 729, 1659, 1623  
 Passed, 730, 1659, 1625  
 Clincher motion, 730  
 Messaged to House, 1659  
 To House, 782  
 House amendments, 1348  
 Returned to Senate, amended, 1348  
 Conference Committee, 1369, 1414, 1636(2)  
 Conference Committee Report, 1654, 1594  
 Lost, 1657  
 Reconsidered, 1657, 1659  
 Adopts, 1656, 1659, 1598  
 House does not adopt, 1636  
 Senate does not concur, 1368  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2006 — (Committee on Appropriations)**

**Senate Bill No. 2006.** Regulatory Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota; directing a legislative council study of weather modification activities; to create and enact a new section to chapter 54-45 of the North Dakota Century Code, relating to workmen's compensation coverage for civil air patrol members; to create and enact a new chapter to title 65 of the North Dakota Century Code, relating to a definition of "civil air patrol member", workmen's compensation coverage and benefits determination, and state reim-

bursement for liability in excess of collected premiums; and declaring an emergency.”

Introduction, first reading, 24  
 Referred to Committee on Appropriations  
 Reported back, amended, 448  
 Amendments adopted, 475  
 Engrossed, 493  
 Re-engrossed, 1553  
 Second reading, 517, 1553  
 Passed 517 (subdivision 2, Weather Modification passed, 517,  
 1554  
 Emergency carried, 517, 1554  
 To House, 581  
 House amendments, 1382  
 Returned to Senate, amended, 1377  
 Conference Committee, 1395, 1443, 1466  
 Conference Committee Report, 1527  
 Adopts, 1553  
 House adopts, 1604  
 Senate does not concur, 1395  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2007 — (Committee on Appropriations**

**Senate Bill No. 2007. Budgets — Law Enforcement — A Bill for an Act making an appropriation for defraying expenses of the state highway patrol and the law enforcement center.**

Introduction, first reading, 24  
 Referred to Committee on Appropriations  
 Reported back, amended, 343  
 Amendments adopted, 364  
 Engrossed, 377  
 Second reading, 389  
 Passed, 390  
 To House, 445  
 House amendments, 1268  
 Returned to Senate, amended, 1267  
 Conference Committee 1295, 1354  
 Conference Committee Report, 1417  
 Adopts, 1467  
 House adopts, 1543  
 Senate does not concur, 1295  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2008 — (Committee on Appropriations)**

**Senate Bill No. 2008.** Highway Department — A Bill for an Act making an appropriation for defraying the expenses of the state highway department.

Introduction, first reading, 24  
 Referred to Committee on Appropriations  
 Reported back, amended, 378  
 Amendments adopted, 410  
 Engrossed, 427  
 Re-engrossed, 1488  
 Second reading, 436, 1488  
 Passed, 437, 1488  
 To House, 491  
 House amendments, 1382  
 Returned to Senate, amended, 1377  
 Conference Committee, 1396, 1415  
 Conference Committee Report, 1481  
 Adopts, 1488  
 House adopts, 1543  
 Senate does not concur, 1396  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2009 — (Committee on Appropriations)**

**Senate Bill No. 2009.** Budgets — Attorney General — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the attorney general's office.

Introduction, first reading, 24  
 Referred to Committee on Appropriations  
 Reported back, amended, 345  
 Amendments adopted, 365  
 Engrossed, 377  
 Second reading, 390  
 Passed, 390  
 To House, 445  
 Returned to Senate, 1385  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2010 — (Committee on Appropriations)**

**Senate Bill No. 2010.** Budgets — Public Health — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.

Introduction, first reading, 24  
Referred to Committee on Appropriations  
Reported back, amended, 655  
Floor Amendments, 730  
Amendments adopted, 681, 730  
Engrossed, 727  
Re-engrossed, 730, 1582  
Second reading, 730, 1582  
Passed, 731, 1582  
Clincher motion, 731  
To House, 782  
House amendments, 1349  
Returned to Senate, amended, 1348  
Conference Committee, 1369, 1414, 1466, 1538  
Conference Committee Report, 1565  
Adopts, 1582  
House adopts, 1604  
Senate does not concur, 1369  
Enrolled, 1682  
Signed by President, 1683  
Sent to House, 1685  
Received from House, 1688  
Message to Governor, 1696

**Senate Bill No. 2011 -- (Committee on Appropriations)**

**Senate Bill No. 2011. BUDGETS — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and declaring an emergency.**

Introduction, first reading, 24  
Referred to Committee on Appropriations  
Reported back, amended, 613  
Amendments adopted, 647  
Engrossed, 681  
Re-engrossed, 1467  
Second reading, 684, 1467  
Passed, 684, 1467  
Clincher motion, 684  
Emergency carried, 1467  
To House, 760  
House Amendments, 1351  
Returned to Senate, amended, 1348  
Conference Committee, 1369, 1414  
Conference Committee Report, 1435  
Adopts, 1467  
House adopts, 1512  
Senate does not concur, 1369  
Enrolled, 1682  
Signed by President, 1683  
Sent to House, 1685  
Received from House, 1688  
Message to Governor, 1696

**Senate Bill No. 2012 — (Committee on Appropriations)**

**Senate Bill No. 2012. Budgets — Social Service Board — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and which are under the supervision of the social service board.**

Introduction, first reading, 25  
 Referred to Committee on Appropriations  
 Reported back, amended, 614  
 Amendments adopted, 647  
 Engrossed, 681  
 Second reading, 684  
 Passed, 684  
 Clincher motion, 685  
 To House, 760  
 Returned to Senate, 1414  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2013 — (Committee on Appropriations)**

**Senate Bill No. 2013. Budgets — Industrial Commission — A Bill for an Act making an appropriation for defraying the expenses of the state industrial commission and state agencies under the management of the state industrial commission.**

Introduction, first reading, 25  
 Referred to Committee on Appropriations  
 Reported back, amended, 524  
 Amendments adopted, 562  
 Engrossed, 588  
 Re-engrossed, 1296  
 Second reading, 638, 1296  
 Passed, 638, 1296  
 To House, 720  
 House amendments, 1208  
 Returned to Senate, amended, 1207  
 Senate concurs, 1296  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2014 — (Committee on Appropriations)**

**Senate Bill No. 2014. Budgets — Regulatory — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota.**

Introduction, first reading, 25  
 Referred to Committee on Appropriations

Reported back, amended, 525  
 Amendments adopted, 562  
 Engrossed, 588  
 Re-engrossed, 1369  
 Second reading, 638, 1369  
 Passed, 638, 1370  
 To House, 720  
 House amendments, 1352  
 Returned to Senate, amended, 1348  
 Senate concurs, 1369  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1685  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2015 — (Committee on Appropriations)**

**Senate Bill No. 2015. Administration of Motor Fuel Tax — A Bill for an Act to transfer a portion of the motor vehicle fuel tax revenues to the general fund to cover the cost of administering the motor fuel tax laws.**

Introduction, first reading, 25  
 Referred to Committee on Appropriations  
 Reported back, does pass, 146  
 Second reading, 168  
 Passed, 168  
 To House, 209  
 Returned to Senate, 872  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2016 — (Committee on Agriculture)**

**Senate Bill No. 2016. A Bill for an Act to create and enact sections 20.1-02-18.1 and 20.1-02-18.2 of the North Dakota Century Code, relating to board of county commissioner approval prior to final approval of land, wetland, and water acquisitions by the department of the interior for waterfowl or wildlife purposes; providing for inspection of proposed acquisitions, public notice, opportunity for comment, and impact analyses; allowing the landowner to negotiate time period of a lease, easement, or servitude, and to restrict the land or water areas sought by legal description and to drain any expanded wetland or water area in excess of the legal description; and to amend and reenact section 20.1-02-18 of the North Dakota Century Code, relating to the state's consent to United States' acquisition of areas for migratory bird reservations.**

Introduction, first reading, 25  
 Referred to Committee on Agriculture  
 Reported back, amended, 378  
 Reprinted, 439

Amendments adopted, 410  
 Engrossed, 427  
 Second reading, 437  
 Passed, 437  
 To House, 491  
 Returned to Senate, 1354  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2017 — (Committee on Agriculture)**

**Senate Bill No. 2017.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to lease, easement, or servitude agreements with the state game and fish department or the department of the interior for wildlife purposes; allowing the landowner to negotiate the time period, and to restrict the land or water areas sought by legal description and to drain any expanded wetland or water area in excess of the legal description; and conditioning state consent to federal fish and wildlife statutes upon compliance with the provisions.

Introduction, first reading, 25  
 Referred to Committee on Agriculture  
 Reported back, indefinitely postponed, 317  
 Second reading, 351  
 Lost, 352

**Senate Bill No. 2018 — (Committee on Agriculture)**

**Senate Bill No. 2018.** A Bill for an Act to create and enact section 20.1-02-17.1 of the North Dakota Century Code, relating to conditions and procedures in the acquisition of interests in land for wildlife and fish restoration projects, including county commissioner approval, public comment, impact statements, and negotiation of terms; and to amend and reenact section 20.1-02-17 of the North Dakota Century Code, relating to federal aid to North Dakota in wildlife and fish restoration projects.

Introduction, first reading, 25  
 Referred to Committee on Agriculture  
 Reported back, amended, 380, 410  
 Reprinted, 439  
 Amendments adopted, 410(2)  
 Engrossed, 427  
 Second reading, 438  
 Passed, 438  
 To House, 491  
 Returned to Senate, 1354  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2019 — (Committee on Budget)**

**Senate Bill No. 2019.** A Bill for an Act to provide for the state auditor's review of emergency action; and to repeal section 54-16-06 of the North Dakota Century Code, relating to quarterly reporting requirements for agencies authorized by the emergency commission to make extraordinary expenditures, or to make use of funds transferred or made available through an order of the emergency commission.

Introduction, first reading, 26  
Referred to Committee on Budget  
Reported back, does pass, 146  
Second reading, 168  
Passed, 168  
To House, 209  
Returned to Senate, 872  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2020 — (Committee on Budget)**

**Senate Bill No. 2020.** A Bill for an Act to amend and reenact sections 54-10-13 and 54-10-14 of the North Dakota Century Code, relating to audits by the state auditor.

Introduction, first reading, 26  
Referred to Committee on Budget  
Reported back, does pass, 161, amended, 81, 124  
Re-referred to Committee on State & Federal Gov., 124  
Amendments adopted, 103, 124  
Engrossed, 115  
Re-engrossed, 124  
Second reading, 185  
Passed, 185  
To House, 228  
Returned to Senate, 964  
Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1288  
Message to Governor, 1290  
Approved by Governor, 1357  
Reprinted, 124

**Senate Bill No. 2021 — (Committee on Budget)**

**Senate Bill No. 2021.** A Bill for an Act to amend and reenact section 54-44.3-03 of the North Dakota Century Code, relating to selection of the constitutionally elected official to the state personnel board.

Introduction, first reading, 26  
Referred to Committee on Budget



Reported back, amended, 53  
 Amendments adopted, 59  
 Engrossed, 64  
 Second reading, 77  
 Passed, 77  
 To House, 98  
 Returned to Senate, 359  
 Enrolled, 899  
 Signed by President, 916  
 Sent to House, 917  
 Received from House, 919  
 Message to Governor, 921  
 Approved by Governor, 1017

**Senate Bill No. 2022 — (Committee on Budget)**

**Senate Bill No. 2022.** A Bill for an Act to provide authority for the board of university and school lands to invest permanent funds of the common schools in the construction of an office building, to establish the location of the office building, to provide a grant of land, to provide for the advertising and letting of construction bids, to provide for the rental of space to state agencies, to provide for a method of amortizing the capital investment, to provide for incidental authority in the board of university and school lands necessary to accomplish the purpose of this Act; and declaring an emergency.

Introduction, first reading, 26  
 Referred to Committee on Budget  
 Reported back, amended, 657  
 Amendments adopted, 682  
 Engrossed, 727  
 Re-engrossed, 1561  
 Second reading, 731, 1561  
 Passed, 732, 1562  
 Clincher motion, 732  
 Emergency carried, 1562  
 To House, 782  
 House amendments, 1352  
 Returned to Senate, amended, 1348  
 Senate concurs, 1561  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2023 — (Committee on Budget)**

**Senate Bill No. 2023.** A Bill for an Act to create and enact a new section to chapter 55-01 of the North Dakota Century Code, relating to the state historical board's jurisdiction over the North Dakota heritage center.

Introduction, first reading, 26  
 Referred to Committee on Budget

Reported back, does pass, 73  
 Second reading, 93  
 Passed, 93  
 To House, 126  
 Returned to Senate, 359  
 Enrolled, 789  
 Signed by President, 791  
 Sent to House, 791  
 Received from House, 811  
 Message to Governor, 811

**Senate Bill No. 2024 — (Committee on Education)**

**Senate Bill 2024.** A Bill for an Act to provide for implementation of Indian education curriculum in elementary and secondary schools within existing minimum curriculum requirements.

Introduction, first reading, 26  
 Referred to Committee on Education  
 Reported back, does pass, 73  
 Amended, 146  
 Floor Amendments, 295  
 Indefinitely postponed, 257  
 Re-referred to Committee on Appropriations, 73. Education, 163  
 Amendments adopted, 163, Amendments laid on table, 296  
 Engrossed, 173  
 Second reading, 295

**Senate Bill No. 2025 — (Committee on Education)**

**Senate Bill No. 2025.** A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to payment of special education costs of handicapped children by the residence school district in child placement cases.

Introduction, first reading, 26  
 Referred to Committee on Education  
 Reported back, amended, 82  
 Amendments adopted, 103  
 Engrossed, 115,  
 Re-engrossed, 1325  
 Second reading, 124, 1325  
 Passed, 124, 1325  
 To House, 189  
 House amendments, 1184  
 Returned to Senate amended, 1184  
 Conference Committee, 1235, 1272  
 Conference Committee Report, 1325  
 Adopts, 1325  
 House adopts, 1414  
 Senate does not concur, 1235  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2026 — (Committee on Finance & Taxation)**

**Senate Bill No. 2026.** A Bill for an Act to provide for optional annual payments for electric transmission line easements, to provide for renegotiation of easement contracts every ten years, to provide for arbitration of easement disputes, and to require that utilities making easement payments be notified of changes in land ownership.

Introduction, first reading, 27

Referred to Committee on Finance & Taxation

Reported back, indefinitely postponed, 211

Second reading, 245

Lost, 245

**Senate Bill No. 2027 — (Committee on Finance & Taxation)**

**Senate Bill No. 2027.** A Bill for an Act to provide a property tax credit on land on which there are large transmission towers.

Introduction, first reading, 27

Referred to Committee on Finance & Taxation

Reported back, does pass, 345, 588, amended, 526, floor amendments, 676(2)

Re-referred to Committee on Appropriations, 345, Finance & Taxation, 562

Amendments adopted, 562

Engrossed, 588

Re-engrossed, 677

Second reading, 676

Passed, 677

To House, 760

House amendments, 1457

Returned to Senate, amended, 1457

Conference Committee, 1513, 1525, 1606, 1607

Conference Committee Report, 1535, 1617

Adopts, 1554, 1621

House adopts, 1622

House does not adopt, 1606

Senate does not concur, 1513

**Senate Bill No. 2028 — (Committee on Finance & Taxation)**

**Senate Bill No. 2028.** A Bill for an Act to amend and reenact subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to the taxation of large cooperative electrical transmission lines.

Introduction, first reading, 27

Referred to Committee on Finance & Taxation

Reported back, does pass, 74

Second reading, 93

Passed, 93

To House, 126

Returned to Senate, 872

Enrolled, 1038

Signed by President, 1059

Sent to House, 1060

Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2029 — (Committee on Higher Education)**

**Senate Bill No. 2029.** A Bill for an Act to provide for a postsecondary education commission, its membership, terms, compensation, and powers and duties; for receipt of federal and state moneys, its appropriation and expenditure; and to repeal sections 15-10-29, 15-10-30, 15-10-31, and 15-10-32 of the North Dakota Century Code, relating to the higher education facilities commission, its membership, appointment, term, vacancies, and powers and duties; receipt, deposit, appropriation, and expenditure of federal money; and compensation and travel expenses for commission members.

Introduction, first reading, 27  
 Referred to Committee on Higher Education  
 Reported back, amended, 74  
 Amendments adopted, 88  
 Engrossed, 101  
 Second reading, 112  
 Passed, 112  
 To House, 142  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1241  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1357

**Senate Bill No. 2030 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2030.** A Bill for an Act to create and enact section 6-09.1-02.1 of the North Dakota Century Code, relating to senate confirmation of appointments to the advisory board of directors to the Bank of North Dakota and to amend and reenact section 6-09.1-02 of the North Dakota Century Code, relating to appointment of an advisory board of directors to the Bank of North Dakota.

Introduction, first reading, 27  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, does pass, 83  
 Second reading, 112  
 Passed, 112  
 To House, 142  
 Returned to Senate, 1146

**Senate Bill No. 2031 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2031.** A Bill for an Act to amend and reenact section 6-09.1-03 of the North Dakota Century Code, relating to the authority of the advisory board of directors to the Bank of North Dakota.

Introduction, first reading, 27

Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 83  
 Second reading, 113  
 Passed, 113  
 To House, 142  
 House amendments, 1013  
 Returned to Senate, amended, 1013  
 Conference Committee, 1057, 1088  
 Conference Committee Report, 1325  
 Adopts, 1326  
 House adopts, 1426  
 Senate does not concur, 1057  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2032 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2032.** A Bill for an Act to provide for a phaseout of existing private deposits in the Bank of North Dakota and to amend and reenact section 6-09-09 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota to receive deposits from individuals, corporations, associations, and banks.

Introduction, first reading, 27  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 101  
 Second reading, 125  
 Lost, 125

**Senate Bill No. 2033 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2033.** A Bill for an Act to amend and reenact section 6-01-09 of the North Dakota Century Code, relating to supervision and examination of state banks by the commissioner of banking and financial institutions.

Introduction, first reading, 28  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 54  
 Second reading, 60  
 Passed, 60  
 To House, 80  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2034 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2034.** A Bill for an Act to repeal section 6-07-50 of the

North Dakota Century Code, relating to additional compensation for the commissioner of banking and financial institutions for terminating insolvent banks.

Introduction, first reading, 28  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 54  
 Second reading, 60  
 Passed, 60  
 To House, 80  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2035 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2035.** A Bill for an Act to amend and reenact sections 6-01-01, 6-01-02, 6-02-01, and subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to the financial institutions under the control of the department of banking and financial institutions, definitions applicable to title 6, compliance with banking chapters, and powers of credit unions.

Introduction, first reading, 28  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, does pass, 54, amended, 146  
 Re-referred to Committee on Industry, Business, & Labor, 71  
 Amendments adopted, 163  
 Engrossed, 173  
 Second reading, 185  
 Passed, 186  
 To House, 228  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1357

**Senate Bill No. 2036 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2036.** A Bill for an Act to amend and reenact sections 6-05-22 and 6-05-34 of the North Dakota Century Code, relating to certificates of authority for corporations writing fidelity and surety bonds and code provisions applicable to annuity, deposit, surety, and trust companies.

Introduction, first reading, 28  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, does pass, 54

Second reading, 61  
 Passed, 61  
 To House, 80  
 Returned to Senate, 1385  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2037** — (Committee on Industry, Business, & Labor)

**Senate Bill No. 2037.** A Bill for an Act to require the North Dakota mill and elevator association to discontinue its feed department; and to amend and reenact section 54-18-04 of the North Dakota Century Code, relating to the powers of the industrial commission in operating the mill and elevator association.

Introduction, first reading, 28  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, indefinitely postponed, 211  
 Second reading, 245  
 Lost, 245

**Senate Bill No. 2038** — (Committee on Industry, Business, & Labor)

**Senate Bill No. 2038.** A Bill for an Act to create and enact section 26-07-14.1 of the North Dakota Century Code, relating to a procedure for the revocation or suspension of the authority of a foreign insurance company to do business in the state; to amend and reenact sections 26-01-07, 26-03-42, 26-03-43, 26-07-14, 26-08-04, 26-08-07, 26-08-18, subsection 6 of section 26-09-01, sections 26-11-02, 26-11-11, 26-14-03, 26-14-05, subsection 4 of section 26-14-08, sections 26-14-12, 26-20-01, and subsection 7 of section 26-21-02 of the North Dakota Century Code, relating to procedure for filing policies and articles of incorporation and amendments thereto with the commissioner of insurance, capital asset and surplus requirements for certain domestic and foreign insurance companies, procedure for revocation of authority of a foreign insurance company to do business in the state, liability of insurance company officers to stockholders and policyholders, collection of premiums by mutual insurance companies, and consolidation and dissolution of domestic insurance companies; and to repeal sections 26-07-12, 26-08-14, 26-08-15, and 26-10-06, and chapters 26-13 and 26-19, all of the North Dakota Century Code, relating to procedures on revocation of authority of insurance company for discrimination, notice of impairment of capital, assessment of stock, selection of application of surplus, assessment plan accident and sickness insurance companies, and crop hail insurance.

Introduction, first reading, 28  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, amended, 101  
 Amendments adopted, 116  
 Engrossed, 127  
 Second reading, 138  
 Passed, 138

To House, 171  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1463  
 Sent to House, 1479  
 Received from House 1485  
 Message to Governor, 1487  
 Approved by Governor, 1539

**Senate Bill No. 2039** — (Committee on Industry, Business, & Labor)

**Senate Bill No. 2039.** A Bill for an Act to provide family medical hospital insurance coverage for incarcerated juvenile delinquents.

Introduction, first reading, 29  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, indefinitely postponed, 161  
 Second reading, 186, 199  
 Passed, 186, lost, 199  
 Reconsidered, 199

**Senate Bill No. 2040** — (Committee on Industry, Business, & Labor)

**Senate Bill No. 2040.** A Bill for an Act to allow the insurance commissioner to require insurance companies to index or list relevant provisions of insurance policies to aid consumers.

Introduction, first reading, 29  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, indefinitely postponed, 173  
 Second reading, 201  
 Lost, 202

**Senate Bill No. 2041** — (Committee on Industry, Business, & Labor)

**Senate Bill No. 2041.** A Bill for an Act to amend and reenact section 34-14-03 of the North Dakota Century Code, relating to the payment of wages of employees who have been separated from employment.

Introduction, first reading, 29  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, do pass, 101  
 Second reading, 131  
 Passed, 131  
 To House, 189  
 Returned to Senate, 872  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2042** — (Committee on Industry, Business, & Labor)

**Senate Bill No. 2042.** A Bill for an Act to amend and reenact section 34-13-01 of the North Dakota Century Code, relating to the definition of "employment agent" or "employment agency".



Introduction, first reading, 29  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, does pass, 102  
 Engrossed, 1053  
 Second reading, 131, 1053  
 Passed, 131, 1054  
 To House, 189  
 House amendments, 963  
 Returned to Senate, amended, 963  
 Senate concurs, 1053  
 Enrolled, 1427  
 Signed by President, 1441  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1459  
 Approved by Governor, 1540

**Senate Bill No. 2043 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2043.** A Bill for an Act to amend and reenact sections 34-13-04 and 34-13-05 of the North Dakota Century Code, relating to the licensing fees and bonds required of employment agencies.

Introduction, first reading, 29  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, does pass, 102  
 Second reading, 131  
 Passed, 132  
 To House, 189  
 Returned to Senate, 872  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2044 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2044.** A Bill for an Act to create and enact a new subsection to section 34-05-01.3 of the North Dakota Century Code to authorize the commissioner of labor to conduct elections to determine the exclusive representative and appropriate bargaining unit of public employees for purposes of labor negotiations.

Introduction, first reading, 29  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, indefinitely postponed, 616  
 Second reading, 685  
 Lost, 685

**Senate Bill No. 2045 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2045.** A Bill for an Act to prohibit discrimination in employment because of race, color, religion, national origin, sex, age, or marital status; and providing a penalty.

Introduction, first reading, 30  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, amended, 232, 281, Floor Amendments, 329  
 Re-referred to Committee on State & Federal Government  
 Amendments adopted, 276, 301, 329  
 Engrossed, 317  
 Re-engrossed, 329, 1468  
 Second reading, 329, 1468  
 Passed, 330  
 Lost, 1468  
 To House, 375  
 House amendments, 1208  
 Returned to Senate, amended, 1208  
 Conference Committee, 1296, 1354  
 Conference Committee Report, 1417  
 Adopts, 1468  
 Senate does not concur, 1296

**Senate Bill No. 2046 — (Committee on Industry, Business, & Labor)**

**Senate Bill No. 2046.** A Bill for an Act prohibiting public employees from engaging in political activities while such employees are on duty or in uniform; to amend and reenact section 39-01-05 of the North Dakota Century Code, relating to allowing state officers and employees to collect expenses while engaged in state activities but disallowing state officers and employees from collecting expenses while engaged in political activities; and to repeal sections 40-44-09, 50-06.1-12, and 54-23-52 of the North Dakota Century Code, relating to prohibiting municipal employees under a local civil service system from engaging in political activities and prohibiting the officers and employees of the department of vocational rehabilitation and the director of institutions' office from engaging in political activities.

Introduction, first reading, 30  
 Referred to Committee on Industry, Business, & Labor  
 Reported back, amended, 232  
 Amendments adopted, 277  
 Engrossed, 281  
 Second reading, 296  
 Passed, 296  
 To House, 341  
 Returned to Senate, 872  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by governor, 1115

**Senate Bill No. 2047 — (Committee on Judiciary)**

**Senate Bill No. 2047.** Alternative 1 — A Bill for an Act to provide for state reimbursement to counties for the cost of statewide elections.

Introduction, first reading, 30

Referred to Committee on Judiciary  
 Reported back, amended, 173, indefinitely postponed, 345  
 Referred to Committee on Appropriations, 192  
 Amendments adopted, 192  
 Engrossed, 213  
 Second reading, 368  
 Lost, 368

**Senate Bill No. 2048** — (Committee on Judiciary)

**Senate Bill No. 2048.** Alternative 2 — A Bill for an Act to provide for state reimbursement to counties for the cost of statewide elections.

Introduction, first reading, 30  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 146  
 Second reading, 169  
 Lost, 169

**Senate Bill No. 2049** — (Committee on Judiciary)

**Senate Bill No. 2049.** A Bill for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to instruction on the responsibility of citizens to participate in the political process through exercising their right to vote.

Introduction, first reading, 30  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 57  
 Second reading, 77  
 Lost, 78

**Senate Bill No. 2050** — (Committee on Judiciary)

**Senate Bill No. 2050.** A Bill for an Act to create and establish an office of prosecutor coordination within the office of the attorney general; to provide for the selection, powers and duties, supervision, and salary of a director of the office; and to provide an appropriation.

Introduction, first reading, 30  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 83  
 Second reading, 113  
 Lost, 113

**Senate Bill No. 2051** — (Committee on Judiciary)

**Senate Bill No. 2051.** A Bill for an Act to amend and reenact subdivision d of subsection 2 of section 11-10-10 and section 11-16-05 of the North Dakota Century Code, relating to a county option regarding a full-time state's attorney and salaries and duties of state's attorneys.

Introduction, first reading, 30  
 Referred to Committee on Judiciary  
 Reported back, does pass, 83  
 Second reading, 113  
 Passed, 114  
 To House, 142

House amendments, 1151  
 Returned to Senate, amended, 1149  
 Conference Committee, 1165, 1272  
 Conference Committee Report, 1326  
 Adopts, 1326  
 House adopts, 1426  
 Senate does not concur, 1165  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2052 — (Committee on Judiciary)**

**Senate Bill No. 2052.** A Bill for an Act to create and enact section 27-20-54.1 of the North Dakota Century Code, relating to the destruction of juvenile court records; and to amend and reenact section 27-20-54 of the North Dakota Century Code, relating to the sealing of juvenile court records.

Introduction, first reading, 30  
 Referred to Committee on Judiciary  
 Reported back, amended, 54  
 Amendments adopted, 60  
 Engrossed, 64  
 Second reading, 78  
 Passed, 78  
 To House, 98  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2053 — (Committee on Judiciary)**

**Senate Bill No. 2053.** A Bill for an Act to amend and reenact section 27-20-35 of the North Dakota Century Code, relating to the juvenile court's authority to commit children for mental health treatment.

Introduction, first reading, 31  
 Referred to Committee on Judiciary  
 Reported back, does pass, 57  
 Second reading, 78  
 Passed, 78, 79  
 To House, 98  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1179  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2054** — (Committee on Judiciary)

**Senate Bill No. 2054.** A Bill for an Act to amend and reenact section 27-20-26 of the North Dakota Century Code, relating to the right to counsel in juvenile proceedings.

Introduction, first reading, 31  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 74  
Second reading, 98  
Lost, 98

**Senate Bill No. 2055** — (Committee on Judiciary)

**Senate Bill No. 2055.** A Bill for an Act to create and enact a new subsection to section 27-20-03 of the North Dakota Century Code, relating to the jurisdiction of juvenile courts over adults in certain instances.

Introduction, first reading, 31  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 102  
Second reading, 132  
Lost, 132

**Senate Bill No. 2056** — (Committee on Judiciary)

**Senate Bill No. 2056.** A Bill for an Act to create and enact four new sections to chapter 12-60 of the North Dakota Century Code, relating to the right to inspect and challenge criminal history record information and the right to appeal decisions concerning such challenges, providing for the dissemination and purging of criminal history records, and providing a penalty, and to create and enact four new subsections to section 12-60-07 of the North Dakota Century Code, relating to the powers and duties of the bureau of criminal investigation; and to amend and reenact section 12-60-16 of the North Dakota Century Code, relating to the report of an arrested person's transfer and release, or the disposition of his case.

Introduction, first reading, 31  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 657  
Second reading, 685  
Lost, 686

**Senate Bill No. 2057** — (Committee on Judiciary)

**Senate Bill No. 2057.** A Bill for an Act to repeal section 34-01-16 of the North Dakota Century Code, relating to qualifications to hold office in a labor union or labor organization.

Introduction, first reading, 31  
Referred to Committee on Judiciary  
Reported back, does pass, 74  
Second reading, 98  
Lost, 98

**Senate Bill No. 2058** — (Committee on Judiciary)

**Senate Bill No. 2058.** A Bill for an Act to define offense and to create and enact new sections to chapters 5-03 and 10-04, section 12.1-33-02.1, and new sections to chapters 25-16, 27-11, 36-06, 43-01, 43-02.1, 43-04, 43-05, 43-06, 43-07, 43-09, 43-10, 43-15, 43-18, 43-18.1, 43-19.1, 43-20, 43-21, 43-22, 43-23, 43-27, 43-28, 43-33, 43-34, 43-35, 43-36, 50-11, 50-11.1, 50-12, 50-19, and 51-05.1 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, unless, following conviction, a person is not sufficiently rehabilitated; and to amend and reenact subsection 3 of section 5-02-02, subsection 7 of section 10-04-11, subsection 4 of section 25-16-08, subsection 7 of section 26-17.1-42, subsection 1 of section 27-14-02, subsection 2 of section 43-01-16, subdivision a of subsection 1 of section 43-02.1-05, subdivision a of subsection 2 of section 43-03-13, subsection 4 of section 43-03-20, subsection 1 of section 43-04-40, subsection 5 of section 43-05-16, subsection 2 of section 43-11-31, subsection 2 of section 43-12-22, subsection 1 of section 43-13-22, subsection 3 of section 43-17-31, subsection 1 of section 43-18-18, subsection 1 of section 43-18.1-07, section 43-19.1-25, subdivision f of subsection 1 of section 43-23-11.1, subdivision b of subsection 1 of section 43-23.1-15, section 43-25-07, subsection 2 of section 43-25-10, subsection 3 of section 43-26-11, subsection 3 of section 43-28-18, subsections 3 and 10 of section 43-29-14, subsection 4 of section 43-30-05, subsection 3 of section 43-30-12, subsection 4 of section 43-31-07, subsection 3 of section 43-31-10, subsection 1 of section 43-32-27, subsection 2 of section 43-33-12, section 43-36-21, subdivision c of subsection 1 of section 43-37-13, section 50-11-07, section 50-11.1-09, section 50-12-10, section 50-19-12, subdivision e of subsection 1 of section 51-05.1-03, and section 53-06-06 of the North Dakota Century Code, providing that conviction of an offense shall not disqualify a person from licensure for a profession or occupation unless the offense has a direct bearing upon a person's ability to serve the public in the profession or occupation, or unless, following conviction of any offense, a person is not sufficiently rehabilitated.

Introduction, first reading, 31  
 Referred to Committee on Judiciary  
 Reported back, amended, 74  
 Amendments adopted, 88  
 Engrossed, 101  
 Re-engrossed, 935  
 Second reading, 121, 935  
 Passed, 122, 936  
 To House, 189  
 House amendments, 917  
 Returned to Senate, amended, 917  
 Senate concurs, 935  
 Enrolled, 1144  
 Signed by President, 1179  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2059** — (Committee on Judiciary)

**Senate Bill No. 2059.** A Bill for an Act to amend and reenact sections 14-03-07 and 14-03-12 of the North Dakota Century Code, relating to prohibited marriages and marriage prohibition if a person is infected with syphilis in communicable form.

Introduction, first reading, 32  
 Referred to Committee on Judiciary  
 Reported back, amended, 189  
 Amendments adopted, 214  
 Engrossed, 231  
 Second reading, 245  
 Passed, 246  
 To House, 298  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1179  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2060** — (Committee on Judiciary)

**Senate Bill No. 2060.** A Bill for an Act to create and enact section 29-28-06.1 of the North Dakota Century Code, relating to seeking leave to appeal a felony sentence to the supreme court; and to amend and reenact sections 29-28-06 and 29-28-28 of the North Dakota Century Code, relating to supreme court appeals allowed a criminal defendant and powers of the supreme court on criminal appeal.

Introduction, first reading, 32  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 83  
 Second reading, 122  
 Lost, 122

**Senate Bill No. 2061** — (Committee on Legislative Procedures & Arrangements)

**Senate Bill No. 2061.** A Bill for an Act to create a continuing interim committee of the legislative council to study and report on measures and proposals affecting retirement systems and funds which exist for the benefit of public employees; and to declare an emergency.

Introduction, first reading, 32  
 Referred to Committee on Legislative Procedures & Arrangements  
 Reported back, does pass, 147, amended, 257  
 Re-referred to Committee on Appropriations, 147  
 Amendments adopted, 291  
 Engrossed, 299  
 Second reading, 309  
 Passed, 309  
 To House, 359  
 Returned to Senate, 872  
 Enrolled, 1038  
 Signed by President, 1059

Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2062 — (Committee on Natural Resources)**

**Senate Bill No. 2062.** A Bill for an Act to create and enact sections 61-04-01.1, 61-04-01.2, 61-04-02.1, 61-04-04.1, 61-04-06.1, 61-04-06.2, 61-04-06.3, 61-04-15.1, 61-04-29, 61-04-30, and 61-04-31 of the North Dakota Century Code, relating to the basis for the appropriation of water and the definition of terms therein involved, to the granting of water permits and their terms, to priority of water rights, to emergency or temporary authorization, to fees, to change in point of diversion or purpose of use, to reservations of waters, to the enforcement powers of the water commission and state engineer, and to penalties; to amend and reenact sections 61-04-01, 61-04-02, 61-04-03, 61-04-04, 61-04-05, 61-04-06, 61-04-07, 61-04-09, 61-04-14, 61-04-15, 61-04-17, 61-04-22, 61-04-23, 61-04-24, and 61-04-26 of the North Dakota Century Code, relating to the need for a water permit, to permit applications and the criteria for the issuance of water permits, to the application of water to a beneficial use, to transfer of water permits, to the filing of documents affecting water rights, and to the forfeiture of water rights; to repeal sections 61-01-01.1, 61-01-02, subsection 1 of section 61-03-05, 61-04-07.1, 61-04-16, and 61-14-05 of the North Dakota Century Code, relating to priority of water rights, to the attachment of conditions on a water permit, to the right to use water, to referees in water actions in court, and to changes in the place of diversion; and providing a penalty.

Introduction, first reading, 32  
 Referred to Committee on Natural Resources  
 Reported back, amended, 526  
 Reprinted, 678  
 Amendments adopted, 562  
 Engrossed, 1488  
 Second reading, 638, 1488  
 Passed, 639, 1489  
 To House, 720  
 House amendments, 1209  
 Returned to Senate, amended, 1208  
 Conference Committee, 1296, 1354, 1418, 1466  
 Conference Committee Report, 1417, 1481  
 Adopts, 1488  
 House adopts, 1544  
 Senate does not concur, 1296  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2063 — (Committee on Natural Resources)**

**Senate Bill No. 2063.** A Bill for an Act to create and enact section 15-02-05.1 of the North Dakota Century Code, relating to the duties of the



commissioner of university and school lands; and to amend and reenact section 54-01-05.3 of the North Dakota Century Code, relating to the duties of the attorney general in reviewing bills for the sale of state-owned land.

Introduction, first reading, 33  
 Referred to Committee on Natural Resources  
 Reported back, does pass, 57  
 Engrossed, 1296  
 Second reading, 79, 1297  
 Passed 79, 1297  
 To House, 99  
 House amendments, 1209  
 Returned to Senate, amended, 1208  
 Senate concurs, 1296  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2064 — (Committee on Political Subdivisions)**

**Senate Bill No. 2064.** A Bill for an Act to amend and reenact sections 57-15-06, 57-15-08, and 57-15-20 of the North Dakota Century Code, relating to increasing mill levy limitations for counties, cities, and townships.

Introduction, first reading, 33  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 555  
 Second reading, 639  
 Lost, 639

**Senate Bill No. 2065 — (Committee on Political Subdivisions)**

**Senate Bill No. 2065.** Replacement Tax Transfer Alternative 1 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with county and city governments on the basis of population, and to provide an expiration date.

Introduction, first reading, 33  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 190  
 Second reading, 218  
 Lost, 218

**Senate Bill No. 2066 — (Committee on Political Subdivisions)**

**Senate Bill No. 2066.** Replacement Tax Transfer Alternative 2 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with county and city governments on the basis of tax effort and population, and to provide an expiration date.

Introduction, first reading, 33  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 404  
 Second reading, 438

Lost, 439

**Senate Bill No. 2067** — (Committee on Political Subdivisions)

**Senate Bill No. 2067.** Replacement Tax Transfer Alternative 3 — A Bill for an Act to provide for the sharing of state income and sales tax revenues with all political subdivisions on the basis of property tax revenues, to provide an expiration date, and to provide an appropriation.

Introduction, first reading, 33

Referred to Committee on Political Subdivisions

Reported back, indefinitely postponed, 190

Second reading, 218

Lost, 218

**Senate Bill No. 2068** — (Committee on State & Federal Government)

**Senate Bill No. 2068.** A Bill for an Act to create and enact sections 54-52-02.4, 54-52-10.1, 54-52-17.1, and 54-52-19.1 of the North Dakota Century Code, relating to the public employees retirement system; to amend and reenact sections 54-52-01, 54-52-02.1, 54-52-02.2, 54-52-02.3, subsection 6 of section 54-52-03, subsections 1 and 4 of section 54-52-04, and sections 54-52-05, 54-52-06, 54-52-06.1, 54-52-10, 54-52-17, and 54-52-21 of the North Dakota Century Code, relating to certain terms, participants, methods of joining, governance, fees, contributions, funds, rights, and benefits of the public employees retirement system; and to repeal sections 54-52-11, 54-52-18, 54-52-19, and 54-52-20 of the North Dakota Century Code, relating to vesting apportionment of benefits and prior service benefits in the public employees retirement system.

Introduction, first reading, 33

Referred to Committee on State & Federal Government

Reported back, amended, 405

Reprinted, 463

Amendments adopted, 433

Engrossed, 447

Second reading, 462

Passed, 463

To House, 519

Returned to Senate, 1036

Enrolled, 1292

Signed by President, 1314

Sent to House, 1314

Received from House, 1353

Message to Governor, 1353

Approved by Governor, 1445

**Senate Bill No. 2069** — (Committee on State & Federal Government)

**Senate Bill No. 2069.** A Bill for an Act to create and enact section 25-02-11.1 of the North Dakota Century Code, relating to the appointment of multicounty mental health boards; and to amend and reenact sections 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, and 25-02-17 of the North Dakota Century Code, relating to the oaths, appointment, meetings, duties, procedures, powers, and compensation of county mental health boards.

Introduction, first reading, 34  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 529  
 Second reading, 571  
 Lost, 571

**Senate Bill No. 2070** — (Committee on State & Federal Government)

**Senate Bill No. 2070.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 25-02-05 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, to amend section 25-02-18 of the North Dakota Century Code, relating to the liability of certain officers in mental health cases, to amend subsection 1 of section 25-04-05.1 of the North Dakota Century Code, relating to the Grafton state school superintendent's authority to indefinitely transfer and commit persons to certain state institutions, and to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-01-02 and 25-01-02.1 of the North Dakota Century Code, relating to transfer of inmates between state institutions and the powers and duties of the health council regarding release of individuals from the state hospital, to repeal sections 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, and 25-02-17 of the North Dakota Century Code, relating to the establishment, powers, duties, and authority of county mental health boards, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

Introduction, first reading, 34  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 299  
 Second reading, 330  
 Lost, 330

**Senate Bill No. 2071** — (Nothing)

**Senate Bill No. 2071.** A Bill for an Act to amend and reenact section 27-06-09 of the North Dakota Century Code, relating to compensation of bailiffs, and declaring an emergency.

Introduction, first reading, 34  
 Referred to Committee on Judiciary  
 Reported back, does pass, 74  
 Engrossed, 1116  
 Second reading, 108, 1116  
 Passed, 108, 1117  
 Emergency carried, 1117  
 To House, 126  
 House amendments, 1087  
 Returned to Senate, amended, 1087  
 Senate concurs, 1116  
 Enrolled, 1464  
 Signed by President, 1464

Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2072 — (Nothing)**

**Senate Bill No. 2072.** A Bill for an Act requiring the labeling of a date on perishable food packages, providing a penalty, and providing an effective date.

Introduction, first reading, 35  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 102  
 Second reading, 132  
 Lost, 132

**Senate Bill No. 2073 — (Jacobson)**

**Senate Bill No. 2073.** A Bill for an Act to amend and reenact section 57-14-05 of the North Dakota Century Code to provide that county auditors shall have two years to include omitted severed mineral interests on the tax list, and noting potential criminal liabilities.

Introduction, first reading, 35  
 Referred to Committee on Political Subdivisions  
 Reported back, withdrawn, 274  
 Returned to Senate, 274

**Senate Bill No. 2074 — (Jacobson)**

**Senate Bill No. 2074.** A Bill for an Act to provide additional compensation for certain county officials for the extra effort involved in assessing severed mineral interests.

Introduction, first reading, 35  
 Referred to Committee on Political Subdivisions  
 Withdrawn, 274  
 Returned to Senate, 274

**Senate Bill No. 2075 — (Nothing)**

**Senate Bill No. 2075.** A Bill for an Act to amend and reenact sections 40-47-01.1, 40-48-18, and 58-03-11 of the North Dakota Century Code, relating to the application of zoning and subdivision regulation authority to land lying outside the corporate limits of a city.

Introduction, first reading, 35  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 127  
 Second Reading, 156  
 Lost, 156

**Senate Bill No. 2076 — (Farrington)**

**Senate Bill No. 2076.** A Bill for an Act create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to gross receipts from the sale of coal and

electricity; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, subsection 2 of section 57-39.2-02, subsection 2 of section 57-39.2-03, subsection 2 of section 57-39.2-03.1, subsection 2 of section 57-39.2-18, and subdivision a of subsection 6 of section 57-40.2-01 of the North Dakota Century Code, relating to the exemption of electricity from sales and use taxes.

Introduction, first reading, 35  
Referred to Committee on Finance & Taxes  
Withdrawn, 351  
Returned to Senate, 351

**Senate Bill No. 2077 — (Lips)**

**Senate Bill No. 2077.** A Bill for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.2 of the North Dakota Century Code to remove the limitation on the adjustment to taxable income for individuals for dividends from domestic corporations, and providing an effective date.

Introduction, first reading, 35  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 258  
Second reading, 297  
Lost, 297

**Senate Bill No. 2078 — (Goodman, Freed)**

**Senate Bill No. 2078.** A Bill for an Act to amend and reenact section 57-37.1-04 of the North Dakota Century Code, relating to the computation of the North Dakota estate tax, and providing an effective date.

Introduction, first reading, 35  
Referred to Committee on Finance & Taxation  
Withdrawn, 248  
Returned to Senate, 248

**Senate Bill No. 2079 — (Goodman, Freed)**

**Senate Bill No. 2079.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 of the North Dakota Century Code, relating to definitions, and providing an effective date.

Introduction, first reading, 35  
Referred to Committee on Finance & Taxation  
Withdrawn, 351  
Returned to Senate, 351

**Senate Bill No. 2080 — (Strinden)**

**Senate Bill No. 2080.** A Bill for an Act to amend and reenact section 57-39.2-26 of the North Dakota Century Code to provide for the allocation of a portion of sales tax receipts to cities and counties.

Introduction, first reading, 36  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 211  
Second reading, 246  
Lost, 246

**Senate Bill No. 2081 — (Goodman, Freed)**

**Senate Bill No. 2081.** A Bill for an Act to amend and reenact section 57-37.1-03 of the North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate.

Introduction, first reading, 36  
Referred to Committee on Finance & Taxation  
Withdrawn, 445  
Returned to Senate, 445

**Senate Bill No. 2082 — (Lips)**

**Senate Bill No. 2082.** A Bill for an Act to amend and reenact section 57-38-29 of the North Dakota Century Code, relating to individual income tax rates.

Introduction, first reading, 36  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 657  
Second reading, 686  
Lost, 686

**Senate Bill No. 2083 — (Lips)**

**Senate Bill No. 2083.** A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an adjustment to taxable income for capital gains on the sale of residences.

Introduction, first reading, 36  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 345  
Second reading, 368  
Lost, 368

**Senate Bill No. 2084 — (Lips)**

**Senate Bill No. 2084.** A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide for an adjustment to taxable income for each dependent child who is a full-time college student.

Introduction, first reading, 36  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 74  
Second reading, 108  
Lost, 108

**Senate Bill No. 2085 — (Lips, Redlin)**

**Senate Bill No. 2085.** A Bill for an Act to amend and reenact sections 15-20.1-08, 57-15-14, 57-15-16, 57-16-05, and 57-19-09 of the North Dakota Century Code, relating to the vote required for passage or discontinuance of school district mill levies, mill levy limitations, and special reserve funds.

Introduction, first reading, 36  
Referred to Committee on Education  
Reported back, indefinitely postponed, 102  
Second reading, 132  
Lost, 133

**Senate Bill No. 2086 — (Lips, Redlin)**

**Senate Bill No. 2086.** A Bill for an Act to amend and reenact section 21-03-07 of the North Dakota Century Code, relating to lowering majority requirements on bond issue elections to fifty-five percent of the voters.

Introduction, first reading, 36  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 102  
Second reading, 133  
Lost, 133

**Senate Bill No. 2087 — (Morgan)**

**Senate Bill No. 2087.** A Bill for an Act to amend and reenact subsection 4 of section 39-10-03 of the North Dakota Century Code, relating to the use of blue flashing lights on fire department vehicles.

Introduction, first reading, 36  
Referred to Committee on Transportation  
Withdrawn, 56

**Senate Bill No. 2088 — (Lips)**

**Senate Bill No. 2088.** A Bill for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to provision for a park district construction fund levy.

Introduction, first reading, 37  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 57  
Second reading, 79  
Lost, 79

**Senate Bill No. 2089 — (Lips)**

**Senate Bill No. 2089.** A Bill for an Act to provide for the licensing of private security guards and private security companies by the attorney general; to amend and reenact section 43-30-01 of the North Dakota Century Code, relating to definitions applicable to licensing of private detectives; and providing a penalty.

Introduction, first reading, 37  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 258  
Second reading, 297  
Lost, 297

**Senate Bill No. 2090 — (Thane)**

**Senate Bill No. 2090.** A Bill for an Act to amend and reenact sections 29-

04-01 and 29-04-02 of the North Dakota Century Code, relating to unlimited prosecution time for certain felonies, and increasing prosecution time for other felonies.

- Introduction, first reading, 37
- Referred to Committee on Judiciary
- Reported back, indefinitely postponed, 147
- Without recommendation, 382
- Second reading, 169
- Lost, 169

**Senate Bill No. 2091 — (Nothing)**

**Senate Bill No. 2091.** A Bill for an Act to provide that persons damaging the property of others be liable for damages and to provide that resulting judgments not be subject to cancellation or discharge in bankruptcy nor subject to the statute of limitations.

- Introduction, first reading, 37
- Referred to Committee on Judiciary
- Reported back, does pass, 102
- Second reading, 137
- Passed, 137
- To House, 189
- Returned to Senate, 981
- Enrolled, 1238
- Signed by President, 1241
- Sent to House, 1242
- Received from House, 1288
- Message to Governor, 1290
- Approved by Governor, 1357

**Senate Bill No. 2092 — (Wenstrom, Lips, Jones, Solberg, Miller)**

**Senate Bill No. 2092.** A Bill for an Act providing an appropriation to the board of higher education for state aid to junior colleges, and declaring an emergency.

- Introduction, first reading, 37
- Referred to Committee on Appropriations
- Reported back, no recommendation, 382
- Second reading, 463
- Passed, 463
- To House, 519
- Returned to Senate, 1385
- Enrolled, 1463
- Signed by President, 1464
- Sent to House, 1479
- Received from House, 1485
- Message to Governor, 1487
- Approved by Governor, 1651

**Senate Bill No. 2093 — (Nothing)**

**Senate Bill No. 2093.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of



the North Dakota Century Code, relating to the exemption of gas, steam, and water from the sales and use tax; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, subsection 2 of section 57-39.2-18, subdivision a of subsection 6 of section 57-40.2-01, section 57-53-02 of the North Dakota Century Code, and subsection 2 of section 1 of Initiative Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to the exemption of gas, steam, water, and heating fuels from sales and use and special fuels taxes, and to remove references to sales and use taxes on electricity.

Introduction, first reading, 37  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 657  
 Reprinted, 732  
 Amendments adopted, 682  
 Engrossed, 727  
 Second reading, 732  
 Passed, 732  
 Clincher motion, 732  
 To House, 782  
 Returned to Senate, 1385

**Senate Bill No. 2094 — (Barth)**

**Senate Bill No. 2094.** A Bill for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the water conservation commission.

Introduction, first reading, 37  
 Referred to Committee on Natural Resources  
 Returned to Senate & withdrawn, 86

**Senate Bill No. 2095 — (Freed)**

**Senate Bill No. 2095.** A Bill for an Act to amend and reenact section 12.1-20-07 of the North Dakota Century Code, relating to sexual assault and providing penalties for such offenses.

Introduction, first reading, 38  
 Referred to Committee on Judiciary  
 Reported back, does pass, 147  
 Second reading, 169  
 Passed, 170  
 To House, 209  
 Returned to Senate, 873

**Senate Bill No. 2096 — (Lips)**

**Senate Bill No. 2096.** A Bill for an Act to create and enact a new subsection to section 28-01-18 of the North Dakota Century Code to establish a two-year statute of limitations in products liability cases, to limit damages in such cases to the useful life of the product, to provide for a collateral source rule, to require the manufacturers' or sellers' consent to alteration as a condition precedent to liability, to provide for periodic payments in judgments, to require punitive or exemplary damages to be proven beyond a reasonable doubt, to provide for a "reasonable man"

standard of action, to limit liability to defective conditions existing at the time of sale of the product, to limit damages to the state of the art regarding a product, to disallow advance payments against joint tort feasons, to allow the court to reduce damages when excessive, and to limit attorney's fees.

Introduction, first reading, 38  
 Referred to Committee on Judiciary  
 Withdrawn, 163  
 Returned to Senate, 163

**Senate Bill No. 2097 — (Freed)**

**Senate Bill No. 2097.** A Bill for an Act to amend and reenact subsection 3 of section 12.1-32-09 of the North Dakota Century Code, relating to the procedure for extended sentences for dangerous special offenders.

Introduction, first reading, 38  
 Referred to Committee on Judiciary  
 Reported back, does pass, 102  
 Second reading, 156  
 Passed, 157  
 To House, 186  
 Returned to Senate, 873  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2098 — (Thane)**

**Senate Bill No. 2098.** A Bill for an Act to amend and reenact subsection 1 of section 20.1-13-03 of the North Dakota Century Code, relating to identifying and licensing motorboats.

Introduction, first reading, 38  
 Withdrawn, 69  
 Referred to Committee on Transportation

**Senate Bill No. 2099 — (Naaden)**

**Senate Bill No. 2099.** A Bill for an Act to amend and reenact section 16-07-07 of the North Dakota Century Code, relating to the filling of a vacancy in the office of United States senator and providing that such vacancy may be filled only by election, and to amend and reenact section 16.1-13-08 of the North Dakota Century Code as created by section 12 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the filling of a vacancy in the office of United States senator.

Introduction, first reading, 38  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 281  
 Second reading, 309  
 Lost, 309

**Senate Bill No. 2100 — (Thane)**

**Senate Bill No. 2100.** A Bill for an Act to amend and reenact section 57-15-42 of the North Dakota Century Code, relating to a mill levy for city fire departments.

Introduction, first reading, 38  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 115  
 Amendments adopted, 128  
 Engrossed, 145  
 Second reading, 157  
 Passed, 157  
 To House, 186  
 Returned to Senate, 376  
 Enrolled, 899  
 Signed by President, 916  
 Sent to House, 97  
 Received from House, 919  
 Message to Governor, 921  
 Approved by Governor, 1017

**Senate Bill No. 2101 — (Lips)**

**Senate Bill No. 2101.** A Bill for an Act to create and enact a new subsection to section 23-01-05 of the North Dakota Century Code, relating to the duties of the state health officer; to amend and reenact sections 11-19.1-07, 11-19.1-11, 11-19.1-13, and 11-19.1-16 of the North Dakota Century Code, relating to the report of deaths to the coroner, the performance of an autopsy, the certificate of death, and the coroner's fees.

Introduction, first reading, 38  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, does pass, 317, amended, 65, 258  
 Re-referred to Committee on Appropriations, 75, Social Welfare, 258, 291  
 Amendments adopted, 75, 291  
 Engrossed, 81  
 Re-engrossed, 299  
 Second reading, 352  
 Passed, 352  
 To House, 400  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2102 — (Hanson)**

**Senate Bill No. 2102.** A Bill for an Act to make an appropriation for defraying expenses of constructing a library at North Dakota State University.

Introduction, first reading, 39  
Referred to Committee on Appropriations  
Withdrawn, 649  
Returned to Senate, 649

**Senate Bill No. 2103 — (Wenstrom)**

**Senate Bill No. 2103.** A Bill for an Act to amend and reenact sections 43-28-03 and 43-28-04 of the North Dakota Century Code, relating to the term of office of members of the state board of dental examiners, and the qualifications and appointment of members of the board.

Introduction, first reading, 39  
Referred to Committee on State & Federal Government  
Reported back, does pass, 83  
Second reading, 122  
Passed, 122  
To House, 189  
Returned to Senate, 426  
Enrolled, 899  
Signed by President, 916  
Sent to House, 917  
Received from House, 919  
Message to Governor, 921  
Approved by Governor, 1017

**Senate Bill No. 2104 — (Lips)**

**Senate Bill No. 2104.** A Bill for an Act to create and enact section 40-57-21 of the North Dakota Century Code, providing an alternative form of procedures and transactions in order to accomplish the financing of projects which need not be owned by municipalities.

Introduction, first reading, 39  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 317  
Second reading, 352  
Lost, 353

**Senate Bill No. 2105 — (Lips)**

**Senate Bill No. 2105.** A Bill for an Act to amend and reenact sections 65-12-04 and 65-12-04.1 of the North Dakota Century Code, relating to the definition of boiler and exempt boilers.

Introduction, first reading, 39  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 147  
Second reading, 170  
Lost, 170

**Senate Bill No. 2106 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2106.** A Bill for an Act to create and enact sections 15-03-04.1 and 15-03-04.2, chapter 15-08.1, and section 54-30-30.1 of the North Dakota Century Code, relating to the loan functions of the state land

department and the real estate functions of the Bank of North Dakota; to amend and reenact section 15-03-01, subsection 1 of section 15-03-04, sections 15-03-05, 15-03-07, 15-03-14, 15-03-15, and 15-03-18 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota; and to repeal sections 6-09-25, 15-03-06, 15-03-08, 15-03-09, 15-03-10, 15-03-11, 15-03-20, and 54-30-23 of the North Dakota Century Code, relating to the loan functions of the state land department and the real estate functions of the Bank of North Dakota.

Introduction, first reading, 39  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 173, 529  
 Re-referred to Committee on Industry, Business & Labor, 218  
 Amendments adopted, 192, 562  
 Engrossed, 213  
 Re-engrossed, 588  
 Second reading, 640  
 Passed, 640  
 To House, 720  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2107 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2107.** A Bill for an Act to amend and reenact sections 6-06-34, 6-06-38, and 10-15-49 of the North Dakota Century Code, relating to the duties of credit unions under the escheat laws; and to repeal section 10-15-34 of the North Dakota Century Code, relating to the duties of credit unions and cooperatives under the escheat laws.

Introduction, first reading, 39  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 161  
 Second reading, 198  
 Passed, 198  
 To House, 254  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2108 — (Committee on Natural Resources)**

**Senate Bill No. 2108.** A Bill for an Act to create and enact section 15-07-10.1 of the North Dakota Century Code, relating to the sale of small tracts of state land and to amend and reenact section 15-07-04 of the North Dakota Century Code, relating to private sale of state land.

Introduction, first reading, 40  
 Referred to Committee on Natural Resources  
 Reported back, does pass, 57  
 Returned to Senate & withdrawn, 129  
 Re-referred to Committee on Natural Resources, 79

**Senate Bill No. 2109 — (Committee on Natural Resources)**

**Senate Bill No. 2109.** A Bill for an Act to amend and reenact section 15-08-27 of the North Dakota Century Code, relating to mineral reservations on nongrant land under authority of the board of university and school lands.

Introduction, first reading, 40  
 Referred to Committee on Natural Resources  
 Reported back, does pass, 57  
 Second reading, 79  
 Passed, 80  
 To House, 99  
 Returned to Senate, 1385  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2110 — (Committee on Natural Resources)**

**Senate Bill No. 2110.** A Bill for an Act to create and enact chapter 15-08.2 of the North Dakota Century Code, relating to the sovereign lands of the state of North Dakota; to amend and reenact sections 38-11-02 and 47-06-08 of the North Dakota Century Code, relating to the leasing of public lands and ownership of islands and related lands.

Introduction, first reading, 40  
 Referred to Committee on Natural Resources  
 Reported back, does pass, 65, amended, 161  
 Floor amendments, 202  
 Re-referred to Committee on Natural Resources, 108  
 Amendments adopted, 178, 202,  
 Engrossed, 189  
 Re-engrossed, 202, 1559  
 Second reading, 202, 1559  
 Passed, 203, 1559  
 To House, 254  
 House amendments, 1383  
 Returned to Senate, amended, 1377  
 Senate concurs, 1559  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2111 — (Committee on Natural Resources)**

**Senate Bill No. 2111.** A Bill for an Act to create and enact sections 38-11-02.1, 38-11-02.2, 38-11-02.3, and 38-11-02.4 of the North Dakota Century Code, relating to the leasing of minerals on public lands; to amend and reenact subsection 2 of section 38-11-01 and sections 38-11-02, 38-11-04, and 38-11-10 of the North Dakota Century Code, relating to the leasing of minerals on public lands; and to repeal sections 15-05-17, 38-11-03, 38-11-05, 38-11-06, 38-11-07, 38-11-08, and 38-11-09 of the North Dakota Century Code, relating to the leasing of minerals on public lands.

Introduction, first reading, 40  
 Referred to Committee on Natural Resources  
 Reported back, amended, 115  
 Amendments adopted, 149  
 Engrossed, 161  
 Re-engrossed, 1297  
 Second reading, 170, 1297  
 Passed, 170, 1297  
 To House, 209  
 House amendments, 1209  
 Returned to Senate, amended, 1208  
 Senate concurs, 1297  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2112 — (Naaden)**

**Senate Bill No. 2112.** A Bill for an Act to create and enact a new subdivision to subsection 2 of section 12.1-21-05 of the North Dakota Century Code, providing for a minimum mandatory six-month term of imprisonment for criminal mischief to tangible property of a person who is a member of or affiliated with the criminal justice system if the actor knows that to be a fact; and to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, to provide a minimum mandatory one-year term of imprisonment for simple assault upon a person who is a member of or affiliated with the criminal justice system whether on or off duty if the actor knows that to be a fact.

Introduction, first reading, 40  
 Referred to Committee on Judiciary  
 Reported, back, amended, 190  
 Floor amendments, 246  
 Amendments adopted, 214, 247  
 Engrossed, 231  
 Re-engrossed, 247  
 Second reading, 247  
 Passed, 247  
 To House, 298  
 House amendments, 401  
 Returned to Senate, 873

**Senate Bill No. 2113 — (Naaden)**

**Senate Bill No. 2113.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for truck-mounted haystack movers.

Introduction, first reading, 40  
 Referred to Committee on Transportation  
 Withdrawn, 60

**Senate Bill No. 2114 — (Solberg)**

**Senate Bill No. 2114.** A Bill for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the authority of the superintendent of public instruction to contract for educational television purposes; to repeal section 15-47-36 of the North Dakota Century Code, relating to the authority of the superintendent of public instruction to contract for educational television services; and to provide an appropriation.

Introduction, first reading, 41  
 Referred to Committee on Education  
 Withdrawn, 248  
 Returned to Senate, 248

**Senate Bill No. 2115 — (Lips)**

**Senate Bill No. 2115.** A Bill for an Act to repeal sections 19-05-05, 19-05-07, 19-05-08, 19-05-09, 19-05-10, 19-05-11, 19-05-14, 19-05-18, and 19-05-19 of the North Dakota Century Code, relating to the taxation of oleomargarine.

Introduction, first reading, 41  
 Referred to Committee on Finance & Taxation  
 Reported back, does pass, 54  
 Second reading, 61  
 Passed, 61  
 To House, 80  
 Returned to Senate, 229  
 Enrolled, 899  
 Signed by President, 916  
 Sent to House, 917  
 Received from House, 919  
 Message to Governor, 921  
 Approved by Governor, 1017

**Senate Bill No. 2116 — (Thane)**

**Senate Bill No. 2116.** A Bill for an Act to establish a reward fund under the attorney general for information leading to the arrest and conviction of persons committing violent crimes, and providing an appropriation.

Introduction, first reading, 41  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 102  
 Second reading, 137  
 Lost, 137



**Senate Bill No. 2117 — (Melland)**

**Senate Bill No. 2117.** A Bill for an Act to amend and reenact section 58-02-25 of the North Dakota Century Code, relating to the dissolution of an organized township.

Introduction, first reading, 41  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 232  
 Reprinted, 298  
 Amendments adopted, 277  
 Engrossed, 281  
 Second reading, 297  
 Passed, 298  
 To House, 341  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2118 — (Melland)**

**Senate Bill No. 2118.** A Bill for an Act to amend and reenact section 16-01-11.1 of the North Dakota Century Code, relating to the passing of the sufficiency of petitions by the secretary of state.

Introduction, first reading, 41  
 Referred to Committee on Judiciary  
 Reported back, amended, 147  
 Amendments adopted, 163  
 Engrossed, 173  
 Second reading, 198  
 Passed, 198  
 To House, 254  
 Returned to Senate, 897

**Senate Bill No. 2119 — (Fritzell)**

**Senate Bill No. 2119.** A Bill for an Act to amend and reenact section 21-10-02 of the North Dakota Century Code, relating to the power of the state investment board to enter into lending of securities agreements.

Introduction, first reading, 41  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 74  
 Amendments adopted, 88  
 Engrossed, 101  
 Second reading, 123  
 Passed, 123  
 To House, 189  
 Returned to Senate, 426  
 Enrolled, 899  
 Signed by President, 916

Sent to House, 917  
 Received from House, 919  
 Message to Governor, 921  
 Approved by Governor, 1017

**Senate Bill No. 2120 — (Wenstrom)**

**Senate Bill No. 2120.** A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to execution of instruments by the Bank of North Dakota.

Introduction, first reading, 41  
 Referred to Committee on Industry Business & Labor  
 Reported back, does pass, 162  
 Second reading, 200  
 Passed, 200  
 To House, 254  
 Returned to Senate, 964  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1357

**Senate Bill No. 2121 — (Fritzell)**

**Senate Bill No. 2121.** A Bill for an Act to amend and reenact section 40-24-08 of the North Dakota Century Code, relating to special assessments for street beautification and the period for payment of the same; and declaring an emergency.

Introduction, first reading, 41  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 75  
 Amendments adopted, 88  
 Engrossed, 101, 899  
 Re-engrossed, 411  
 Second reading, 123, 411  
 Passed, 124, 411  
 To House, 189  
 House amendments, 401  
 Returned to Senate, amended, 401  
 Senate concurs, 411  
 Enrolled, 899  
 Signed by President, 916  
 Sent to House, 917  
 Received from House, 919  
 Message to Governor, 921  
 Approved by Governor, 1017

**Senate Bill No. 2122 — (Jones, Christensen)**

**Senate Bill No. 2122.** A Bill for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to a minimum term of imprisonment for committing a felony while in possession of a dangerous weapon, an explosive, or a firearm.

Introduction, first reading, 41  
 Referred to Committee on Judiciary  
 Reported back, amended, 102  
 Floor amendments, 139  
 Amendments adopted, 116, 139  
 Engrossed, 127  
 Re-engrossed, 139, 1328  
 Second reading, 139, 1328  
 Passed, 139, 1328  
 To House, 186  
 House amendments, 940  
 Returned to Senate, amended, 939  
 Conference committee, 959, 1014  
 Conference Committee Report, 1328  
 Adopts, 1328  
 House adopts, 1426  
 Senate does not concur, 959  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2123 — (Lee)**

**Senate Bill No. 2123.** A Bill for an Act to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter relating to the coal severance tax and impact program are temporary.

Introduction, first reading, 42  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 649  
 Returned to Senate, 649

**Senate Bill No. 2124 — (Lee)**

**Senate Bill No. 2124.** A Bill for an Act to amend and reenact section 57-62-02 of the North Dakota Century Code to include cities in the allocation formula for the coal development fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Introduction, first reading, 42  
 Referred to Committee on Political Subdivisions  
 Withdrawn, 605  
 Re-referred to Committee on Finance & Taxation, 71  
 Returned to Senate, 71, 605

**Senate Bill No. 2125 — (Lee)**

**Senate Bill No. 2125.** A Bill for an Act making an appropriation to the public service commission for coal mine reclamation research contracts.

Introduction, first reading, 42

Referred to Committee on Appropriations  
 Reported back, indefinitely postponed, 299  
 Second reading, 330  
 Lost, 331

**Senate Bill No. 2126 — (Wenstrom)**

**Senate Bill No. 2126.** A Bill for an Act to provide for state and regional planning, the creation, organization, powers, and duties of regional planning councils, supervision of the activities of regional planning councils, to repeal sections 54-34.1-10, 54-34.1-11, 54-34.1-12, 54-34.1-13, and 54-34.1-14 of the North Dakota Century Code, relating to regional or metropolitan planning commissions.

Introduction, first reading, 42  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 449, 475  
 Floor amendments, 545  
 Reprinted, 572  
 Amendments adopted, 475(2), 545  
 Engrossed, 493  
 Re-engrossed, 545  
 Second reading, 545  
 Passed, 546  
 To House, 604  
 House amendments, 1266  
 Returned to Senate, amended, 1266  
 Conference Committee, 1305, 1393  
 Conference Committee Report, 1436  
 Adopts, 1468  
 House adopts, 1544  
 Senate does not concur, 1305  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2127 — (Goodman)**

**Senate Bill No. 2127.** A Bill for an Act to amend and reenact sections 43-10-05, 43-10-13, 43-10-14, 43-10-15, and 43-10-22 of the North Dakota Century Code, relating to the power of the board of embalmers to establish license fees, the fees for embalmer licenses issued after examination and without examination, license renewal fees, and license and renewal fees for funeral establishments.

Introduction, first reading, 42  
 Referred to Committee on Industry, Business, & Labor  
 Withdrawn—186  
 Returned to Senate, 186

**Senate Bill No. 2128 — (Lee)**

**Senate Bill No. 2128.** A Bill for an Act to provide for a county severance

tax on sand and gravel, and to provide for the imposition, collection, and administration of the tax; and to provide a penalty.

Introduction, first reading, 42  
 Referred to Committee on Political Subdivision  
 Reported back, indefinitely postponed, 346  
 Re-referred to Committee on Finance & Taxation, 71  
 Second reading, 368  
 Lost, 369  
 Returned to Senate, 71

**Senate Bill No. 2129 — (Lee)**

**Senate Bill No. 2129.** A Bill for an Act to create and enact a new subsection to section 57-62-04 of the North Dakota Century Code to provide for impact loans to be administered by the coal development impact office; to amend and reenact subsection 2 of section 57-62-02 of the North Dakota Century Code to provide for impact loans from the coal development trust fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Introduction, first reading, 42  
 Referred to Committee on State & Federal Government  
 Withdrawn, 280  
 Re-referred to Committee on Finance & Taxation, 71  
 Returned to Senate, 71, 280

**Senate Bill No. 2130 — (Lee)**

**Senate Bill No. 2130.** A Bill for an Act to provide a time limit for action by the state engineer and the state water commission on water permit applications.

Introduction, first reading, 43  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 127  
 Second reading, 157  
 Lost, 157

**Senate Bill No. 2131 — (Fritzell, Holmberg)**

**Senate Bill No. 2131.** A Bill for an Act to regulate the appearance of salvage yards and automobile graveyards, and to provide a penalty.

Introduction, first reading, 43  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 382  
 Reprinted, 439  
 Amendments adopted, 410  
 Engrossed, 427  
 Second reading, 439  
 Passed, 439  
 To House, 491  
 Returned to Senate, 1385

**Senate Bill No. 2132 — (Committee on Social Welfare and Veterans Affairs)**

**Senate Bill No. 2132.** A Bill for an Act to create and enact a new subsection to section 23-01-09 of the North Dakota Century Code, relating to the duties of the director of the public health laboratories division of the state department of health.

Introduction, first reading, 43  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, does pass, 191  
Second reading, 219  
Passed, 219  
To House, 280  
Returned to Senate, 939  
Enrolled, 1144  
Signed by President, 1180  
Sent to House, 1180  
Received from House, 1182  
Message to Governor, 1183  
Approved by Governor, 1275

**Senate Bill No. 2133 — (Committee on Political Subdivisions)**

**Senate Bill No. 2133.** A Bill for an Act to amend and reenact section 57-47-04 of the North Dakota Century Code, relating to the approval of loan applications by the Bank of North Dakota instead of the industrial commission.

Introduction, first reading, 43  
Referred to Committee on Political Subdivisions  
Reported back, does pass, 116  
Second reading, 140  
Lost, 140

**Senate Bill No. 2134 — (Committee on Political Subdivisions)**

**Senate Bill No. 2134.** A Bill for an Act to amend and reenact section 40-57-10 of the North Dakota Century Code, relating to limitations on purchase of municipal industrial revenue bonds by North Dakota state and national banks.

Introduction, first reading, 43  
Referred to Committee on Political Subdivisions  
Reported back, does pass, 116  
Second reading, 140  
Passed, 141  
To House, 171  
Returned to Senate, 376  
Enrolled, 899  
Signed by President, 916  
Sent to House, 917  
Received from House, 919  
Message to Governor, 921  
Approved by Governor, 1017

**Senate Bill No. 2135 — (Rait)**

**Senate Bill No. 2135.** A Bill for an Act to create and enact two new sections to chapter 50-01 of the North Dakota Century Code, relating to reimbursement to counties by the social service board of North Dakota for county general assistance payments; and to create and enact a new section to chapter 50-18 of the North Dakota Century Code, relating to establishing reasonable rates payable to boarding homes for the aged and infirm for the care of recipients of general assistance; and to provide an appropriation to carry out the provisions of this Act.

Introduction, first reading, 43  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, does pass, 211, indefinitely postponed, 494  
 Floor amendments, 1675  
 Re-referred to Committee on Appropriations, 211  
 Engrossed, 1675  
 Second reading, 546, 607, 796, 1675  
 Lost, 547  
 Passed, 607  
 Lost, 797  
 Passed, 1676  
 To House, 1679  
 Returned to Senate, 1680  
 Reconsidered, 564, 789, 1659  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2136 — (Smykowski, Redlin)**

**Senate Bill No. 2136.** A Bill for an Act to create and enact subsection 15 of section 61-24-08 of the North Dakota Century Code, relating to the powers and duties of the Garrison Diversion Conservancy District board of directors; and to amend and reenact section 61-24-03 of the North Dakota Century Code, relating to the election of the same board of directors.

Introduction, first reading, 43  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 147  
 Amendments adopted, 178  
 Engrossed, 189  
 Second reading, 203  
 Passed, 203  
 To House, 254  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1463  
 Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2137 — (Committee on Natural Resources)**

**Senate Bill No. 2137.** A Bill for an Act to create and enact a new section to Chapter 20.1-01 of the North Dakota Century Code, relating to the substitution of the term conservation officer wherever the term game warden now appears.

Introduction, first reading, 44  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 127  
 Second Reading, 157  
 Lost, 158

**Senate Bill No. 2138 — (Committee on State & Federal Government)**

**Senate Bill No. 2138.** A Bill for an Act to amend and reenact section 12-61-01 of the North Dakota Century Code, relating to the creation of the combined law enforcement council.

Introduction, first reading, 44  
 Referred to Committee on State & Federal Government  
 Withdrawn, pp 148  
 Returned to Senate, 148

**Senate Bill No. 2139 — (Lips)**

**Senate Bill No. 2139.** A Bill for an Act to create and enact subsections 23 and 24 of section 26-41-03, section 26-41-04.1, and subdivision c of subsection 2 of section 26-41-10 of the North Dakota Century Code, relating to no-fault insurance; to amend and reenact subsection 1 of section 26-02-32, subsection 1 of section 26-02-33, subsections 12 and 13 of section 26-41-03, subsection 1 of section 26-41-04, and subsection 1 of section 26-41-08 of the North Dakota Century Code, relating to cancellation and nonrenewal of automobile insurance policies and no-fault insurance.

Introduction, first reading, 44  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 191  
 Floor amendments, 253  
 Amendments adopted, 214, 253  
 Engrossed, 231  
 Re-engrossed, 253, 1343  
 Second reading, 253, 1343  
 Passed, 254, 1343  
 To House, 298  
 House amendments, 1292  
 Returned to Senate, amended, 1292  
 Senate concurs, 1342, 1345  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2140 — (Committee on State & Federal Government)**

**Senate Bill No. 2140.** A Bill for an Act to amend and reenact section 12-61-03 of the North Dakota Century Code, relating to the powers and duties of the combined law enforcement council.



Introduction, first reading, 44  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 233  
 Amendments adopted, 277  
 Engrossed, 281  
 Second reading, 304  
 Lost, 304

**Senate Bill No. 2141 — (Vosper)**

**Senate Bill No. 2141.** A Bill for an Act to amend and reenact subsection 6 of section 57-37.1-01 and subsection 1 of section 57-37.1-08 of the North Dakota Century Code, relating to the decedent specifying the location of intangible personal property for estate tax distribution purposes.

Introduction, first reading, 44  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 588  
 Amendments adopted, 629  
 Engrossed, 647  
 Second reading, 698, 1409, 1556  
 Re-engrossed, 1409, 1555  
 Passed, 698, 1410, 1556  
 Clincher motion, 698  
 To House, 760  
 House amendments, 1184  
 Returned to Senate, amended, 1184  
 Conference committee, 1235, 1272, 1543, 1546, 1548  
 Conference committee report, 1370  
 Adopts, 1409, 1555  
 House adopts, 1492, 1607  
 Senate does not concur, 1235  
 House requests return, 1525  
 Returned, 1526  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2142 — (Lee)**

**Senate Bill No. 2142.** A Bill for an Act to amend and reenact section 57-60-14 of the North Dakota Century Code, relating to the allocation of revenue formula for the privilege tax on coal conversion facilities.

Introduction, first reading, 44  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 605  
 Returned to Senate, 605

**Senate Bill No. 2143 — (Lee)**

**Senate Bill No. 2143.** A Bill for an Act to amend and reenact sections 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenues from the privilege tax on coal conversion facilities.

Introduction, first reading, 44  
Referred to Committee on Finance & Taxation  
Withdrawn, 605  
Returned to Senate, 605

**Senate Bill No. 2144 — (Lee)**

**Senate Bill No. 2144.** A Bill for an Act to amend and reenact subsections 2 and 3 of section 57-62-02 of the North Dakota Century Code to change the allocation formula for the trust fund and counties for moneys in the coal development fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Introduction, first reading, 45  
Referred to Committee on Political Subdivisions  
Withdrawn, 605  
Re-referred to Committee on Finance & Taxation, 71  
Returned to Senate, 71, 605

**Senate Bill No. 2145 — (Freed)**

**Senate Bill No. 2145.** A Bill for an Act to amend and reenact section 11-11-39 of the North Dakota Century Code, relating to an appeal from a decision of the board of county commissioners.

Introduction, first reading, 45  
Referred to Committee on Judiciary  
Reported back, amended, 103  
Amendments adopted, 116  
Engrossed, 127  
Re-engrossed, 1117  
Second reading, 141, 1117  
Passed, 141, 1117  
To House, 171  
House amendments, 1087  
Returned to Senate, amended, 1087  
Senate concurs, 1117  
Enrolled, 1464  
Signed by President, 1464  
Sent to House, 1479  
Received from House, 1485  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2146 — (Orange)**

**Senate Bill No. 2146.** A Bill for an Act to amend and reenact subsection 20 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for certain disabled veterans.

Introduction, first reading, 45  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, amended, 191  
Amendments adopted, 214  
Engrossed, 231  
Second reading, 274

Passed, 274  
 To House, 314  
 Returned to Senate, 1386  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2147 — (Committee on Transportation)**

**Senate Bill No. 2147.** A Bill for an Act to create and enact a new paragraph to subdivision a of subsection 1 of section 39-01-01 of the North Dakota Century Code, relating to designation of park service vehicles as class A authorized emergency vehicles.

Introduction, first reading, 45  
 Referred to Committee on Transportation  
 Reported back, does pass, 116  
 Second reading, 141  
 Passed, 141  
 To House, 171  
 Returned to Senate, 1067  
 Enrolled, 1427  
 Signed by President, 1441  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1459  
 Approved by Governor, 1540

**Senate Bill No. 2148 — (Committee on Transportation)**

**Senate Bill No. 2148.** A Bill for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to suspensions of licenses in another state, and to repeal subsection 9 of section 39-06-03 of the North Dakota Century Code, relating to what persons shall not be licensed.

Introduction, first reading, 45  
 Referred to Committee on Transportation  
 Reported back, does pass, 65  
 Engrossed, 1326  
 Re-engrossed, 1489  
 Second reading, 108, 1326, 1489  
 Passed, 109, 1327, 1489  
 To House, 126  
 House amendments, 1088  
 Returned to Senate, amended, 1087  
 Conference Committee, 1117, 1195, 1426, 1441  
 Conference Committee report, 1326, 1482  
 Adopts, 1326, 1489  
 House adopts, 1544  
 Senate does not concur, 1117  
 Enrolled, 1682  
 Signed by President, 1683

Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2149** — (Committee on Transportation)

**Senate Bill No. 2149.** A Bill for an Act to create and enact a new subsection to section 39-06-21 of the North Dakota Century Code, relating to the retention of drivers license records; to amend and reenact sections 39-06-22, 39-06-33 and 39-06-36 and subsection 3 of section 39-06.1-13 of the North Dakota Century Code, relating to the retention of court records and accident reports, suspension of driver licenses and hearings thereon, the restoration of revoked driver licenses and the reduction of the point total on driver records.

Introduction, first reading, 45  
 Referred to Committee on Transportation  
 Reported back, does pass, 65  
 Second reading, 109  
 Passed, 109  
 To House, 126  
 Returned to Senate, 1067  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1459  
 Approved by Governor, 1540

**Senate Bill No. 2150** — (Committee on Transportation)

**Senate Bill No. 2150.** A Bill for an Act to amend and reenact subsection 3 of section 39-10-05 of the North Dakota Century Code, relating to traffic-control signal legends and permitting certain turn movements on red signal.

Introduction, first reading, 45  
 Referred to Committee on Transportation  
 Reported back, does pass, 65  
 Second reading, 109  
 Passed, 110  
 To House, 126  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2151** — (Committee on Transportation)

**Senate Bill No. 2151.** A Bill for an Act to amend and reenact section 24-01-02 of the North Dakota Century Code, relating to the designation of the state highway system.

Introduction, first reading, 46  
 Referred to Committee on Transportation  
 Reported back, does pass, 116  
 Engrossed, 960  
 Second reading, 141, 960  
 Passed, 141, 960  
 To House, 171  
 House amendments, 940  
 Returned to Senate, amended, 939  
 Senate concurs, 960  
 Enrolled, 1239  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1357

**Senate Bill No. 2152 — (Lips)**

**Senate Bill No. 2152.** A Bill for an Act to authorize the director of institutions to sell and convey three tracts of land owned by the state of North Dakota and used by the state penitentiary.

Introduction, first reading, 45  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 148  
 Floor amendments, 203  
 Amendments adopted, 178, 203  
 Engrossed, 189  
 Re-engrossed, 203  
 Second reading, 203  
 Passed, 204  
 To House, 254  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1358

**Senate Bill No. 2153 — (Redlin)**

**Senate Bill No. 2153.** A Bill for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to requiring state banks to have federal deposit insurance corporation insurance of deposits; to amend and reenact sections 6-02-03, 6-02-07, and 6-03-01 of the North Dakota Century Code, relating to capital stock, surplus, and federal deposit insurance requirements for state banking associations, organization certificates of state banking associations, and certificates of authority of state banking associations; and to provide a penalty.

Introduction, first reading, 46  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 148

Engrossed, 1054  
 Second reading, 170, 1054  
 Passed, 171, 1054  
 To House, 209  
 House amendments, 982  
 Returned to Senate, amended, 982  
 Senate concurs, 1054  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1459  
 Approved by Governor, 1540

**Senate Bill No. 2154 — (Sands)**

**Senate Bill No. 2154.** A Bill for an Act to provide death benefits to spouses and dependents of public safety employees killed during the performance of official duty; and providing an appropriation.

Introduction, first reading, 46  
 Referred to Committee on Political Subdivisions  
 Reported back, does pass, 471, amended, 346  
 Re-referred to Committee on Appropriations, 365  
 Reprinted, 518  
 Amendments adopted, 365  
 Engrossed, 377  
 Second reading, 518  
 Passed, 518  
 To House, 581  
 Returned to Senate, 1385

**Senate Bill No. 2155 — (Committee on Appropriations)**

**Senate Bill No. 2155.** A Bill for an Act making a supplemental appropriation for defraying expenses of the North Dakota weather modification board and declaring an emergency.

Introduction, first reading, 46  
 Referred to Committee on Appropriations  
 Reported back, indefinitely postponed, 427  
 Second reading, 516  
 Lost, 517

**Senate Bill No. 2156 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2156.** A Bill for an Act to amend and reenact section 65-04-26 of the North Dakota Century Code, relating to priority of liens.

Introduction, first reading, 46  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 148  
 Second reading, 184  
 Lost, 184

**Senate Bill No. 2157 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2157.** A Bill for an Act to create and enact a new section

to chapter 65-13 of the North Dakota Century Code, relating to excluding prisoners from coverage; to amend and reenact sections 65-13-03, 65-13-04, 65-13-05, subsection 7 of section 65-13-06, section 65-13-08, subsection 3 of section 65-13-17, and section 65-13-18 of the North Dakota Century Code, relating to definitions, making awards, powers and duties of the board, limitations on awards, denial of awards and hearings, appeals, and reports to the governor and legislature; and to repeal sections 65-13-07 and 65-13-09 of the North Dakota Century Code, relating to notice to the attorney general and procedure in contested cases; and declaring an emergency.

Introduction, first reading, 46  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 361, 174  
 Floor amendments, 219  
 Re-referred to Committee on Industry, Business & Labor, 219  
 Amendments adopted, 192, 377  
 Engrossed, 213  
 Re-engrossed, 219, 403, 1117  
 Second reading, 416, 1117  
 Passed, 416, 1118  
 Emergency carried, 1118  
 To House, 469  
 House amendments, 1036  
 Returned to Senate, amended, 1036  
 Senate concurs, 1117  
 Enrolled, 1464  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2158 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2158.** A Bill for an Act to create a new section in title 65 relating to privacy of claimants' records; and to amend and reenact subsections 8, 17, 18, 19, 20, 21, and 22 of section 65-01-02, sections 65-01-03, 65-01-10, 65-02-05, 65-02-08, 65-04-17, 65-05-01, 65-05-02, 65-05-09, 65-05-12, 65-05-13, 65-05-14, 65-05-15, 65-05-16, 65-05-17, 65-05-19, 65-05-21, 65-05-25, 65-05-26, 65-05-28, 65-05-30 and 65-07-01 of the North Dakota Century Code, relating to definitions, presumption of employee status, waiver of rights to compensation, office space for the bureau, rule-making power of the bureau, experience rating, filing of claims, form of claims, disability benefits, permanent impairment, scheduled injuries, partial loss of use, aggravation of pre-existing conditions, death benefits, death benefits to spouses and orphans, nondependency benefits, marriage settlement, lump sum settlement, burial expenses, medical examination of injured employees, release of medical information, and coverage of employers, volunteers, and the self-employed.

Introduction, first reading, 47  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 174, amended, 233

Re-referred to Committee on Industry, Business & Labor, 204  
Amendments adopted, 277  
Engrossed, 281  
Second reading, 305, 336  
Lost, 305  
Passed, 336  
To House, 375  
Returned to Senate, 1386  
Reconsidered, 320  
Enrolled, 1680  
Signed by President, 1683  
Sent to House, 1686  
Received from House, 1688  
Message to Governor, 1696

**Senate Bill No. 2159** — (Committee on State & Federal Government

**Senate Bill No. 2159.** A Bill for an Act to amend and reenact subsection 1 of section 43-23-11.1 of the North Dakota Century Code, relating to grounds for revocation or suspension of real estate agent licenses.

Introduction, first reading, 47  
Referred to Committee on State & Federal Government  
Reported back, amended, 174  
Amendments adopted, 192  
Engrossed, 213  
Second reading, 219  
Passed, 220  
To House, 280  
Returned to Senate, 1146  
Enrolled, 1463  
Signed by President, 1464  
Sent to House, 1479  
Received from House, 1485  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2160** — (Committee on State & Federal Government

**Senate Bill No. 2160.** A Bill for an Act to amend and reenact sections 62-01-08 and 62-01-09 and subsection 4 of section 62-01-14 of the North Dakota Century Code, relating to regulation of the sale of pistols.

Introduction, first reading, 47  
Referred to Committee on State & Federal Government  
Reported back, does pass, 174  
Engrossed, 1469  
Second reading, 204, 1469  
Passed, 204, 1469  
To House, 254  
House amendments, 940  
Returned to Senate, amended, 939  
Conference Committee, 1023, 1066, 1272  
Conference Committee report, 1418  
Adopts, 1468



House adopts, 1512  
 Senate does not concur, 1023  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2161** — (Committee on Industry, Business & Labor)

**Senate Bill No. 2161.** A Bill for an Act to create and enact four new subsections to section 19-10-01 of the North Dakota Century Code, relating to definitions; and to amend and reenact sections 19-10-03 and 19-10-10 of the North Dakota Century Code, relating to the sale of adulterated lubricating oils, and to the specifications for petroleum products.

Introduction, first reading, 47  
 Referred to Committee on Industry, Business & Labor  
 Reported back, does pass, 175  
 Second reading, 204  
 Passed, 204  
 To House, 254  
 Returned to Senate, 873  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2162** — (Committee on Transportation)

**Senate Bill No. 2162.** A Bill for an Act to amend and reenact section 39-08-10 of the North Dakota Century Code, relating to an officer's duty to make and forward a written report of a motor vehicle accident.

Introduction, first reading, 47  
 Referred to Committee on Transportation  
 Reported back, does pass, 116  
 Second reading, 142  
 Passed, 142  
 To House, 171  
 Returned to Senate, 1047  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1459  
 Approved by Governor, 1540

**Senate Bill No. 2163** — (Committee on Education)

**Senate Bill No. 2163.** A Bill for an Act to amend and reenact section 15-10-08 of the North Dakota Century Code, relating to compensation of the members of the state board of higher education, and declaring an emergency.

Introduction, first reading, 47  
Referred to Committee on Education  
Reported back, does pass, 103  
Second reading, 137  
Passed, 138  
To House, 171  
Returned to Senate, 1267  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1605  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2164 — (Committee on Social Welfare & Veterans Affairs)**

**Senate Bill No. 2164.** A Bill for an Act to create a new chapter of the North Dakota Century Code dealing with the emergency, voluntary, and involuntary commitment of individuals to the state hospital or other treatment facilities; to amend section 27-20-04 of the North Dakota Century Code, relating to concurrent jurisdiction of the juvenile court with county mental health boards; and to repeal sections 25-02-05, 25-02-11, 25-02-12, 25-02-13, 25-02-14, 25-02-15, 25-02-16, 25-02-17, and 25-02-18 of the North Dakota Century Code, relating to forms furnished by the superintendent of the state hospital, the establishment, powers, duties, and authority of county mental health boards, and the liability of certain officers for detention of mentally ill persons, and to repeal chapter 25-03 of the North Dakota Century Code, relating to the custody and release of the mentally ill.

Introduction, first reading, 48  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, amended, 450  
Floor amendments, 507  
Reprinted, 507  
Amendments adopted, 475, 507  
Engrossed, 493  
Reengrossed, 507, 1469  
Second reading, 507, 1469  
Passed, 507, 1450  
To House, 581  
House amendments, 1209  
Returned to Senate, amended, 1208  
Conference Committee, 1298, 1354  
Conference Committee Report, 1370  
Adopts, 1469  
House adopts, 1544  
Senate does not concur, 1298  
Enrolled, 1682  
Signed by President, 1683  
Sent to House, 1686  
Received from House, 1688  
Message to Governor, 1696

**Senate Bill No. 2165** — (Committee on State & Federal Government)

**Senate Bill No. 2165.** A Bill for an Act to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to accessibility of public buildings and facilities to the physically handicapped.

Introduction, first reading, 54  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 282  
 Second reading, 309  
 Lost, 310

**Senate Bill No. 2166** — (Committee on State & Federal Government)

**Senate Bill No. 2166.** A Bill for an Act to provide for enactment of the interstate disaster compact.

Introduction, first reading, 55  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 175  
 Second reading, 204  
 Lost, 205

**Senate Bill No. 2167** — (Committee on Social Welfare & Veterans Affairs)

**Senate Bill No. 2167.** A Bill for an Act to amend and reenact subsection 1 of section 14-15-11 of the North Dakota Century Code, relating to persons entitled to notice of petition for adoption.

Introduction, first reading, 58  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, does pass, 127, 299  
 Re-referred to Committee on Social Welfare & Veterans Affairs, 148  
 Second reading, 331  
 Passed, 331  
 To House, 375  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2168** — (Committee on Social Welfare & Veterans Affairs)

**Senate Bill No. 2168.** A Bill for an Act to create and enact sections 14-17-04.1 and 14-17-04.2 of the North Dakota Century Code, relating to artificial insemination and artificial implantation.

Introduction, first reading, 58  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, does pass, 127  
 Second reading, 158  
 Passed, 158  
 To House, 186

Returned to Senate, 1067

**Senate Bill No. 2169** — (Committee on Natural Resources)

**Senate Bill No. 2169.** A Bill for an Act to amend and reenact section 23-24-12 of the North Dakota Century Code, relating to penalties for violation of chapter 23-29.

Introduction, first reading, 58  
Referred to Committee on Natural Resources  
Reported back, does pass, 211  
Second reading, 275  
Lost, 275

**Senate Bill No. 2170** — (Committee on Social Welfare & Veterans Affairs)

**Senate Bill No. 2170.** A Bill for an Act to amend and reenact sections 50-24-33 and 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estates of medical assistance recipients and from the estates of recipients of assistance to the aged, blind, or disabled.

Introduction, first reading, 58  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, does pass, 128, Floor amendments, 158  
Amendments adopted, 158  
Engrossed, 158  
Second reading, 158  
Passed, 158  
To House, 186  
Returned to Senate, 939  
Enrolled, 1144  
Signed by President, 1180  
Sent to House, 1180  
Received from House, 1182  
Message to Governor, 1183  
Approved by Governor, 1320

**Senate Bill No. 2171** — (Committee on Social Welfare & Veterans Affairs)

**Senate Bill No. 2171.** A Bill for an Act to amend and reenact subsection 4 of section 37-25-02 and section 37-25-10 of the North Dakota Century Code, relating to the definition of honorable discharge and relating to the time limit for receiving an application for Vietnam Conflict Veterans' Adjusted Compensation Act benefits; and declaring an emergency.

Introduction, first reading, 58  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, amended, 211, floor amendments, 279  
Amendments adopted, 235, 279  
Engrossed, 257  
Re-engrossed, 279  
Second reading, 279  
Passed, 279  
To House, 314  
Returned to Senate, 1386  
Enrolled, 1680

Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2172** — (Committee on Political Subdivisions)

**Senate Bill No. 2172.** A Bill for an Act to amend and reenact subsection 14 of section 11-11-14 of the North Dakota Century Code, relating to the powers of the board of county commissioners to establish garbage collection systems.

Introduction, first reading, 58  
 Referred to Committee on Political Subdivisions  
 Reported back, does pass, 212  
 Second reading, 275  
 Passed, 275  
 To House, 314  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2173** — (Redlin)

**Senate Bill No. 2173.** A Bill for an Act to create a new section to chapter 39-06 of the North Dakota Century Code, relating to the proof of a valid driver's license prior to sale of motor vehicle or motorcycle.

Introduction, first reading, 58  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 162  
 Second reading, 200  
 Lost, 200

**Senate Bill No. 2174** — (Committee on Natural Resources)

**Senate Bill No. 2174.** A Bill for an Act to create a new section in Chapter 20.1-08 of the North Dakota Century Code, relating to designation of a big horn sheep hunting season and providing that recipients of a big horn sheep hunting license shall not be eligible to apply for another such license.

Introduction, first reading, 58  
 Referred to Committee on Natural Resources  
 Reported back, does pass, 212  
 Second reading, 275  
 Passed, 276  
 To House, 314  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060

Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2175 — (Committee on Industry Business & Labor)**

**Senate Bill No. 2175.** A Bill for an Act to amend and reenact subdivision a of subsection 1 of section 52-04-19 of the North Dakota Century Code, relating to financing unemployment compensation benefits paid to employees of the state hospitals or state institutions of higher education; and to provide an effective date.

Introduction, first reading, 59  
Referred to Committee on Industry, Business & Labor  
Reported back, does pass, 282, 361  
Re-referred to Committee on Industry, Business & Labor, 309  
Second reading, 392  
Passed, 392  
To House, 445  
Returned to Senate, 1146  
Enrolled, 1463  
Signed by President, 1464  
Sent to House, 1479  
Received from House, 1485  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2176 — (Committee on Finance & Taxation)**

**Senate Bill No. 2176.** A Bill for an Act to amend and reenact subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an additional adjustment for expenses incurred in connection with the adoption of persons under the age of twenty-one years for state income tax purposes.

Introduction, first reading, 59  
Referred to Committee on Finance & Taxation  
Reported back, does pass, 148, amended, 348  
Re-referred to Committee on Finance & Taxation, 184  
Amendments adopted, 365  
Engrossed, 377  
Second reading, 392  
Lost, 393

**Senate Bill No. 2177 — (Hoffner, Reiten)**

**Senate Bill No. 2177.** A Bill for an Act requiring full, adequate, and timely notice of the meetings of all public bodies.

Introduction, first reading, 66  
Referred to Committee on Political Subdivisions  
Reported back, amended, 471  
Floor amendments, 547  
Amendments adopted 493, 547  
Engrossed, 521  
Re-engrossed, 547

Second reading, 547  
 Passed, 548  
 To House, 604  
 House amendments, 2151  
 Returned to Senate, amended, 1149  
 Conference Committee, 1166, 1207  
 Conference Committee Report, 1371  
 Adopts, 1410  
 House adopts, 1542  
 Senate does not concur, 1166

**Senate Bill No. 2178 — (Wenstrom, Nething, Hoffner)**

**Senate Bill No. 2178.** A Bill for an Act to establish a judicial nominating committee to submit lists of candidates to the governor from which to fill vacancies on the supreme court and district court pursuant to section 97 of the North Dakota Constitution, and to declare an emergency.

Introduction, first reading, 66  
 Referred to Committee on Judiciary  
 Reported back, amended, 454  
 Amendments adopted, 475  
 Engrossed, 493  
 Re-engrossed, 1634  
 Second reading, 518, 1634  
 Passed, 518  
 Lost, 1635  
 To House, 581  
 House amendments, 982  
 Returned to Senate, amended, 982  
 Conference Committee 1057, 1148, 1485, 1606, 1607  
 Conference Committee Report, 1371, 1535, 1634  
 Adopts, 1410, 1555, 1634  
 House does not adopt, 1606  
 Senate does not concur, 1057

**Senate Bill No. 2179 — (Lips)**

**Senate Bill No. 2179.** A Bill for an Act to amend and reenact section 11-18-17 of the North Dakota Century Code, relating to the establishment of a county card file system.

Introduction, first reading, 66  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 317  
 Amendments adopted, 351  
 Engrossed, 361  
 Re-engrossed, 1054  
 Second reading, 369, 1055  
 Passed, 370, 1055  
 To House, 424  
 House amendments, 940  
 Returned to Senate, amended, 959  
 Senate concurs, 1054

Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1459  
 Approved by Governor, 1540

**Senate Bill No. 2180 — (Committee on Transportation)**

**Senate Bill No. 2180.** A Bill for an Act to amend and reenact section 39-04-36 of the North Dakota Century Code, relating to an exception to the transfer of registration and number plates upon transferring or assigning title to a motor vehicle.

Introduction, first reading, 66  
 Referred to Committee on Transportation  
 Reported back, does pass, 191  
 Second reading, 222  
 Passed, 223  
 To House, 280  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2181 — (Committee on Transportation)**

**Senate Bill No. 2181.** A Bill for an Act to repeal section 39-04A-05 of the North Dakota Century Code, relating to delinquent fees.

Introduction, first reading, 66  
 Referred to Committee on Transportation  
 Reported back, does pass, 191  
 Second reading, 223  
 Passed, 223  
 To House, 281  
 Returned to Senate, 917  
 Enrolled, 1037  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2182 — (Committee on Transportation)**

**Senate Bill No. 2182.** A Bill for an Act to repeal section 39-22-09 of the North Dakota Century Code, relating to filing of list of used motor vehicles and fees paid on used cars by dealers.

Introduction, first reading, 66  
 Referred to Committee on Transportation  
 Reported back, does pass, 191



Second reading, 223  
Passed, 223  
To House, 280  
Returned to Senate, 917  
Enrolled, 1037  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2183 — (Committee on Transportation)**

**Senate Bill No. 2183.** A Bill for an Act to amend and reenact subsection 1 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration fees.

Introduction, first reading, 66  
Referred to Committee on Transportation  
Reported back, does pass, 128  
Second reading, 159  
Passed, 159  
To House, 186  
Returned to Senate, 917  
Enrolled, 1037  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2184 — (Committee on Transportation)**

**Senate Bill No. 2184.** A Bill for an Act to amend and reenact section 39-24-03 of the North Dakota Century Code, relating to the registration fees for snowmobiles.

Introduction, first reading, 66  
Referred to Committee on Transportation  
Reported back, does pass, 128  
Engrossed, 1327  
Second reading, 163, 1327  
Passed, 163, 1328  
To House, 209  
House amendments, 1088  
Returned to Senate, amended, 1087  
Conference Committee, 1118, 1195  
Conference Committee Report, 1327  
Adopts, 1327  
House adopts, 1426  
Senate does not concur, 1118  
Enrolled, 1682  
Signed by President, 1683  
Sent to House, 1686  
Received from House, 1688

Message to Governor, 1696

**Senate Bill No. 2185 — (Committee on Transportation)**

**Senate Bill No. 2185.** A Bill for an Act to amend and reenact section 39-05-17 of the North Dakota Century Code, relating to transfer of title of vehicles.

Introduction, first reading, 66  
Referred to Committee on Transportation  
Reported back, does pass, 128  
Engrossed, 1118  
Second reading, 167, 1118  
Passed, 167, 1119  
To House, 209  
House amendments, 1088  
Returned to Senate, amended, 1087  
Senate concurs, 1118  
Enrolled, 1464  
Signed by President, 1464  
Sent to House, 1479  
Received from House, 1485  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2186 — (Committee on Transportation)**

**Senate Bill No. 2186.** A Bill for an Act to amend and reenact section 39-04-08 of the North Dakota Century Code, relating to the number plates furnished by the motor vehicle department.

Introduction, first reading, 67  
Referred to Committee on Transportation  
Reported back, does pass, 128  
Second reading, 167  
Passed, 168  
To House, 209  
Returned to Senate, 917  
Enrolled, 1037  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2187 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2187.** A Bill for an Act to amend and reenact section 49-18-15 of the North Dakota Century Code, relating to motor carriers

Introduction, first reading, 67  
Referred to Committee on Industry, Business & Labor  
Reported back, does pass, 175  
Second reading, 205  
Passed, 205  
To House, 254

Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2188** — (Committee on Social Welfare & Veterans Affairs)

**Senate Bill No. 2188.** A Bill for an Act to amend and reenact subsection 6 of section 37-17.1-05, and sections 37-17.1-15, 54-47-11, and 54-47-12 of the North Dakota Century Code, relating to the governor and disaster emergencies, weather modification, and relocation of state and local governments.

Introduction, first reading, 67  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 212  
 Amendments adopted, 235  
 Engrossed, 257  
 Second reading, 291  
 Lost, 291

**Senate Bill No. 2189** — (Committee on Social Welfare & Veterans Affairs)

**Senate Bill No. 2189.** A Bill for an Act to provide for state acceptance of jurisdiction over the veterans administration hospital grounds at Fargo.

Introduction, first reading, 67  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, does pass, 128, 212  
 Re-referred to Committee on Social Welfare & Veterans Affairs, 168  
 Second reading, 277  
 Lost, 277

**Senate Bill No. 2190** — (Committee on Finance & Taxation)

**Senate Bill No. 2190.** A Bill for an Act to provide for income tax deductions for contributions to certain individual retirement accounts; to amend and reenact subsection 21 of section 57-38-01 of the North Dakota Century Code, relating to the federalization of the North Dakota income tax law through December 31, 1976; providing for an effective date and declaring an emergency.

Introduction, first reading, 67  
 Referred to Committee on Finance & Taxation  
 Reported back, does pass, 494  
 Engrossed, 1055  
 Second reading, 548, 1055  
 Passed 548, 1055  
 To House, 604  
 House amendments, 1036  
 Returned to Senate, amended, 1036  
 Senate concurs, 1055  
 Enrolled, 1427

Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2191 — (Committee on Finance & Taxation)**

**Senate Bill No. 2191.** A Bill for an Act to amend and reenact section 57-02.1-03 of the North Dakota Century Code, relating to payments in lieu of real estate taxes.

Introduction, first reading, 67  
 Referred to Committee on Finance & Taxation  
 Reported back, does pass, 148  
 Second reading, 184  
 Passed, 185  
 To House, 228  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2192 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2192.** A Bill for an Act to amend and reenact section 49-18-21 of the North Dakota Century Code, relating to hearings for contract motor carriers permits.

Introduction, first reading, 67  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 175  
 Amendments adopted, 192  
 Engrossed, 213  
 Second reading, 223  
 Passed, 224  
 To House, 280  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2193 — (Committee on State & Federal Government)**

**Senate Bill No. 2193.** A Bill for an Act to create and enact a new subsection to section 54-06-04, and a new section of the North Dakota Century Code, relating to the preparation of annual reports by agencies of state government; to amend and reenact sections 2-05-04, 4-06-04, 4-27-11, 6-01-10, 7-05-03, 15-02-08, subsection 3 of sections 20.1-02-04, 26-23-21, 27-15-08, 37-14-09, subsection 5 of sections 43-02.1-02, 43-09-05, subsection 8 of sections

43-12-07, 43-15-12, 43-23-02, subsection 3 of sections 46-02-04, 47-23-07, 52-02-03, 54-06-03, 54-06-04, 54-06-05, subsection 9 of section 54-09-02, subsection 7 of sections 54-24-03, 55-09-06, and 65-02-09 of the North Dakota Century Code, relating to making the biennial reports annual reports with a minimum uniform content; to repeal sections 4-02.1-26, 4-05-10, 15-10-14.1, 15-11-14, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 23-01-06, 24-02-10, subsection 7 of sections 26-01-02, 34-05-01, 34-06-20, 36-01-11, subsection 5 of sections 37-03-05, 37-15-19, subsection 8 of sections 38-03-07, 43-01-06, 43-04-19, 43-10-08, 43-13-09, 43-17-12, subsection 2 of sections 43-19.1-10, 43-28-09, 43-32-11, subsection 2 of sections 43-36-09, 49-01-13, 50-06-13, 52-10-09, 53-01-08, subsection 7 of section 54-06-04, subsection 3 of section 54-10-01, subsection 12 of sections 54-11-01, 54-12-05, 54-17-06, 54-21-09, 54-36-06, 54-42-05, subsection 15 of section 54-44-04, subsection 16 of sections 54-44-04, 54-44.2-05, subsection 4 of sections 54-44.3-07, 54-46-11, subsection 4 of sections 54-49.1-04, 54-54-09, subsection 9 of sections 57-01-02, 61-03-04, and 65-13-18 of the North Dakota Century Code, relating to abolishing biennial reports and providing for annual reports from all officers, departments, boards, commissions, and state institutions with minimum uniform content.

Introduction, first reading, 67

Referred to Committee on State & Federal Government

Reported back, indefinitely postponed, 282

Second reading, 310

Lost, 311

**Senate Bill No. 2194 — (Morgan)**

**Senate Bill No. 2194.** A Bill for an Act to create and enact sections 61-16-07.1, 61-16-07.2, and 61-16-07.3 of the North Dakota Century Code, relating to the election of the board of commissioners of a water management district, nominating petitions, and regulations governing elections; and to amend and reenact sections 61-16-07, 61-16-08, 61-16-09, and 61-16-13 of the North Dakota Century Code, relating to the election of the board of commissioners, the eligibility for election to the board, the oath of office, and the issuance of warrants in anticipation of taxes to pay current expenses.

Introduction, first reading, 68

Referred to Committee on Political Subdivisions

Reported back, indefinitely postponed, 427

Second reading, 463

Lost, 464

**Senate Bill No. 2195 — (Albers, Barth)**

**Senate Bill No. 2195.** A Bill for an Act to create and enact a new section to chapters 38-18 and 49-22 of the North Dakota Century Code, relating to protection of surface owners affected by the impact of coal development and energy conversion facilities; and providing penalties.

Introduction, first reading, 68

Referred to Committee on Agriculture

Reported back, indefinitely postponed, 318

Second reading, 353

Lost, 353

**Senate Bill No. 2196 — (Freed)**

**Senate Bill No. 2196.** A Bill for an Act to amend and reenact subsection 1 of section 53-02-01 and section 53-02-08 of the North Dakota Century Code, relating to the definition of a music festival and to law officers required to be present at public dances.

Introduction, first reading, 68  
Referred to Committee on Political Subdivisions  
Reported back, amended, 318, 616  
Reprinted, 699  
Referred to Committee on Political Subdivision, 365  
Amendments adopted, 351  
Engrossed, 681  
Second reading, 647, 698  
Passed, 699  
Clincher motion, 699  
To House, 760  
Returned to Senate, 981  
Amendments reconsidered, 365  
Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1288  
Message to Governor, 1290  
Approved by Governor, 1358

**Senate Bill No. 2197 — (Freed)**

**Senate Bill No. 2197.** A Bill for an Act to amend and reenact sections 32-03-05 and 32-03-07 of the North Dakota Century Code, relating to the awarding of interest and exemplary damages.

Introduction, first reading, 68  
Referred to Committee on Judiciary  
Reported back, does pass, 162  
Second reading, 201  
Passed, 201  
To House, 254  
Returned to Senate, 981  
Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1288  
Message to Governor, 1290  
Approved by Governor, 1358

**Senate Bill No. 2198 — (Freed)**

**Senate Bill No. 2198.** A Bill for an Act to provide for ante-mortem probate of wills.

Introduction, first reading, 68  
Referred to Committee on State & Federal Government  
Reported back, amended, 454  
Amendments adopted, 475

Engrossed, 493  
 Second reading, 519  
 Passed, 519  
 To House, 581  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1390

**Senate Bill No. 2199 — (Committee on Natural Resources)**

**Senate Bill No. 2199.** A Bill for an Act to amend and reenact section 20.1-03-10 and subsections 1, 2, 3, 4, 5, 7, 8, 10, 14, 20, and 22 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident fur-bearer licenses and certain license and permit fees; and declaring an effective date.

Introduction, first reading, 75  
 Referred to Committee on Natural Resources  
 Reported back, amended, 428, floor amendments, 538  
 Amendments adopted, 448, 538  
 Engrossed, 471  
 Re-engrossed, 538, 1305  
 Second reading, 538, 1305  
 Passed, 538, 1306  
 To House, 604  
 House amendments, 1266  
 Returned to Senate, amended, 1266  
 Senate concurs, 1305  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2200 — (Committee on State & Federal Government)**

**Senate Bill No. 2200.** A Bill for an Act to repeal subsection 4 of section 54-09-04 of the North Dakota Century Code, relating to the fee of five dollars charged by the secretary of state for issuance of each extradition warrant.

Introduction, first reading, 76  
 Referred to Committee on State & Federal Government  
 Reported back, does pass, 175  
 Second reading, 205  
 Passed, 206  
 To House, 254  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060

Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2201 — (Committee on State & Federal Government)**

**Senate Bill No. 2201.** A Bill for an Act to amend and reenact sections 54-03-20 and 54-03-20.3 of the North Dakota Century Code, relating to the allowance for living and other expenses of members of the legislative assembly and the expenses of the legislative compensation commission.

Introduction, first Reading, 76  
 Referred to Committee on State & Federal Government  
 Reported back, does pass, 234, 348  
 Re-referred to Committee on Appropriations, 234  
 Engrossed, 377  
 Second reading, 370  
 Passed, 370 (Emergency clause lost, 370)  
 To House, 424  
 Returned to Senate, 1386  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2202 — (Lee)**

**Senate Bill No. 2202.** A Bill for an Act to amend and reenact sections 11-18-05, 35-21-05, and 40-50-07, subsection 5 of section 41-09-42, subsection 3 of section 41-09-43, sections 41-09-44 and 41-09-45, subsection 2 of section 41-09-46, and section 47-20.1-08 of the North Dakota Century Code, relating to register of deeds fees for filing and recording instruments; and to repeal section 11-18-05.1 of the North Dakota Century Code, relating to register of deeds fees for recording severed mineral interests.

Introduction, first reading, 76  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 428, floor amendments, 487  
 Amendments adopted, 448, 487  
 Engrossed, 471  
 Re-engrossed, 488, 1329  
 Second reading, 488, 2202  
 Passed, 488, 2202  
 To House, 553  
 House amendments, 1068  
 Returned to Senate, amended, 1067  
 Conference Committee, 1119, 1195  
 Conference Committee Report, 1329  
 Adopts, 1329  
 House adopts, 1426  
 Senate does not concur, 1119  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686



Received from House, 1688

Message to Governor, 1696

**Senate Bill No. 2203 — (Sandness, Lips)**

**Senate Bill No. 2203.** A Bill for an Act to amend and reenact sections 38-03-02 and 38-03-07 of the North Dakota Century Code, relating to the qualifications and the powers and duties of mine inspectors.

Introduction, first reading, 88

Referred to Committee on Natural Resources

Reported back, does pass, 212

Engrossed, 1163

Second reading, 277, 1163

Passed, 278, 1163

To House, 314

House amendments, 1146

Returned to Senate, amended, 1146

Senate concurs, 1163

Enrolled, 1604

Signed by President, 1605

Sent to House, 1605

Received from House, 1622

Message to Governor, 1660

**Senate Bill No. 2204 — (Lips)**

**Senate Bill No. 2204.** A Bill for an Act to amend and reenact subsection 3 of section 40-22-31 of the North Dakota Century Code, relating to conditions of contractor's bond.

Introduction, first reading, 88

Referred to Committee on Industry, Business & Labor

Reported back, do pass, 258

Engrossed, 1119

Second reading, 305, 1119

Passed, 306, 1119

To House, 359

House amendments, 1068

Returned to Senate, amended, 1068

Senate concurs, 1119

Enrolled, 1464

Signed by President, 1464

Sent to House, 1479

Received from House, 1485

Message to Governor, 1487

Approved by Governor, 1540

**Senate Bill No. 2205 — (Rait)**

**Senate Bill No. 2205.** A Bill for an Act to authorize the state water commission to release easements granted to the state for dams.

Introduction, first reading, 89

Referred to Committee on Natural Resources

Reported back, do pass, 213  
 Engrossed, 1163  
 Second reading, 278, 1163  
 Passed, 278, 1164  
 To House, 314  
 House amendments, 1147  
 Returned to Senate, amended, 1146  
 Senate concurs, 1163  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2206 — (Nothing, Freed, Schirado)**

**Senate Bill No. 2206.** A Bill for an Act to amend and reenact section 27-02-23 of the North Dakota Century Code, relating to decisions and opinions of the North Dakota Supreme Court, and to repeal section 27-03-09 of the North Dakota Century Code, relating to the filing of syllabus and furnishing same to publishers of daily newspapers, and declaring an emergency.

Introduction, first reading, 89  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 282  
 Engrossed, 317  
 Second reading, 311  
 Passed, 311 (Emergency clause lost), 311  
 To House, 359  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1390

**Senate Bill No. 2207 — (Committee on Social Welfare & Veterans Affairs)**

**Senate Bill No. 2207.** A Bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to dispensing prescription drugs.

Introduction, first reading, 89  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 128, amended, 234  
 Referred to Committee on Social Welfare & Veterans Affairs, 148  
 Amendments adopted, 277  
 Engrossed, 281  
 Second reading, 306  
 Passed, 306  
 To House, 359  
 Returned to Senate, 939

Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2208 — (Morgan, Albers, Barth)**

**Senate Bill No. 2208.** A Bill for an act to create and enact sections 4-09-14.1, 4-09-14.2, 4-09-14.3, and 4-09-14.4, of the North Dakota Century Code, requiring fee tags or stamps to be attached to all containers of seed sold in this state for sowing purposes; and to amend and re-enact section 4-09-15 of the North Dakota Century Code, relating to exemptions from certain requirements of the chapter.

Introduction, first reading, 89  
 Referred to Committee on Agriculture  
 Reported back, do pass, 192  
 Second reading, 224  
 Passed, 224  
 To House, 280  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2209 — (Committee on State & Federal Government)**

**Senate Bill No. 2209.** A Bill for an Act to amend and reenact section 19-01-10 of the North Dakota Century Code, relating to examination or analysis of products, articles or things by state laboratories department chemists submitted by prosecutors or law enforcement officers.

Introduction, first reading, 89  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 175  
 Engrossed, 1235  
 Second reading, 206, 1235  
 Passed, 206, 1235  
 To House, 254  
 House amendments, 1185  
 Returned to Senate, amended, 1184  
 Senate concurs, 1235  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2210 — (Committee on Transportation)**

**Senate Bill No. 2210.** A Bill for an Act to repeal section 39-05-06 of the North Dakota Century Code, relating to verification of applications for certificate of title.

Introduction, first reading, 89  
 Referred to Committee on Transportation  
 Reported back, do pass, 192  
 Engrossed, 960  
 Second reading, 224, 960  
 Passed, 225, 961  
 To House, 280  
 House amendments, 940  
 Returned to Senate, amended, 940  
 Senate concurs, 960  
 Enrolled, 1239  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1358

**Senate Bill No. 2211** — (Committee on Finance & Taxation)

**Senate Bill No. 2211.** A Bill for an Act to amend and reenact subsection 10 of section 57-38-14 of the North Dakota Century Code, relating to allocation of corporate income in special cases; and to provide for an effective date.

Introduction, first reading, 89  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 148  
 Second reading, 185  
 Passed, 185  
 To House, 228  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1358

**Senate Bill No. 2212** — (Committee on Finance & Taxation)

**Senate Bill No. 2212.** A Bill for an Act to create and enact a new section to chapter 57-39.2 and to chapter 57-40.2 of the North Dakota Century Code, relating to the liability of corporate officers.

Introduction, first reading, 89  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 175  
 Second reading, 206  
 Passed, 206  
 To House, 254  
 Returned to Senate, 981  
 Enrolled, 1238

Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1358

**Senate Bill No. 2213 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2213.** A Bill for an Act to create and enact subdivisions j and k of subsection 11 of section 52-01-01, subdivisions m and n of subsection 13 of section 52-01-01, subsections 31 and 32 of section 52-01-01, section 52-04-19.1, subsections 12, 13, 14, and 15 of section 52-06-02 of the North Dakota Century Code, relating to unemployment compensation definitions, coverage, accounts, and benefits, and to amend and reenact subdivision f of subsection 11 of section 52-01-01, subdivision f of subsection 13 of section 52-01-01, paragraph (3) and (6) of subdivision h of subsection 13 of section 52-01-01, the first paragraph of subdivision i of subsection 13 of section 52-01-01, paragraph (5) of subdivision i of subsection 13 of section 52-01-01, subdivisions a and b of subsection 15 of section 52-01-01, subsection 20 of section 52-01-01, section 52-04-07, subsection 3 of section 52-06-04, subsections 2 and 3 of section 52-07.1-03 of the North Dakota Century Code, relating to unemployment compensation definitions, coverage, accounts, and benefits.

Introduction, first reading, 90  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 258, 348  
 Referred to Committee on Industry, Business & Labor, 309  
 Amendments adopted, 291, 365  
 Engrossed, 299  
 Re-engrossed, 377  
 Second reading, 390  
 Passed, 391  
 To House, 445  
 Returned to Senate, 1146  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1485  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2214 — (Farrington, Vosper, Jones)**

**Senate Bill No. 2214.** A Bill for an Act to relieve the officers, employees, and agents of ambulance service from liability for treatment rendered at the scene of an emergency; and declaring an emergency.

Introduction, first reading, 90  
 Referred to Committee on Judiciary  
 Reported back, amended, 175  
 Amendments adopted, 192  
 Engrossed, 213  
 Second reading, 225  
 Passed, 225

To House, 280  
House amendments, 940  
Returned to Senate, amended, 940  
Conference Committee, 959, 1014  
Conference Committee Report, 1329  
Adopts, 1330  
House adopts, 1426  
Senate does not concur, 959  
Enrolled, 1680  
Signed by President, 1683  
Sent to House, 1686  
Received from House, 1688  
Message to Governor, 1696

**Senate Bill No. 2215 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2215.** A Bill for an Act to amend and reenact section 52-11-01 of the North Dakota Century Code, relating to the retirement program for the unemployment compensation division, state employment service, and North Dakota national guard.

Introduction, first reading, 90  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 234  
Second reading, 291  
Passed, 292  
To House, 341  
Returned to Senate, 873  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2216 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2216.** A Bill for an Act authorizing the state of North Dakota acting by the North Dakota employment security bureau to sell and convey lots seventeen, eighteen, nineteen, and twenty in block twenty-two of Brooklyn Addition to the City of Minot, Ward County, North Dakota.

Introduction, first reading, 90  
Referred to Committee on Industry, Business & Labor)  
Reported back, do pass, 234  
Second reading, 292  
Passed, 292  
To House, 341  
Returned to Senate, 873  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065

Approved by Governor, 1115

**Senate Bill No. 2217** — (Committee on Industry, Business & Labor)

**Senate Bill No. 2217.** A Bill for an Act to amend and reenact subsection 5 of section 52-01-01 of the North Dakota Century Code relating to the definition of "benefit year" for purposes of unemployment compensation.

Introduction, first reading, 90  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 234  
 Second reading, 292  
 Passed, 293  
 To House, 341  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2218** — (Committee on Industry, Business & Labor)

**Senate Bill No. 2218.** A Bill for an Act to create and enact subsection 33 of section 52-01-01 of the North Dakota Century Code relating to unemployment compensation definitions, and to amend and reenact subsection 8 of section 52-06-02 of the North Dakota Century Code relating to unemployment compensation benefits.

Introduction, first reading, 90  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 383  
 Amendments adopted, 410  
 Engrossed, 427  
 Second reading, 439  
 Passed, 440  
 To House, 491  
 House amendments, 1152  
 Returned to Senate, amended, 1149  
 Conference Committee, 1249, 1317  
 Conference Committee Report, 1336  
 Adopts, 1337  
 House adopts, 1426  
 Senate does not concur, 1249  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2219** — (Committee on Industry, Business & Labor)

**Senate Bill No. 2219.** A Bill for an Act to amend and reenact subdivision b of subsection 1 and subsection 2 of section 52-06-04 of the North Dakota

Century Code relating to schedule of unemployment compensation benefits.

Introduction, first reading, 91  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 362  
 Second reading, 393  
 Lost, 393

**Senate Bill No. 2220 — (Committee on Industry, Business & Labor)**

**Senate Bill No. 2220.** A Bill for an Act to amend and reenact section 52-06-33 of the North Dakota Century Code relating to recovery and recoupment of unemployment compensation benefits.

Introduction, first reading, 91  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 259  
 Second reading, 306  
 Passed, 306  
 To House, 359  
 Returned to Senate, 1146  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2221 — (Committee on Transportation)**

**Senate Bill No. 2221.** A Bill for an Act to amend and reenact section 39-04-06 of the North Dakota Century Code, relating to the recision of motor vehicle registration; and to provide for the restoration of suspended registrations.

Introduction, first reading, 91  
 Referred to Committee on Transportation  
 Reported back, amended, 318  
 Amendments adopted, 351  
 Engrossed, 361  
 Re-engrossed, 1330  
 Second reading, 370, 1330  
 Passed, 371, 1330  
 To House, 424  
 House amendments, 1088  
 Returned to Senate, amended, 1087  
 Conference Committee, 1119, 1195  
 Conference Committee Report, 1330  
 Adopts, 1330  
 House adopts, 1414  
 Senate does not concur, 1119  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686



Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2222** — (Committee on Transportation)

**Senate Bill No. 2222.** A Bill for an Act to provide for the licensing and bonding of semitrailer dealers; and to provide a penalty.

Introduction, first reading, 91  
 Referred to Committee on Transportation  
 Reported back, amended, 318  
 Amendments adopted, 351  
 Engrossed, 361  
 Re-engrossed, 1331  
 Second reading, 371, 1331  
 Passed, 371, 1331  
 To House, 425  
 House amendments, 1088  
 Returned to Senate, amended, 1087  
 Conference Committee, 1120, 1195  
 Conference Committee Report, 1330  
 Adopts, 1331  
 House adopts, 1414  
 Senate does not concur, 1120  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1688  
 Message to Governor, 1696

**Senate Bill No. 2223** — (Committee on Finance & Taxation)

**Senate Bill No. 2223.** A Bill for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption for buses purchased by senior citizens' and handicapped persons' nonprofit corporations; to amend and reenact subsection 2 of section 57-40.3-04 and section 57-40.3-11 of the North Dakota Century Code, relating to exempt vehicles and a penalty for delinquent motor vehicle excise taxes.

Introduction, first reading, 91  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 362  
 Amendments adopted, 377  
 Engrossed, 403  
 Re-engrossed, 961  
 Second reading, 416, 961  
 Passed, 417, 961  
 To House, 469  
 House amendments, 918  
 Returned to Senate, amended, 917  
 Senate concurs, 961  
 Enrolled, 1239  
 Signed by President, 1241  
 Sent to House, 1242

Received from House, 1288  
 Message to Governor, 1291  
 Approved by Governor, 1390

**Senate Bill No. 2224** — (Committee on Industry, Business & Labor)

**Senate Bill No. 2224.** A Bill for an Act to create and enact a new subsection to section 51-18-01, and to amend and reenact subsection 1 of section 51-18-01, section 51-18-02, 51-18-03, 51-18-04, 51-18-05, 51-18-06, and 51-18-07 of the North Dakota Century Code, relating to the definition of a door-to-door sale, method of cancellation, referral sales, agreement requirements, evidence of indebtedness, disposition of goods, and responsibilities of a buyer.

Introduction, first reading, 91  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 259  
 Engrossed, 1343  
 Second reading, 306, 1343  
 Passed, 307, 1344  
 To House, 359  
 House amendments, 1213  
 Returned to Senate, amended, 1208  
 Senate concurs, 1343  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1696

**Senate Bill No. 2225** — (Committee on Transportation)

**Senate Bill No. 2225.** A Bill for an Act to amend and reenact section 39-04-12 of the North Dakota Century Code, relating to the contents of number plates, size of letters and numerals on plates; and to provide an exception to annual validation evidence for certain number plates.

Introduction, first reading, 91  
 Referred to Committee on Transportation  
 Reported back, amended, 213  
 Amendments adopted, 235  
 Engrossed, 257  
 Second reading, 293  
 Passed, 293  
 To House, 341  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1320

**Senate Bill No. 2226** — (Committee on Judiciary)

**Senate Bill No. 2226.** A Bill for an Act to repeal section 12-55-15 of the North Dakota Century Code, relating to the requirements of the board of pardons precedent to parole.

Introduction, first reading, 92  
 Referred to Committee on Judiciary  
 Reported back, do pass, 176  
 Second reading, 206  
 Passed, 207  
 To House, 254  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2227** — (Committee on Judiciary)

**Senate Bill No. 2227.** A Bill for an Act to repeal subsection 2 of section 12.1-02-02 of the North Dakota Century Code, relating to the requirements of culpability in crimes where culpability is not specified.

Introduction, first reading, 92  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 454  
 Second reading, 488  
 Lost, 488

**Senate Bill No. 2228** — (Committee on Political Subdivisions)

**Senate Bill No. 2228.** A Bill for an Act to amend and reenact sections 11-23-02, 40-40-04, 40-40-10 and 40-40-12 of the North Dakota Century Code, relating to the county and municipal budgets.

Introduction, first reading, 92  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 319  
 Engrossed, 961  
 Second reading, 353, 962  
 Passed, 353, 962  
 To House, 400  
 House amendments, 897  
 Returned to Senate, amended, 897  
 Senate concurs, 961  
 Enrolled, 1239  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2229** — (Committee on Political Subdivisions)

**Senate Bill No. 2229.** A Bill for an Act to amend and reenact section 11-33-20 of the North Dakota Century Code, to authorize townships to relinquish all, or a portion of, their power to enact zoning regulations to the county.

Introduction, first reading, 92  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 428  
 Second reading, 464  
 Passed, 464  
 To House, 519  
 Returned to Senate, 917  
 Enrolled, 1037  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1063  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2230 — (Committee on Finance & Taxation)**

**Senate Bill No. 2230.** A Bill for an Act to create and enact subsection 27 to section 57-38-01 and subsections 5 and 6 to section 57-38-58 of the North Dakota Century Code, relating to definitions; to amend and reenact sections 57-01-10, 57-38-09.1, 57-38-62 and subsection 1 of section 57-38-66 of the North Dakota Century Code, relating to income tax and business and corporation privilege tax; to repeal subsections 7, 8, 9, 12, 13, 14, 15, 16, 17, 18, 19, 22, 23, 24, 25, and 26 of section 57-38-01 of the North Dakota Century Code, relating to income tax definitions; and to provide for an effective date.

Introduction, first reading, 92  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 176  
 Amendments adopted, 192  
 Engrossed, 213  
 Second reading, 225  
 Passed, 226  
 To House, 280  
 Returned to Senate, 981  
 Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1290  
 Approved by Governor, 1358

**Senate Bill No. 2231 — (Committee on Finance & Taxation)**

**Senate Bill No. 2231.** A Bill for an Act to create and enact a new section to chapter 57-05 of the North Dakota Century Code, to provide for a tentative assessment of railroad operating property and notice of hearing thereon.

Introduction, first reading, 92  
 Referred to Committee on Finance & Taxation

Reported back, amended, 176  
 Amendments adopted, 192  
 Engrossed, 213  
 Second reading, 226  
 Passed, 226  
 To House, 280  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2232 — (Committee on Natural Resources)**

**Senate Bill No. 2232.** A Bill for an Act to provide for scenic easements upon lands adjacent to and within two hundred yards of any state park, state recreation area, state campground, or state reserve.

Introduction, first reading, 92  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 428  
 Second reading, 464  
 Lost, 465

**Senate Bill No. 2233 — (Committee on Political Subdivisions)**

**Senate Bill No. 2233.** A Bill for an Act to amend and reenact subsection 1 of section 40-57-03 of the North Dakota Century Code, relating to municipal industrial development projects of cities and counties, and to amend and reenact section 40-57.1-02 of the North Dakota Century Code, relating to tax exemptions for new industries.

Introduction, first reading, 92  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 616  
 Second reading, 699  
 Passed, 699  
 Clincher motion, 699  
 To House, 760  
 House amendments, 1068  
 Returned to Senate, amended, 1068  
 Conference Committee, 1120, 1195  
 Conference Committee report, 1371  
 Adopts, 1410  
 House adopts, 1492  
 Senate does not concur, 1120  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1696

**Senate Bill No. 2234 — (Committee on Finance & Taxation)**

**Senate Bill No. 2234.** A Bill for an Act to amend and reenact sections 57-52-04 and 57-54-08 of the North Dakota Century Code, relating to a tax increase on motor vehicle fuel and special fuel used in motor vehicles.

Introduction, first reading, 103  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 529  
Engrossed, 1298  
Second reading, 571, 1298  
Passed, 572, 1298  
To House, 644  
House amendments, 1268  
Returned to Senate, amended, 1267  
Senate concurs, 1298  
Enrolled, 1657  
Signed by President, 1658  
Sent to House, 1658  
Received from House, 1667  
Message to Governor, 1667

**Senate Bill No. 2235** — (Committee on Finance & Taxation)

**Senate Bill No. 2235.** A Bill for an Act to create and enact two new sections to chapter 57-01 and a new section to chapter 57-37.1 of the North Dakota Century Code, relating to confidentiality of tax information obtained from the United States secretary of the treasury and to North Dakota estate and income tax returns; and to amend and reenact subsection 1 of section 57-38-34 and subsection 1 of section 57-38-57 of the North Dakota Century Code, relating to income tax returns and the confidentiality thereof.

Introduction, first reading, 103  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 259  
Second reading, 307  
Passed, 307  
To House, 359  
Returned to Senate, 897  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1063  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2236** — (Committee on Finance & Taxation)

**Senate Bill No. 2236.** A Bill for an Act to create and enact a new section to chapter 57-04 of the North Dakota Century Code, relating to the computation of a variable motor vehicle fuel tax and establishing a maximum and minimum tax; to amend and reenact sections 57-52-04 and 57-54-08 of the North Dakota Century Code, relating to the imposition of a variable fuel tax on special fuels and to the imposition of a variable motor vehicle fuel tax.

Introduction, first reading, 104  
Referred to Committee on Finance & Taxation  
Withdrawn, 290  
Returned to Senate, 290

**Senate Bill No. 2237** (Committee on Judiciary)

**Senate Bill No. 2237.** A Bill for an Act to amend and reenact section 12.1-04-02 of the North Dakota Century Code, relating to intoxication as a defense to a criminal charge.

Introduction, first reading, 104  
Referred to Committee on Judiciary  
Reported back, do pass, 234  
Second reading, 293  
Passed, 293  
To House, 341  
Returned to Senate, 981  
Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1288  
Message to Governor, 1291  
Approved by Governor, 1358

**Senate Bill No. 2238** — (Committee on Fudiciary)

**Senate Bill No. 2238.** A Bill for an Act to create and enact a new section to chapter 33-12 of the North Dakota Century Code, relating to the prohibition of a jury trial in county justice court; amending subsection II of section 33-01-12 and section 33-12-28 of the North Dakota Century Code, relating to reports by the county justice in cases of jury trials; and repealing subsections 8 and 9 of section 33-01-13 and sections 33-12-19, 33-12-30, 33-12-22, 33-12-23.1 and 33-12-24 of the North Dakota Century Code relating to procedures in county justice court for jury trials.

Introduction, first reading, 104  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 235  
Second reading, 293  
Lost, 294

**Senate Bill No. 2239** — (Committee on Transportation)

**Senate Bill No. 2239.** A Bill for an Act to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to amount of statutory fees and the definition of a moving violation.

Introduction, first reading, 104  
Referred to Committee on Transportation  
Reported back, do pass, 319  
Re-engrossed, 1410  
Second reading, 353, 1410  
Passed, 354, 1411  
To House, 400  
House amendments, 1213

Returned to Senate, amended, 1208  
 Conference Committee, 1249, 1317  
 Conference Committee Report, 1372  
 Adopts, 1410  
 House adopts, 1443  
 Senate does not concur, 1249  
 Enrolled, 1682  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1696

**Senate Bill No. 2240 — (Committee on Transportation)**

**Senate Bill No. 2240.** A Bill for an Act to amend and reenact subsections 2 and 5 of section 39-04-19 of the North Dakota Century Code, relating to registration fees of motor vehicles.

Introduction, first reading, 104  
 Referred to Committee on Transportation  
 Re-referred to Committee on Finance & Taxation, 178  
 Amendments adopted, 682  
 Engrossed, 727  
 Second reading, 732  
 Passed, 733  
 Clincher motion, 733  
 To House, 782  
 Returned to Senate, 178, 1292  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2241 — (Committee on State & Federal Government)**

**Senate Bill No. 2241.** A Bill for an Act providing for a disaster emergency fund for the protection of life and property, providing for its administration by the emergency commission, providing an appropriation, and declaring an emergency.

Introduction, first reading, 104  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 259, indefinitely postponed, 362  
 Re-referred to Committee on Appropriations, 259  
 Second reading, 393  
 Lost, 394

**Senate Bill No. 2242 — (Committee on State & Federal Government)**

**Senate Bill No. 2242.** A Bill for an Act to amend and reenact section 15-39.1-23 and subsection 1 of section 15-39.1-24 of the North Dakota Century Code relating to the teachers' fund for retirement, civil penalties for the failure of employing units to make required reports and credit for out-of-state teaching.



Introduction, first reading, 104  
Referred to Committee on State & Federal Government  
Reported back, do pass, 282  
Second reading, 311  
Passed, 311  
To House, 359  
Returned to Senate, 1146  
Enrolled, 1463  
Signed by President, 1464  
Sent to House, 1479  
Received from House, 1486  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2243 — (Committee on Education)**

**Senate Bill No. 2243.** A Bill for an Act to create and enact a new section to chapter 15-63 of the North Dakota Century Code, relating to Indian scholarships; and declaring an emergency.

Introduction, first reading, 105  
Referred to Committee on Education  
Reported back, amended, 176  
Amendments adopted, 192  
Engrossed, 213  
Second reading, 226  
Passed, 226  
To House, 280  
Returned to Senate, 897  
Enrolled, 965  
Signed by President, 983  
Sent to House, 984  
Received from House, 1012  
Message to Governor, 1014  
Approved by Governor, 1071

**Senate Bill No. 2244 — (Committee on Education)**

**Senate Bill No. 2244.** A Bill for an Act to repeal section 15-35-07 of the North Dakota Century Code, relating to the erecting of school buildings.

Introduction, first reading, 105  
Referred to Committee on Education  
Reported back, do pass, 177  
Second reading, 207  
Passed, 207  
To House, 254  
Returned to Senate, 897  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1064  
Message to Governor, 1065  
Approved by Governor, 1115

**Senate Bill No. 2245 — (Melland)**

**Senate Bill No. 2245.** A Bill for an Act to reduce the sales and use tax and motor vehicle excise tax rate to two percent; to repeal sections 1, 2, and 3 of Initiated Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to sales and use tax rates and brackets; to provide that certain portions of the Act shall be temporary; to provide an effective date; and to declare an emergency.

Introduction, first reading, 105  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 660  
 Second reading, 699  
 Lost, 700

**Senate Bill No. 2246 — (Committee on Industry Business & Labor)**

**Senate Bill No. 2246.** A Bill for an Act to create and enact sections 10-04-08.3, 10-04-10.1, and 10-04-16.1 of the North Dakota Century Code, relating to advisory activities, investigations and subpoenas, and unlawful representations concerning registration or exemption; to amend and reenact subsection 10 of section 10-04-02 of the North Dakota Century Code, relating to the definition of investment adviser; to amend and reenact subsection 9 of section 10-04-06 of the North Dakota Century Code, relating to a transactional exemption for limited offerings; to amend and reenact section 10-04-08.2 of the North Dakota Century Code, relating to advertising matter and regulations; to amend and reenact subsection 3 of section 10-04-10 of the North Dakota Century Code, relating to the registration of investment advisers; to amend and reenact subsection 4 of section 10-04-10 of the North Dakota Century Code, relating to refusal of registration; to amend and reenact subsection 5 of section 10-04-10 of the North Dakota Century Code, relating to record and renewal of registrations; to amend and reenact subsection 6 of section 10-04-10 of the North Dakota Century Code, relating to fees; to amend and reenact section 10-04-11 of the North Dakota Century Code, relating to suspension or revocation of dealer's, salesman's, and investment adviser's registration; and to amend and reenact the introductory paragraph of section 10-04-12 of the North Dakota Century Code, relating to hearings.

Introduction, first reading, 105  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 299  
 Second reading, 331  
 Passed, 332  
 To House, 375  
 Returned to Senate, 1386  
 Enrolled, 1680  
 Signed by President, 1683  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1696

**Senate Bill No. 2247 — (Committee on Finance & Taxation)**

**Senate Bill No. 2247.** A Bill for an Act to amend and reenact section 57-

38.2-02 of the North Dakota Century Code, relating to eligibility for income averaging; and to provide for an effective date.

Introduction, first reading, 105  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 235  
 Amendments adopted, 277  
 Engrossed, 281  
 Second reading, 307  
 Passed, 308  
 To House, 359  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2248 — (Morgan, Thane)**

**Senate Bill No. 2248.** A Bill for an Act making an appropriation to the board of higher education for defraying the expenses of remodeling turkey research facilities at the poultry research center at North Dakota state university.

Introduction, first reading, 105  
 Referred to Committee on Agriculture  
 Reported back, do pass, 213  
 Withdrawn, 300  
 Referred to Committee on Appropriations, 213  
 Returned to Senate, 300

**Senate Bill No. 2249 — (Morgan, Jones)**

**Senate Bill No. 2249.** A Bill for an Act to amend and reenact subdivision f of subsection 1 of section 57-38-01.2 and subdivision d of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to adjustments to taxable income for individuals and fiduciaries and to adjustments to taxable income for corporations; to repeal section 57-38-66 of the North Dakota Century Code, providing for a business and corporation privilege tax; and to provide an effective date.

Introduction, first reading, 106  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 248  
 Returned to Senate, 248

**Senate Bill No. 2250 — (Christensen)**

**Senate Bill No. 2250.** A Bill for an Act to amend and reenact sections 63-01.1-01, 63-01.1-02, 63-01.1-03, 63-01.1-05, 63-01.1-07, 63-01.1-10, 63-01.1-14, 63-01.1-15, 63-01.1-16, and 63-01.1-17 of the North Dakota Century Code, relating to noxious weed control and eradication responsibility, definitions, state weed control authority powers and duties, weed control officer duties, special weed control authorities, township weed control,

other agency weed control responsibility, penalties, noncompliance allegations, and judicial review, and providing for townships and counties to assume weed control duties previously performed by persons owning or controlling land; and to repeal section 63-01.1-11 of the North Dakota Century Code, relating to the duty of landowners or operators along county and township highways to destroy weeds and grasses.

Introduction, first reading, 106  
 Referred to Committee on Agriculture  
 Reported back, indefinitely postponed, 319  
 Second reading, 354  
 Lost, 354

**Senate Bill No. 2251 — (Strand)**

**Senate Bill No. 2251.** A Bill for an Act to amend and reenact subsection 4 of section 50-02-04 of the North Dakota Century Code, relating to gaining county residence for poor relief purposes while residing in a licensed home for the aged and infirm or licensed nursing home.

Introduction, First reading, 106  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 213  
 Second reading, 278  
 Passed, 278  
 To House, 314  
 Returned to Senate, 939

**Senate Bill No. 2252 — (Barth)**

**Senate Bill No. 2252.** A Bill for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the water conservation commission.

Introduction, first reading, 106  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 494  
 Second reading, 548  
 Lost, 548

**Senate Bill No. 2253 — (Mau)**

**Senate Bill No. 2253.** A Bill for an Act to amend and reenact section 11-11-26 of the North Dakota Century Code, relating to when the board of county commissioners shall advertise for bids.

Introduction, first reading, 117  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 428  
 Second reading, 465  
 Passed, 465  
 To House, 519  
 Returned to Senate, 917  
 Enrolled, 1037  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1064

Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2254 — (Lee)**

**Senate Bill No. 2254.** A Bill for an Act to amend and reenact subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to the allocation and income from the coal development trust fund; and to repeal section 18 of chapter 563 of the 1975 Session Laws of North Dakota, providing that the provisions of the chapter are temporary.

Introduction, first reading, 117  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 605  
 Returned to Senate, 605

**Senate Bill No. 2255 — (Lee)**

**Senate Bill No. 2255.** A Bill for an Act to amend and reenact section 39-12-03 of the North Dakota Century Code, relating to an exemption for garbage trucks from weight restrictions on highways.

Introduction, first reading, 117  
 Referred to Committee on Transportation  
 Withdrawn, 301  
 Returned to Senate, 301

**Senate Bill No. 2256 — (Thane, Naaden, Sandness)**

**Senate Bill No. 2256.** A Bill for an Act to create and enact a new section to chapter 47-05 of the North Dakota Century Code, relating to cancellation of easements; and to amend and reenact section 47-05-12 of the North Dakota Century Code, relating to extinguishment of servitudes.

Introduction, first reading, 117  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 660  
 Second reading, 700  
 Lost, 700

**Senate Bill No. 2257 — (Hoffner, Nething)**

**Senate Bill No. 2257.** A Bill for an Act to amend and reenact section 11-09-02.1 of the North Dakota Century Code, relating to the procedure for an adoption of a form of county managership.

Introduction, first reading, 117  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 428  
 Amendments adopted, 448  
 Engrossed, 471  
 Second reading, 488  
 Passed, 489  
 To House, 553  
 Returned to Senate, 917  
 Enrolled, 1037  
 Signed by President, 1059

Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1065  
 Approved by Governor, 1115

**Senate Bill No. 2258 — (Christensen)**

**Senate Bill No. 2258.** A Bill for an Act to amend and reenact section 15-34.2-17 of the North Dakota Century Code, relating to release of students for religious instruction.

Introduction, first reading, 117  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 259  
 Second reading, 308  
 Lost, 308

**Senate Bill No. 2259 — (Barth, Wright, Naaden, Albers, Freed)**

**Senate Bill No. 2259.** A Bill for an Act to create and enact a new subsection to section 4-27-03 of the North Dakota Century Code, providing a definition for gross receipts; and to amend and reenact sections 4-27-04 and 4-27-06 of the North Dakota Century Code, relating to the composition of the dairy products promotion commission, and the assessments to be levied for the commission fund.

Introduction, first reading, 117  
 Referred to Committee on Agriculture  
 Reported back, do pass, 300  
 Second reading, 333  
 Passed, 333  
 To House, 375  
 Returned to Senate, 917  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1066  
 Approved by Governor, 1116

**Senate Bill No. 2260 — (Hoffner, Farrington)**

**Senate Bill No. 2260.** A Bill for an Act to repeal section 29-01-28 of the North Dakota Century Code, relating to excluding spectators from trials of minors.

Introduction, first reading, 117  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 235  
 Second reading, 294  
 Lost, 294

**Senate Bill No. 2261 — (Lips)**

**Senate Bill No. 2261.** A Bill for an Act to amend and reenact section 11-15-02 of the North Dakota Century Code, relating to compensation for special deputy sheriffs.

Introduction, first reading, 118  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 428  
 Amendments adopted, 448  
 Engrossed, 471  
 Second reading, 489  
 Passed, 489  
 To House, 553  
 Returned to Senate, 917  
 Enrolled, 1038  
 Signed by President, 1059  
 Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1066  
 Approved by Governor, 1116

**Senate Bill No. 2262 — (Lips)**

**Senate Bill No. 2262.** A Bill for an Act to create and enact a new section to chapter 11-15 of the North Dakota Century Code, relating to qualifications for the office of sheriff.

Introduction, first reading, 118  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 455  
 Amendments adopted, 475  
 Engrossed, 493  
 Re-engrossed, 1331  
 Second reading, 538, 1331  
 Passed, 539, 1332  
 To House, 604  
 House amendments, 941  
 Returned to Senate, amended, 940  
 Conference Committee, 1058, 1088  
 Conference Committee report, 1331  
 Adopts, 1331  
 House adopts, 1426  
 Senate does not concur, 1057  
 Enrolled, 1682  
 Signed by president, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2263 — (Lips)**

**Senate Bill No. 2263.** A Bill for an Act to amend and reenact section 11-15-29 of the North Dakota Century Code, relating to sheriffs' and deputies' uniforms.

Introduction, first reading, 118  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 555  
 Amendments adopted, 593  
 Engrossed, 605  
 Second reading, 677

Passed, 677  
To House, 760  
Returned to Senate, 1014  
Enrolled, 1292  
Signed by President, 1314  
Sent to House, 1314  
Received from House, 1353  
Message to governor, 1353  
Approved by Governor, 1390

**Senate Bill No. 2264 — (Lips)**

**Senate Bill No. 2264.** A Bill for an Act to amend and reenact section 40-55-09 and subsection 3 of section 57-15-12 of the North Dakota Century Code, relating to the number of mills which may be approved by the voters of a municipality, school district, or park district for a public recreation system or a park district.

Introduction, first reading, 118  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 616  
Second reading, 700  
Lost, 701

**Senate Bill No. 2265 — (Lips)**

**Senate Bill No. 2265.** A Bill for an Act to amend and reenact section 40-49-05 of the North Dakota Century Code, relating to the term of office of members of boards of park commissioners.

Introduction, first reading, 118  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 319  
Second reading, 354  
Passed, 355  
To House, 400  
Returned to Senate, 897  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1064  
Message to Governor, 1066  
Approved by Governor, 1116

**Senate Bill No. 2266 — (Orange, Peterson, Holmberg, Lashkowitz)**

**Senate Bill No. 2266.** A Bill for an Act to amend and reenact section 1-03-02.1 of the North Dakota Century Code, relating to the holidays that fall on a Saturday.

Introduction, first reading, 118  
Referred to Committee on State, Federal Government  
Reported back, indefinitely postponed, 282  
Second reading, 311  
Lost, 312



**Senate Bill No. 2267** — (Thane, Strinden)

**Senate Bill No. 2267.** A Bill for an Act to authorize the state board of higher education to issue revenue bonds for the construction and improvement of parking lot facilities at the state school of science at Wahpeton, to provide for a student facility fee, and to provide an appropriation.

Introduction, first reading, 118  
 Referred to Committee on Education  
 Reported back, amended, 259  
 Amendments adopted, 291  
 Engrossed, 299  
 Second reading, 312  
 Passed, 312  
 To House, 359  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2268** — (Thane)

**Senate Bill No. 2268.** A Bill for an Act to amend and reenact subsection 2 of section 30.1-14-01, subsection 1 of section 30.1-14-03, section 30.1-15-09, and subsection 3 of section 30.1-15-12 of the North Dakota Century Code, relating to application for informal probate, proof and findings required in informal probate proceedings, formal testacy proceedings, and a petition for vacation of an order; and to repeal section 30.1-12-08 of the North Dakota Century Code, relating to time limits for probate, testacy, and appointment proceedings.

Introduction, first reading, 118  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 660  
 Second reading, 701  
 Lost, 701

**Senate Bill No. 2269** — (Goodman, Fritzell)

**Senate Bill No. 2269.** A Bill for an Act to authorize the public or private sale of certain premises owned by the state of North Dakota doing business as the university of North Dakota situated in Grand Forks, North Dakota, and for authority to use the proceeds of such sale.

Introduction, first reading, 119  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 362  
 Amendments adopted, 377  
 Engrossed, 403  
 Second reading, 417  
 Passed, 417  
 To House, 469

Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1597

**Senate Bill No. 2270 — (Orange, Krauter, Fritzell)**

**Senate Bill No. 2270.** A Bill for an Act to require disclosure of the unit price of specified consumer commodities, to require the disclosure of the total price of such commodities, to specify the means of such disclosure, to restrict the advertising of such commodities, to delegate specific powers to the director of the state laboratories department in furtherance of the purposes of this Act; and to provide a penalty.

Introduction, first reading, 129  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 300  
 Second reading, 333  
 Lost, 334

**Senate Bill No. 2271 — (Hoffner, Wenstrom)**

**Senate Bill No. 2271.** A Bill for an Act requiring all public bodies to keep minutes that shall be, unless otherwise specifically provided by law, public records, and providing for the contents and deposit of these minutes.

Introduction, first reading, 129  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 282  
 Second reading, 312  
 Lost, 313

**Senate Bill No. 2272 — (Hoffner, Jones)**

**Senate Bill No. 2272.** A Bill for an Act to provide for the disposition of fines assessed by a county justice; and to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to the assessment of costs in criminal convictions.

Introduction, first reading, 129  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 384  
 Second reading, 417  
 Lost, 417

**Senate Bill No. 2273 — (Wenstrom, Hoffner, Barth, Lips)**

**Senate Bill No. 2273.** A Bill for an Act to create and enact two new subsections to section 15-65-03 of the North Dakota Century Code, relating to the authority of the North Dakota educational broadcasting council to contract with noncommercial educational television stations and to employ necessary personnel.

Introduction, first reading, 129  
 Referred to Committee on Education  
 Reported back, amended, 494  
 Amendments adopted, 535  
 Engrossed, 555  
 Second reading, 716  
 Lost, 717

**Senate Bill No. 2274** — (Tennefos, Wenstrom, Freed, Orange)

**Senate Bill No. 2274.** A Bill for an Act to amend and reenact sections 21-04-03, 21-04-05, 21-04-06, 21-04-07, 21-04-08, 21-04-09, 21-04-10, 21-04-12, 21-04-13, 21-04-14, 21-04-15, 21-04-16, 21-04-17, 21-04-18, and 21-04-21 of the North Dakota Century Code, to include savings and loan associations within class of depositories for public funds.

Introduction, first reading, 129  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 529  
 Second reading, 572  
 Lost, 572

**Senate Bill No. 2275** — (Fritzell, Albers, Krauter, Maher)

**Senate Bill No. 2275.** A Bill for an Act to provide for a civil penalty to be assessed against any operator violating the provisions of chapter 38-14 or any rule, regulation, or order promulgated or issued thereunder.

Introduction, first reading, 129  
 Referred to Committee on Judiciary  
 Withdrawn, 300  
 Re-referred to Committee on Industry, Business & Labor, 214  
 Returned to Senate, 214, 300

**Senate Bill No. 2276** — (Freed)

**Senate Bill No. 2276.** A Bill for an Act to amend and reenact section 47-16-36 of the North Dakota Century Code, relating to the duty of a lessee to have a terminated or forfeited oil, gas, or other mineral lease recorded and allowing a lessor to record an affidavit of forfeiture upon failure of lessee to do so; and providing for a change from an affidavit of forfeiture to a satisfaction of lease.

Introduction, first reading, 129  
 Referred to Committee on Judiciary  
 Reported back, do pass, 259  
 Engrossed, 1056  
 Second reading, 308, 1056  
 Passed, 308, 1056  
 To House, 359  
 House amendments, 982  
 Returned to Senate, amended, 982  
 Senate concurs, 1056  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442

Received from House, 1458  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2277 — (Freed)**

**Senate Bill No. 2277.** A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to lease security deposits on real property and dwellings; the return of such deposits with interest upon termination of a lease; deposit amounts which may be withheld by a lessor and conditions under which amounts may be withheld; recovery by a lessee for wrongful withholding of security deposits; providing for transfer of security deposits upon a change of ownership; and binding the lessor holding the lease at the time of termination to return the security deposit.

Introduction, first reading, 130  
 Referred to Committee on Judiciary  
 Reported back, amended, 282  
 Amendments adopted, 301  
 Engrossed, 317  
 Re-engrossed, 1491  
 Second reading, 334, 1491  
 Passed, 335, 1491  
 To House, 375  
 House amendments, 1152  
 Returned to Senate, amended, 1149  
 Conference Committee, 1166, 1272, 1470, 1487  
 Conference Committee Report, 1418, 1490  
 Adopts, 1470, does not adopt, 1470, 1491  
 House adopts, 1544  
 Senate does not concur, 1166  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2278 — (Hoffner, Fritzell)**

**Senate Bill No. 2278.** A Bill for an Act to create a public issues review panel and to establish its membership, powers, and duties; and to provide an appropriation.

Introduction, first reading, 149  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 429, amended, 283  
 Re-referred to Committee on Appropriations, 283, 301  
 Amendments adopted, 301  
 Engrossed, 317  
 Second reading, 465  
 Lost, 465

**Senate Bill No. 2279 — (Melland, Nething)**

**Senate Bill No. 2279.** A Bill for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to the issuance of water permits; and to amend and reenact subsection 2 of section 23-25-04.1, and sections 23-29-07, 49-03-02, and subsection 19 of section 61-28-04 of the North Dakota Century Code, relating to the issuance of permits or certificates for air pollution, solid waste management, public convenience and necessity, and water pollution.

Introduction, first reading, 149  
 Referred to Committee on Natural Resources  
 Reported back, amended, 556  
 Amendments adopted, 593  
 Engrossed, 603  
 Second reading, 677  
 Passed, 678  
 To House, 760  
 Returned to Senate, 1292

**Senate Bill No. 2280** — (Shablow, Vosper)

**Senate Bill No. 2280.** A Bill for an Act making an appropriation to defray the expenses of continuing the position of state ABM coordinator; and declaring an emergency.

Introduction, first reading, 149  
 Referred to Committee on Appropriations  
 Reported back, indefinitely postponed, 348  
 Engrossed, 403  
 Re-engrossed, 427  
 Second reading, 394, 412  
 Passed Bill, 394 (Emergency clause lost, 394)  
 Passed and Emergency clause passed, 412  
 To House, 469  
 Returned to Senate, 1386  
 Reconsidered 412  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2281** — (Thane)

**Senate Bill No. 2281.** A Bill for an Act to create and enact a new section to chapter 54-10 of the North Dakota Century Code, granting authority to the state auditor to examine information relating to operations of governmental units subject to audit.

Introduction, first reading, 149  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 235  
 Second reading, 294  
 Passed, 295  
 To House, 341  
 Returned to Senate, 981

Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1288  
Message to Governor, 1291  
Approved by Governor, 1358

**Senate Bill No. 2282 — (Barth, Wright)**

**Senate Bill No. 2282.** A Bill for an Act to provide for grants by the Bank of North Dakota in conjunction with state loan moneys and federal moneys for community water facilities; defining community water facility, grant eligibility, limitations, purposes, and approval; and providing for rules and regulations, and a transfer of funds to the community water facility grant fund.

Introduction, first reading, 149  
Referred to Committee on Industry, Business, & Labor  
Reported back, indefinitely postponed, 455  
Second reading, 489  
Lost, 490

**Senate Bill No. 2283 — (Maher, Krauter, Rait)**

**Senate Bill No. 2283.** A Bill for an Act to create and enact two new sections to chapter 11-11 of the North Dakota Century Code, relating to a survey and record of water well locations by the board of county commissioners, and the form in which the information is to be submitted, to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to the responsibility of the county register of deeds to maintain a record of water well locations, and to create and enact a new subsection to section 61-02-14 of the North Dakota Century Code, relating to the responsibility of the state water conservation commission to maintain a record of water well locations; and to amend and reenact sections 43-35-19 and 61-20-05 of the North Dakota Century Code, relating to information provided to the state board of water well contractors and the listing of all artesian wells in the county by county and township assessors.

Introduction, first reading, 149  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 529  
Second reading, 572  
Lost, 573

**Senate Bill No. 2284 — (Erdman)**

**Senate Bill No. 2284.** A Bill for an Act to create and enact a new section to chapter 37-25 of the North Dakota Century Code, providing for Vietnam bonus payments for combat zone service during the Mayaguez Incident or the evacuation of Cambodia and Vietnam.

Introduction, first reading, 150  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 455  
Second reading, 490

Lost, 490

**Senate Bill No. 2285 — (Thane, Morgan, Hanson)**

**Senate Bill No. 2285.** A Bill for an Act to amend and reenact section 39-06-42 and subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to the impoundment of motor vehicle number plates instead of motor vehicles as an additional penalty for driving while under the influence of intoxicating liquor or driving while a driver's license has been suspended or revoked; and to provide a penalty.

Introduction, first reading, 150  
 Referred to Committee on Transportation  
 Reported back, do pass, 429  
 Second reading, 465  
 Passed, 466  
 To House, 519  
 Returned to Senate, 1067  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2286 — (Strinden)**

**Senate Bill No. 2286.** A Bill for an Act to amend and reenact subsection 1 of section 15-10-17 of the North Dakota Century Code, relating to the specific powers and duties of the board of higher education, and providing that no tenure shall be granted to faculty hired after January 1, 1977.

Introduction, first reading, 150  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 283  
 Second reading, 313  
 Lost, 313

**Senate Bill No. 2287 — (Committee on Agriculture)**

**Senate Bill No. 2287.** A Bill for an Act to amend and reenact subsection 4 of section 63-01.1-05 of the North Dakota Century Code, relating to powers and duties of the weed control officer.

Introduction, first reading, 150  
 Referred to Committee on Agriculture  
 Reported back, amended, 429  
 Reprinted, 490  
 Amendments adopted, 448  
 Engrossed, 471  
 Second reading, 490  
 Passed, 490  
 To House, 554  
 Returned to Senate, 1386  
 Enrolled, 1680  
 Signed by President, 1684

Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2288 — (Holmberg, Hanson, Lips)**

**Senate Bill No. 2288.** A Bill for an Act to create and enact a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an income tax adjustment for rent paid for residential real property.

Introduction, first reading, 150  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 495  
 Second reading, 548  
 Lost, 549

**Senate Bill No. 2289 — (Holmberg)**

**Senate Bill No. 2289.** A Bill for an Act to amend and reenact section 46-03-10 of the North Dakota Century Code, relating to arranging laws for publication and providing for adding equivalent metric measurements to laws containing customary measurements.

Introduction, first reading, 150  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 235  
 Second reading, 295  
 Passed, 295  
 To House, 341  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2290 — (Holmberg)**

**Senate Bill No. 2290.** A Bill for an Act to provide for the office of the governor to coordinate and plan executive branch conversion to the metric system.

Introduction, first reading, 151  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 283  
 Amendments adopted, 301  
 Engrossed, 317  
 Second reading, 335  
 Passed, 335  
 To House, 375  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479



Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2291 — (Mau)**

**Senate Bill No. 2291.** A Bill for an Act to amend and reenact subsection 17 of section 11-11-14 of the North Dakota Century Code, relating to the powers of the board of county commissioners.

Introduction, first reading, 151  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 430  
 Second reading, 466  
 Passed, 466  
 To House, 519  
 Returned to Senate, 1014  
 Enrolled, 1292  
 Signed by President, 1314  
 Sent to House, 1314  
 Received from House, 1353  
 Message to Governor, 1353  
 Approved by Governor, 1390

**Senate Bill No. 2292 — (Rait, Albers, Barth, Jacobson, Krauter)**

**Senate Bill No. 2292.** A Bill for an Act to require recording of mineral interests which have been severed from the surface, to provide a method of filing and verifying ownership of severed mineral interests, forfeiture for failure to refile, publication of the requirements of this Act, and a filing fee; to repeal subsection 2 of section 11-18-03 of the North Dakota Century Code, relating to the recording of mineral deeds without regard to taxes; and to provide an appropriation.

Introduction, first reading, 151  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 455, indefinitely postponed, 616  
 Referred to Committee on Appropriations, 475  
 Amendments adopted, 475  
 Engrossed, 493  
 Second reading, 701  
 Passed, 702  
 Clincher motion, 702  
 To House, 760  
 Returned to Senate, 1265

**Senate Bill No. 2293 — (Fritzell)**

**Senate Bill No. 2293.** A Bill for an Act to provide for the regulation of the rights and responsibilities of mobile home park owners and tenants; and to provide a penalty.

Introduction, first reading, 151  
 Referred to Committee on Industry, Business & Labor  
 Withdrawn, 365  
 Returned to Senate, 365

**Senate Bill No. 2294 — (Goodman, Freed)**

**Senate Bill No. 2294.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and sections 57-37.1-03, 57-37.1-04, and 57-37.1-07 of the North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate, rates applied to a taxable estate, interest, federalization; and to provide for an effective date.

Introduction, first reading, 164

Referred to Committee on Finance & Taxation

Reported back, amended, 384

Amendments adopted, 411

Engrossed, 427

Re-engrossed, 1298

Second reading, 440, 1298

Passed, 440, 1299

To House, 491

House amendments, 1268

Returned to Senate, amended, 1267

Senate concurs, 1298

Enrolled, 1657

Signed by President, 1658

Sent to House, 1658

Received from House, 1667

Message to Governor, 1667

**Senate Bill No. 2295 — (Orange, Sandness)**

**Senate Bill No. 2295.** A Bill for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to the issuance of photo identification cards for nondrivers by the highway commissioner; to repeal section 14-10-16 and chapter 14-16 of the North Dakota Century Code, relating to the issuance of identification cards by the clerk of the district court; and to provide a penalty.

Introduction, first reading, 164

Referred to Committee on Transportation

Reported back, amended, 348

Amendments adopted, 365

Engrossed, 377

Second reading, 394

Passed, 394

To House, 445

Returned to Senate, 1067

Enrolled, 1427

Signed by President, 1442

Sent to House, 1442

Received from House, 1458

Message to Governor, 1460

Approved by Governor, 1540

**Senate Bill No. 2296 — (Strand, Rait, Sandness)**

**Senate Bill No. 2296.** A Bill for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to the fees for printing legal notices.

Introduction, first reading, 164  
 Referred to Committee on Judiciary  
 Reported back, amended, 636  
 Amendments adopted, 647  
 Engrossed, 681  
 Re-engrossed, 1332  
 Second reading, 702, 1332  
 Passed, 702, 1333  
 Clincher motion, 702  
 To House, 760  
 House amendments, 982  
 Returned to Senate, amended, 982  
 Conference Committee, 1058, 1148  
 Conference Committee Report, 1332  
 Adopts, 1332  
 House adopts, 1414  
 Senate does not concur, 1058  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2297 — (Jacobson)**

**Senate Bill No. 2297.** A Bill for an Act to create and enact sections 49-22-05.1, 49-22-07.1, 49-22-07.2, 49-22-12.1, and 49-22-14.1 of the North Dakota Century Code, relating to inventory of exclusion areas, letters of intent prior to construction of energy conversion or transmission facilities, waiver of procedures and time schedules, emergency certification, and cooperation with state and federal agencies; to amend and reenact subsections 8, 10, 11, and 12 of section 49-22-03, sections 49-22-04, 49-22-07, 49-22-08, 49-22-10, 49-22-11, 49-22-13, 49-22-19, 49-22-21, and subsections 1, 2 and 3 of section 49-22-22 of the North Dakota Century Code, relating to definitions, ten-year plans of utilities, certificates of site compatibility, application for a certificate of site compatibility, designation of sites and corridors, approval of routes within corridors, public hearings, requests for rehearings, penalties, and application fees; to repeal sections 49-22-05, 49-22-06, 49-22-12, and 49-22-23, relating to inventory of potential sites, energy conversion and transmission facility development plans, and emergency certification.

Introduction, first reading, 164  
 Referred to Committee on Natural Resources  
 Reported back, amended, 495  
 Amendments adopted, 535  
 Engrossed, 555  
 Re-engrossed, 1470  
 Second reading, 573, 1470  
 Passed, 573, 1471  
 To House, 644  
 House amendments, 1213  
 Returned to Senate, amended, 1208  
 Conference Committee, 1299, 1354

Conference Committee Report, 1436  
Adopts, 1470  
House adopts, 1544  
Senate does not concur, 1299  
Enrolled, 1682  
Signed by President, 1684  
Sent to House, 1686  
Received from House, 1689  
Message to Governor, 1697

**Senate Bill No. 2298 — (Lips, Peterson, Strand)**

**Senate Bill No. 2298.** A Bill for an Act to create and enact a new subsection to section 12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

Introduction, first reading, 165  
Referred to Committee on State, Federal Government  
Reported back, do pass, 284  
Second reading, 313  
Lost, 313

**Senate Bill No. 2299 — (Smykowski, Iszler)**

**Senate Bill No. 2299.** A Bill for an Act to amend and reenact section 20.1-01-18 of the North Dakota Century Code, relating to hunting on posted land without permission as being unlawful, and providing that written permission must be obtained for trapping fur-bearing animals.

Introduction, first reading, 165  
Referred to Committee on Natural Resources  
Reported back, amended, 406  
Amendments adopted, 433  
Engrossed, 447  
Second reading, 466  
Passed, 466  
To House, 519  
Returned to Senate, 917  
Enrolled, 1038  
Signed by President, 1059  
Sent to House, 1060  
Received from House, 1064  
Message to Governor, 1066  
Approved by Governor, 1116

**Senate Bill No. 2300 — (Orange, Lips)**

**Senate Bill No. 2300.** A Bill for an Act to amend and reenact section 5-01-06 of the North Dakota Century Code, providing limitations on the recovery of damages resulting from intoxication.

Introduction, first reading, 165  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 384  
Second reading, 417  
Lost, 418

**Senate Bill No. 2301** — (Lashkowitz, Sands, Schirado, Freed)

**Senate Bill No. 2301.** A Bill for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, assuring a person subject to any administrative procedure or hearing process the right to justice, by providing the right to elect either to proceed with such procedure or hearing or to proceed in the appropriate court, providing procedure when a court action is elected, and providing for appeals from administrative agency or body decisions not subject to chapter 28-32; and to amend and reenact section 28-32-15 of the North Dakota Century Code, relating to an appeal from an agency determination, and providing that any administrative agency decision may be appealed to district court.

Introduction, first reading, 165  
 Referred to Committee on Judiciary  
 No Recommendation, 589  
 Second reading, 678  
 Lost, 678

**Senate Bill No. 2302** — (Albers)

**Senate Bill No. 2302.** A Bill for an Act to create and enact a new subsection to section 18-10-06 of the North Dakota Century Code, to allow compensation to be paid to the chief of a rural fire protection district.

Introduction, first reading, 165  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 530  
 Engrossed, 1120  
 Second reading, 573, 1120  
 Passed, 573, 1120  
 To House, 644  
 House amendments, 1068  
 Returned to Senate, amended, 1068  
 Senate concurs, 1120  
 Enrolled, 1464  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2303** — (Schirado)

**Senate Bill No. 2303.** A Bill for an Act making an appropriation to the state industrial school for construction of a vocational education and shop complex.

Introduction, first reading, 165  
 Referred to Committee on Appropriations  
 Reported back, indefinitely postponed, 349  
 Second reading, 371  
 Lost, 371

**Senate Bill No. 2304** (Goodman)

**Senate Bill No. 2304.** A Bill for an Act to establish a chiropractic scholarship loan fund, for qualified students enrolling in an approved school of chiropractic, to be administered by the North Dakota state board of chiropractic, and provide an appropriation.

Introduction, first reading, 165  
 Referred to Committee on Education  
 Reported back, amended, 284, 430  
 Re-referred to Committee on Appropriations, 284, 301  
 Amendments adopted, 301, 448  
 Engrossed, 317  
 Re-engrossed, 471  
 Second reading, 490  
 Passed, 491  
 To House, 554  
 Returned to Senate, 1393

**Senate Bill No. 2305 (Thane)**

**Senate Bill No. 2305.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of water from the sales and use tax; to amend and reenact subsections 2, 3, and 5 of section 57-39.2-01, section 57-39.2-04.1, subsection 2 of section 57-39.2-18, subdivision a of subsection 6 of section 57-40.2-01, section 57-40.2-04.1 of the North Dakota Century Code, and subsection 2 of section 1 of Initiative Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to the exemption of water from sales and use taxes, and to remove references to sales and use taxes on electricity.

Introduction, first reading, 166  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 660  
 Withdrawn, 732

**Senate Bill No. 2306 — (Nothing, Melland)**

**Senate Bill No. 2306.** A Bill for an Act to provide for the deduction of 1975 federal income taxes on the 1976 North Dakota income tax returns of individuals, estates, and trusts; and declaring an emergency.

Introduction, first reading, 178  
 Referred to Committee on Finance, & Taxation  
 Reported back, indefinitely postponed, 363  
 Second reading, 395  
 Lost, 395

**Senate Bill No. 2307 — (Freed, Hoffner, Lashkowitz, Lips, Wenstrom)**

**Senate Bill No. 2307.** A Bill for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

Introduction, first reading, 178  
 Referred to Committee on Judiciary  
 Reported back, do pass, 702, amended, 636

Referred to Committee on Appropriations, 648  
 Amendments adopted, 647  
 Engrossed, 681  
 Re-engrossed, 1344  
 Second reading, 733, 1344, 1453  
 Passed, 733  
 Lost, 1344  
 Passed, 1454  
 Clincher motion, 733  
 To House, 782  
 House amendments, 1268  
 Returned to Senate, amended, 1268  
 Senate concurs, 1344  
 Reconsidered, 1344  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2308 — (Iszler, Smykowski)**

**Senate Bill No. 2308.** A Bill for an Act to authorize creation of rural ambulance service districts, setting forth the powers and duties of such districts, authorizing the levy of a tax, and setting limits on the indebtedness of such districts.

Introduction, first reading, 178  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 589  
 Amendments adopted, 630  
 Engrossed, 647  
 Re-engrossed, 1471  
 Second reading, 702, 1471  
 Passed, 703, 1471  
 Clincher motion, 703  
 To House, 760  
 House amendments, 1152  
 Returned to Senate, amended, 1149  
 Conference Committee, 1166, 1207  
 Conference Committee Report, 1418  
 Adopts, 1471  
 House adopts, 1512  
 Senate does not concur, 1166  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2309 (Freed, Goodman)**

**Senate Bill No. 2309.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and sections 57-37.1-03, 57-37.1-04, and 57-37.1-07 of the

North Dakota Century Code, relating to the exemption used in determining the North Dakota taxable estate, rates applied to a taxable estate, interest, federalization; and to provide for an effective date.

Introduction, first reading, 179  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 445  
 Returned to Senate, 445

**Senate Bill No. 2310 — (Redlin, Reiten)**

**Senate Bill No. 2310.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04, to create and enact a new subdivision to subsection 9 of section 57-40.2-01, and to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code; to amend and reenact subsection 3 of section 57-39.2-01 of the North Dakota Century Code, relating to sales or use tax on rented or leased tangible personal property; and to provide an effective date; and declaring an emergency.

Introduction, first reading, 179  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 284  
 Reprinted, 335  
 Amendments adopted, 301  
 Engrossed, 317  
 Second reading, 335  
 Passed, 335  
 To House, 375  
 Returned to Senate, 397  
 Enrolled, 965  
 Signed by President, 984  
 Sent to House, 984  
 Received from House, 1012  
 Message to Governor, 1014  
 Approved by Governor, 1071

**Senate Bill No. 2311 — (Redlin, Reiten)**

**Senate Bill No. 2311.** A Bill for an Act to create and enact a new subsection to section 57-40.2-04 of the 1975 Supplement to the North Dakota Century Code, relating to use tax exemptions.

Introduction, first reading, 179  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 301  
 Returned to Senate, 301

**Senate Bill No. 2312— (Redlin, Reiten)**

**Senate Bill No. 2312.** A Bill for an Act to create and enact a new subparagraph to subsection 9 of section 57-40.2-01 of the North Dakota Century Code, relating to the definition of a purchase at retail.

Introduction, first reading, 179  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 301  
 Returned to Senate, 301



**Senate Bill No. 2313** — (Redlin, Reiten)

**Senate Bill No. 2313.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the 1975 Supplement to the North Dakota Century Code, relating to sales tax exemptions.

Introduction, first reading, 179

Referred to Committee on Finance & Taxation

Withdrawn, 301

Returned to Senate, 301

**Senate Bill No. 2314** — (Sandness, Peterson, Strand)

**Senate Bill No. 2314.** A Bill for an Act to amend and reenact subsection 1 of section 15-53.1-11 of the North Dakota Century Code, relating to compensation for county committee members.

Introduction, first reading, 179

Referred to Committee on Education

Reported back, do pass, 286

Second reading, 313

Passed, 314

To House, 359

Returned to Senate, 897

Enrolled, 1038

Signed by President, 1060

Sent to House, 1060

Received from House, 1064

Message to Governor, 1066

Approved by Governor, 1116

**Senate Bill No. 2315** — (Sandness, Strand, Peterson)

**Senate Bill No. 2315.** A Bill for an Act to amend and reenact section 15-38-03 of the North Dakota Century Code, relating to teacher's register in school districts.

Introduction, first reading, 179

Referred to Committee on Education

Reported back, do pass, 286

Second reading, 314

Passed, 314

To House, 359

Returned to Senate, 897

Enrolled, 1038

Signed by President, 1060

Sent to House, 1060

Received from House, 1064

Message to Governor, 1066

Approved by Governor, 1116

**Senate Bill No. 2316** — (Thane, Tennefos, Lodoen)

**Senate Bill No. 2316.** A Bill for an Act to amend and reenact section 40-20-05 of the North Dakota Century Code, relating to chief of police and police officer powers and duties, and allowing hot pursuit by a police

officer beyond the one and one-half mile limits of a city to make an arrest when obtaining aid of a peace officer having jurisdiction beyond that limit would cause a delay permitting escape.

Introduction, first reading, 179  
 Referred to Committee on Judiciary  
 Reported back, do pass, 349  
 Second reading, 371  
 Passed, 372  
 To House, 425  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2317 — (Redlin)**

**Senate Bill No. 2317.** A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct bingo and raffles; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors and printers, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

Introduction, first reading, 180  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 636  
 Re-referred to Committee on Judiciary, 248  
 Second reading, 703  
 Lost, 703  
 Returned to Senate, 248

**Senate Bill No. 2318 — (Mau)**

**Senate Bill No. 2318.** A Bill for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to when the board of county commissioners shall cause contracts to be advertised and the requirements for rental contracts.

Introduction, first reading, 192  
 Referred to Committee on Political Subdivisions  
 Withdrawn, 412  
 Returned to Senate, 412

**Senate Bill No. 2319 — (Fritzell)**

**Senate Bill No. 2319.** A Bill for an Act to amend and reenact subsection

27 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemptions for solar energy installations.

Introduction, first reading, 193  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 472  
 Second reading, 539  
 Lost, 539

**Senate Bill No. 2320 — (Wenstrom)**

**Senate Bill No. 2320.** A Bill for an Act to establish a commission on uniform state laws, to provide for appointment of commissioners, and to prescribe the duties of commissioners.

Introduction, first reading, 193  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 384  
 Second reading, 418  
 Lost, 418

**Senate Bill No. 2321 — (Mau)**

**Senate Bill No. 2321.** A Bill for an Act to establish a reward fund under the attorney general for information leading to the arrest and conviction of persons illegally manufacturing, selling, or delivering drugs; and providing an appropriation.

Introduction, first reading, 193  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 349  
 Second reading, 372  
 Lost, 372

**Senate Bill No. 2322 — (Orange)**

**Senate Bill No. 2322.** A Bill for an Act to create and enact a new subsection to each of sections 57-39.2-04 and 57-40.2-04 of the North Dakota Century Code, to provide retail sales tax and use tax exemptions for clothing and wearing apparel, including fabrics and other items to be incorporated directly therein.

Introduction, first reading, 193  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 363  
 Second reading, 395  
 Lost, 395

**Senate Bill No. 2323 — (Freed, Hoffner, Schirado, Christensen)**

**Senate Bill No. 2323.** A Bill for an Act to create and enact sections 16.1-06-10.1, 16.1-06-10.2, 16.1-06-11.1, 16.1-06-11.2, 16.1-06-12.1, 16.1-06-14.1, 16.1-06-18.1, 16.1-13-23.1, and 16.1-15-09.1 of the North Dakota Century Code, relating to the use of electronic voting systems and the requirements of such systems; to amend and reenact sections 16.1-06-03, 16.1-06-04, 16.1-06-05, 16.1-07-13, subsection 1 of section 16.1-11-17, subsection 2 of section 16.1-11-22, sections 16.1-13-05, 16.1-13-31, 16.1-13-32, 16.1-15-08, 16.1-15-09, sub-

section 4 of section 16.1-16-01, and section 16.1-16-07 of the North Dakota Century Code as contained in House Bill No. 1049 as approved by the forty-fifth legislative assembly, relating to supplying electronic voting systems, and using electronic voting systems at elections; and to provide a penalty; or, in the alternative, to create and enact chapter 16-23 of the North Dakota Century Code, relating to the use of electronic voting systems; and to provide a penalty.

Introduction, first reading, 193  
 Referred to Committee on Judiciary  
 Reported back, do pass, 384  
 Re-engrossed, 1471  
 Second reading, 418, 1471  
 Passed, 418, 1472  
 To House, 469  
 House amendments, 1214  
 Returned to Senate, amended, 1208  
 Conference Committee, 1299, 1354  
 Conference Committee Report, 1418  
 Adopts, 1471  
 House adopts, 1544  
 Senate does not concur, 1299  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2324 — (Freed)**

**Senate Bill No. 2324.** A Bill for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to fines and costs of criminal prosecutions.

Introduction, first reading, 193  
 Referred to Committee on Judiciary  
 Reported Back, amended, 406  
 Amendments adopted, 433  
 Engrossed, 447  
 Re-engrossed, 1333  
 Second reading, 467, 1333  
 Passed, 467, 1333  
 To House, 519  
 House amendments, 918  
 Returned to Senate, amended, 917  
 Conference Committee, 959, 1014  
 Conference Committee Report, 1333  
 Adopts, 1333  
 House adopts, 1414  
 Senate does not concur, 959  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2325 — (Lips)**

**Senate Bill No. 2325.** A Bill for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment benefits.

Introduction, first reading, 193  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 616  
 Amendments adopted, 648  
 Engrossed, 681  
 Second reading, 703  
 Passed, 704  
 Clincher motion, 704  
 Returned to Senate, 1386  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2326 — (Lips)**

**Senate Bill No. 2326.** A Bill for an Act to amend and reenact section 52-06-36 of the North Dakota Century Code, relating to the factors considered in determining suitability of work and good cause for voluntarily leaving.

Introduction, first reading, 194  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 617  
 Second reading, 704  
 Lost, 704

**Senate Bill No. 2327 — (Barth, Reiten)**

**Senate Bill No. 2327.** A Bill for an Act to create and enact section 6-06-39 of the North Dakota Century Code, relating to scaledown of shares in credit unions; to create and enact section 6-06-40 of the North Dakota Century Code, relating to mandatory share and deposit insurance for credit unions; to amend and reenact subsections 1, 2, 3, and 5 of section 6-06-02 of the North Dakota Century Code, relating to the par value of shares of credit unions and filing of certificates of organization with the register of deeds; to amend and reenact section 6-06-04 of the North Dakota Century Code, relating to the recording of amendments of certificates of organization of credit unions with the register of deeds; to amend and reenact subsection 2 of section 6-06-06 of the North Dakota Century Code, relating to making loans for provident or productive purposes; to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to entrance fees and field of membership of credit unions; to amend and reenact section 6-06-11 of the North Dakota Century Code, relating to the appointment of supervisory committee members of credit unions; to amend and reenact section 6-06-13 of the North Dakota Century Code, relating to the declaration of dividends for credit unions; to amend and reenact section 6-06-13 of the North Dakota Century Code, relating to officers of credit unions; to amend and reenact

subsection 2 of section 6-06-15 of the North Dakota Century Code, relating to annual audits of credit unions by the supervisory committee; to amend and reenact section 6-06-16 of the North Dakota Century Code, relating to the credit union membership entrance fee; to amend and reenact subsection 1 of section 6-06-35 of the North Dakota Century Code, relating to the vote required to convert from a state to a federal credit union; to repeal subsection 6 of section 6-06-02 of the North Dakota Century Code, relating to recording of certificate of organization and charter of a credit union with the register of deeds.

Introduction, first reading, 194  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 660  
 Floor amendments, 734  
 Amendments adopted, 682, 734  
 Engrossed, 727  
 Re-engrossed, 734, 1299  
 Second reading, 734, 1299  
 Passed, 735, 1300  
 Clincher motion, 735  
 To House, 782  
 House amendments, 1152  
 Returned to Senate, amended, 1149  
 Senate concurs, 1299  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2328 — (Lee, Thane, Hoffner, Orange, Wenstrom)**

**Senate Bill No. 2328.** A Bill for an Act to provide for the regulation of smoking in certain places of public assembly; to repeal sections 48-05-07 and 48-05-08 of the North Dakota Century Code, relating to designated areas for smoking or nonsmoking in publicly owned buildings; and to provide a penalty.

Introduction, first reading, 194  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 530  
 Amendments adopted, 562  
 Engrossed, 588  
 Second reading, 640, 704  
 Passed, 640, 705  
 Clincher motion, 705  
 To House, 760  
 Returned to Senate, 1067  
 Reconsidered, 671  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2329 — (Naaden, Homberg)**

**Senate Bill No. 2329.** A Bill for an Act to allocate five percent of the alcoholic beverage wholesalers privilege tax to the state division of alcoholism and drug abuse for programs to rehabilitate abusers of alcoholic beverages; to allow counties to establish alcoholism treatment programs and receive financial assistance from the fund established by this Act; and providing an appropriation.

Introduction, first reading, 195  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 456, indefinitely postponed, 617  
 Re-referred to Committee on Appropriations, 456, 475  
 Amendments adopted, 475  
 Engrossed, 493  
 Second reading, 705  
 Lost, 705

**Senate Bill No. 2330 — (Reiten, Barth)**

**Senate Bill No. 2330.** A Bill for an Act to amend and reenact subsection 2 of section 6-01-03 of the North Dakota Century Code, relating to the calling of special meetings of the state credit union board; to amend and reenact section 6-06-08 of the North Dakota Century Code relating to the authority to approve examinations and reports; to amend and reenact section 6-06-28 of the North Dakota Century Code relating to authority to approve a change of place of business of a credit union; to amend and reenact section 6-06.1-07 of the North Dakota Century Code relating to the authority to approve partial distributions of credit unions.

Introduction, first reading, 195  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 456  
 Second reading, 505  
 Lost, 505

**Senate Bill No. 2331 — (Goodman, Freed)**

**Senate Bill No. 2331.** A Bill for an Act to provide for the establishment of separate and independent trust companies.

Introduction, first reading, 195  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 495  
 Amendments adopted, 535  
 Engrossed, 555  
 Re-engrossed, 1337  
 Second reading, 574, 1337  
 Passed, 574, 1337  
 To House, 644  
 House amendments, 1185  
 Returned to Senate, amended, 1184  
 Conference Committee, 1250, 1317  
 Conference Committee Report, 1337  
 Adopts, 1337  
 House adopts, 1414

Senate does not concur, 1249  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2332 — (Larson)**

**Senate Bill No. 2332.** A Bill for an Act to amend and reenact sections 16.1-06-13, 16.1-06-14, 16.1-07-12, 16.1-13-22, 16.1-13-23 and 16.1-15-01 of the North Dakota Century Code as created by House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the stamping and initialing of ballots; or, in the alternative, to amend and reenact sections 16-11-11, 16-11-12, 16-11-16, 16-12-04, 16-12-05, 16-13-01, and 16-18-17 of the North Dakota Century Code, relating to the stamping and initialing of ballots.

Introduction, first reading, 195  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 384  
 Second reading, 419  
 Lost, 419

**Senate Bill No. 2333 — (Lashkowitz, Walsh, Holmberg, Sands)**

**Senate Bill No. 2333.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these agencies by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all such entities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

Introduction, first reading, 195  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 660  
 Second reading, 705  
 Lost, 706

**Senate Bill No. 2334 — (Lashkowitz, Schirado, Lodoen, Wright, Mau)**

**Senate Bill No. 2334.** A Bill for an Act to amend and reenact section 44-04-19 of the North Dakota Century Code, relating to open governmental meetings, and providing a penalty for violation by governing body members.



Introduction, first reading, 196  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 472  
 Amendments adopted, 493  
 Engrossed, 521  
 Second reading, 551  
 Passed, 551  
 To House, 604  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2335 — (Larson)**

**Senate Bill No. 2335.** A Bill for an Act to amend and reenact subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to exempting gooseneck trailers from the semitrailer identification plate fee.

Introduction, first reading, 196  
 Referred to Committee on Transportation  
 Reported back, indefinitely postponed, 349  
 Second reading, 372  
 Lost, 373

**Senate Bill No. 2336 — (Redlin)**

**Senate Bill No. 2336.** A Bill for an Act to create and enact two new sections to chapter 57-39.2, a new section to chapter 57-40.2, and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to the sales and use tax and motor vehicle excise tax and providing new rates for such taxes, to provide for the dedication of certain revenues derived from such taxes for state revenue sharing and allocation to counties, cities, city park districts, and townships; and to repeal sections 1, 2, and 3 of Initiated Measure No. 1 approved by the electors at the general election of November 2, 1976, relating to sales and use tax rates and brackets.

Introduction, first reading, 196  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 660  
 Second reading, 706  
 Lost, 707

**Senate Bill No. 2337 — (Barth)**

**Senate Bill No. 2337.** A Bill for an Act to amend and reenact section 5-01-11 of the North Dakota Century Code, relating to unfair competition in the alcoholic beverage industry.

Introduction, first reading, 196  
 Referred to Committee on Industry, Business & Labor

Reported back, do pass, 384  
 Second reading, 419  
 Passed, 420  
 To House, 469  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2338 — (Nothing)**

**Senate Bill No. 2338.** A Bill for an Act making an appropriation to the North Dakota social service board for defraying the expenses of a program for medically needy children.

Introduction, first reading, 214  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 472, 661  
 Floor amendments, 736  
 Reprinted, 737  
 Referred to Committee on Appropriations, 493  
 Amendments adopted, 493, 682, 736  
 Engrossed, 521  
 Re-engrossed, 727, 736, 1300  
 Second reading, 735, 1300  
 Passed, 736, 1300  
 Clincher motion, 736  
 To House, 782  
 House amendments, 1268  
 Returned to Senate, amended, 1268  
 Senate concurs, 1300  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2339 — (Goodman)**

**Senate Bill No. 2339.** A Bill for an Act to create and enact a new subsection to section 57-40.2-04 of the North Dakota Century Code, providing that sales of personal property and services exempt from the sales tax shall also be exempt from the use tax; and to amend and reenact subsection 3 of section 57-40.2-04 of the North Dakota Century Code, relating to the exemption of motor vehicles from the use tax.

Introduction, first reading, 214  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 363  
 Second reading, 395  
 Passed, 396  
 To House, 445

Returned to Senate, 1146  
 Enrolled, 1463  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2340 — (Solberg, Strand)**

**Senate Bill No. 2340.** A Bill for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the power of a city to levy and collect a sales tax on transient lodging.

Introduction, first reading, 214  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 530  
 Second reading, 574  
 Lost, 575

**Senate Bill No. 2341—(Naaden)**

**Senate Bill No. 2341.** A Bill for an Act to allow pharmacists to dispense generic drugs in lieu of brand name drugs; and to amend subsection 14 of section 19-02.1-02 of the North Dakota Century Code, prohibiting dispensing different drugs than those prescribed or ordered.

Introduction, first reading, 215  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 456  
 Second reading, 506  
 Lost, 506

**Senate Bill No. 2342—(Strinden, Erdman, Hanson, Thane)**

**Senate Bill No. 2342.** A Bill for an Act to amend and reenact sections 12-48-03.1 and 12-48-06 of the North Dakota Century Code, relating to the director of institutions establishing and engaging in new prison industries and the sale of prison products; and to repeal sections 12-48-12, 12-48-13, and 12-48-23 of the North Dakota Century Code, relating to the manufacture and sale of license plates and road signs, and employment of penitentiary inmates in book salvage.

Introduction, first reading 215  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 473  
 Engrossed, 1232  
 Second reading, 539, 1232 Passed, 539, 1232  
 To House, 604  
 House amendments, 1152  
 Returned to senate, amended, 1149  
 Conference committee, 1166, (discharged 1232)  
 Senate concurs, 1232

Senate does not concur, 1166  
Reconsidered, 1232  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1605  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2343—(Goodman)**

**Senate Bill No. 2343.** A Bill for an Act to amend and reenact subsection 2 of section 57-60-04 and subsections 1 and 3 of section 57-60-15 of the North Dakota Century Code, relating to the payment of the coal conversion facilities tax by coal gasification plants and to provisions of the distribution formula for coal conversion facilities taxes.

Introduction, first reading, 215  
Referred to Committee of Finance & Taxation  
Reported back, do pass, 496  
Second reading, 551  
Passed, 552  
Returned to Senate, 1267  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1605  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2344—(Sands, Goodman)**

**Senate Bill No. 2344.** A Bill for an Act to provide for the sharing of the state's general fund reserve with counties, cities, city park districts, and townships; and to provide an appropriation.

Introduction, first reading, 215  
Referred to Committee on Political Subdivisions  
Reported back, amended, 430  
Floor amendments, 487  
Amendments adopted, 448, 487  
Engrossed, 471  
Re-engrossed, 487  
Second reading, 487  
Passed, 487  
To House, 554  
Returned to Senate, 1385

**Senate Bill No. 2345—(Orange, Reiten)**

**Senate Bill No. 2345.** A Bill for an Act to amend and reenact sections 16-10-12 and 16-10-16 of the North Dakota Century Code, relating to compensation for election officials.

Introduction, first reading, 215  
Referred to Committee on Judiciary  
Reported back, do pass, 385  
Second reading, 420  
Passed, 420

To House, 469  
 Returned to Senate, 1265

**Senate Bill No. 2346—(Erdman, Jacobson, Redlin, Shablow, Wright)**

**Senate Bill No. 2346.** A Bill for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit; and to provide effective dates.

Introduction, first reading, 215  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 496, 661  
 Referred to Committee on Appropriations, 536  
 Amendments adopted, 536, 682  
 Engrossed, 555  
 Re-engrossed, 727, 1472  
 Second reading, 737, 1472  
 Passed, 737, 1472  
 Clincher motion, 737  
 To House, 782  
 House amendments, 1268  
 Returned to Senate, amended, 1268  
 Conference Committee, 1301, 1354  
 Conference Committee Report, 1420  
 Adopts, 1472  
 House adopts, 1544  
 Senate does not concur, 1301  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2347—(Redlin)**

**Senate Bill No. 2347.** A Bill for an Act to amend and reenact Section 6-03-05.1 of the North Dakota Century Code, relating to advancement of funds to protect liens.

Introduction, first reading, 215  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 385  
 Second reading, 420  
 Passed, 420  
 To House, 469  
 House amendments, 1216  
 Returned to Senate, amended, 1208  
 House amendments laid on table, 1301  
 Senate does not concur, 1301

**Senate Bill No. 2348—(Morgan, Smykowski)**

**Senate Bill No. 2348.** A Bill for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to power of the commissioner to invest game and fish department reserve funds.

Introduction, first reading, 215  
Referred to Committee on Natural Resources  
Reported back, indefinitely postponed, 407  
Second reading, 440  
Lost, 441

**Senate Bill No. 2349—(Melland)**

**Senate Bill No. 2349.** A Bill for an Act to amend and reenact section 39-22-02 of the North Dakota Century Code, relating to motor vehicle dealer licensing and the sale of motor vehicles.

Introduction, first reading, 216  
Referred to Committee on Transportation  
Reported back, do pass, 407  
Second reading, 441  
Passed, 441  
Returned to Senate, 1067  
Enrolled, 1427  
Signed by President, 1442  
Sent to House, 1442  
Received from House, 1458  
Message to Governor, 1460  
Approved by Governor, 1597

**Senate Bill No. 2350—(Wright)**

**Senate Bill No. 2350.** A Bill for an Act to amend and reenact subsections 11 and 25 of section 57-02-08 of the North Dakota Century Code to exempt from taxation certain personal property owned by lodges, clubs and similar organizations and associations or owned by fraternities, sororities or organizations of college students.

Introduction, first reading, 216  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 456  
Second reading, 508  
Passed, 508  
To House, 581  
Returned to Senate, 1146

**Senate Bill No. 2351—(Sandness, Miller)**

**Senate Bill No. 2351.** A Bill for an Act to amend and reenact subsection 8 of section 43-33-12 of the North Dakota Century Code, relating to the grounds for suspension of license of hearing aid dealer.

Introduction, first reading, 216  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 385  
Second reading, 420  
Lost, 421

**Senate Bill No. 2352—(Lips, Nelson, Lodoen, Wright, Shablow)**

**Senate Bill No. 2352.** A Bill for an Act abolishing the collateral source rule of evidence relating to personal injury or wrongful death actions.

Introduction, first reading, 216  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 530  
 Second reading, 575  
 Lost, 575

**Senate Bill No. 2353—(Lips, Nelson, Lodoen, Wright)**

**Senate Bill No. 2353.** A Bill for an Act to provide limitations on product liability civil actions.

Introduction, first reading, 216  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 530  
 Second reading, 575  
 Passed, 575  
 To House, 644  
 Returned to Senate, 1237

**Senate Bill No. 2354—(Barth, Morgan)**

**Senate Bill No. 2354.** A Bill for an Act to create and enact a new subsection to section 4-34-05 of the North Dakota Century Code, designating the beef commission as the agency to receive moneys from the national beef board; to amend and reenact subsections 2 and 3 of section 4-34-01, section 4-34-02, and subsections 6, 9, 10, and 12 of section 4-34-05 of the North Dakota Century Code, relating to the purpose and use of assessments by the beef commission and definitions applicable to the Beef Promotion Act; to repeal sections 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code, relating to the assessment of cattle by the beef commission; and to provide an effective date.

Introduction, first reading, 216  
 Referred to Committee on Agriculture  
 Reported back, amended, 407  
 Reprinted, 467  
 Amendments adopted, 433  
 Engrossed, 447  
 Second reading, 467  
 Passed, 467  
 To House, 519  
 Returned to Senate, 917  
 Enrolled, 1038  
 Signed by President, 1060  
 Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1066  
 Approved by Governor, 1116

**Senate Bill No. 2355—(Thane)**

**Senate Bill No. 2355.** A Bill for an Act to amend and reenact paragraph 15 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the driver's license point penalty assigned for exhibition driving.

Introduction, first reading, 216  
 Referred to Committee on Transportation  
 Reported back, amended, 409  
 Amendments adopted, 433  
 Engrossed, 447  
 Re-engrossed, 1120  
 Second reading, 467, 1120  
 Passed, 468, 1120  
 To House, 519  
 House amendments, 1088  
 Returned to Senate, amended, 1087  
 Senate concurs, 1120  
 Enrolled, 1464  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2356—(Lashkowitz)**

**Senate Bill No. 2356.** A Bill for an Act to create and enact a new section to chapter 55-10 of the North Dakota Century Code, relating to defacement of historical markers, and providing a penalty.

Introduction, first reading, 217  
 Referred to Committee on Transportation  
 Reported back, do pass, 409  
 Second reading, 441  
 Passed, 441  
 To House, 491  
 Returned to Senate, 1067  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1460  
 Approved by Governor, 1597

**Senate Bill No. 2357—(Solberg)**

**Senate Bill No. 2357.** A Bill for an Act to amend and reenact sections 6-03-13.1, 6-03-13.2 and 6-03-13.3 of the North Dakota Century Code, relating to separate drive-in facilities.

Introduction, first reading, 235  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 496  
 Second reading, 575  
 Lost, 576

**Senate Bill No. 2358—(Freed, Sands)**

**Senate Bill No. 2358.** A Bill for an Act to provide for state reimbursement to counties for one-half of the costs of providing legal counsel



to indigent defendants, to provide for reimbursement to the state of any sums recovered by the counties; and providing an appropriation.

Introduction, first reading, 236  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 456  
 Second reading, 508  
 Lost, 509

**Senate Bill No. 2359—(Tallackson, Miller, Holmberg, Reiten)**

**Senate Bill No. 2359.** A Bill for an Act to establish the right of teachers to review materials placed in the teacher's personnel file.

Introduction, first reading, 236  
 Referred to Committee on Education  
 Reported back, amended, 385  
 Amendments adopted, 411  
 Engrossed, 427  
 Re-engrossed, 1236  
 Second reading, 441, 1236  
 Passed, 442, 1236  
 To House, 491  
 House amendments, 1152  
 Returned to Senate, amended, 1149  
 Senate concurs, 1236  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2360—(Lee)**

**Senate Bill No. 2360.** A Bill for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the fees retained by county auditors for the issuance of various hunting licenses.

Introduction, first reading, 236  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 556  
 Floor amendments, 707  
 Amendments adopted, 593, 707  
 Engrossed, 605  
 Re-engrossed, 707  
 Second reading, 707  
 Passed, 707  
 Clincher motion, 707  
 To House, 760  
 Returned to Senate, 1237

**Senate Bill No. 2361—(Lee)**

**Senate Bill No. 2361.** A Bill for an Act to amend and reenact sections 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the

allocation of revenue formulas for the privilege tax on coal conversion facilities.

Introduction, first reading, 236  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 617  
 Amendments adopted, 648  
 Engrossed, 681  
 Second reading, 710  
 Passed, 710  
 Clincher motion, 710  
 To House, 760  
 Returned to Senate, 1292

**Senate Bill No. 2362—(Schirado)**

**Senate Bill No. 2362.** A Bill for an Act making an appropriation for a building for the occupancy and use of the North Dakota state highway patrol and as an addition to the law enforcement training center.

Introduction, first reading, 236  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 363  
 Indefinitely Postponed, 496  
 Referred to Committee on Appropriations, 363  
 Second reading, 552  
 Lost, 552

**Senate Bill No. 2363—(Schirado)**

**Senate Bill No. 2363.** A Bill for an Act to amend and reenact section 29-27-02.1 of the North Dakota Century Code, relating to the dispositions of fees, fines, forfeitures, pecuniary penalties, and bond forfeitures.

Introduction, first reading, 236  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 363, indefinitely postponed, 496  
 Re-referred to Committee of Appropriations, 363  
 Second reading, 552  
 Lost, 553

**Senate Bill No. 2364—(Christensen, Miller)**

**Senate Bill No. 2364.** A Bill for an Act to amend and reenact section 27-08-08 of the 1975 Supplement to the North Dakota Century Code, relating to salaries of judges of county courts of increased jurisdiction.

Introduction, first reading, 236  
 Referred to Committee on Judiciary  
 Reported back, amended, 636  
 Amendments adopted, 648  
 Engrossed, 681  
 Re-engrossed, 1473  
 Second reading, 707, 1473  
 Passed, 708, 1473  
 Clincher motion, 708  
 House amendments, 1216  
 Returned to Senate, amended, 1208

Conference Committee, 1301  
 Conference Committee Report, 1422  
 Senate adopts, 1472  
 House adopts, 1544  
 Senate does not concur, 1301, 1354  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2365—(Freed, Lips, Barth)**

**Senate Bill No. 2365.** A Bill for an Act to create and enact a new section to chapter 26-13 and a new section to chapter 26-27 of the North Dakota Century Code, relating to discrimination against doctors of podiatry and to participation by doctors of podiatry in nonprofit medical service corporations.

Introduction, first reading, 236  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 457  
 Second reading, 509, 537  
 Lost, 509, 538

**Senate Bill No. 2366—(Schirado, Freed)**

**Senate Bill No. 2366.** A Bill for an Act to prohibit the unauthorized transfer of recorded sound and the unauthorized recording of live performances, to require disclosure of the name and address of the manufacturer of recordings for sale, providing for destruction of recordings unlawfully produced, and providing a penalty.

Introduction, first reading, 236  
 Referred to Committee on Judiciary  
 Reported back, do pass, 385  
 Second reading, 421  
 Passed, 421  
 To House, 469  
 Returned to Senate, 917  
 Enrolled, 1038  
 Signed by President, 1060  
 Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1066  
 Approved by Governor, 1116

**Senate Bill No. 2367—(Reiten, Barth)**

**Senate Bill No. 2367.** A Bill for an Act to amend and reenact sections 43-19.1-05, 43-19.1-18, 43-19.1-19 and subsection 4 of section 43-19.1-27 of the North Dakota Century Code, relating to the compensation and expenses of members of the board of registration for professional engineers and land surveyors, registration fees, examinations, and the right of partnerships and corporations to practice engineering and land surveying.

Introduction, first reading, 237  
Referred to Committee on Industry, Business & Labor  
Reported back, amended, 618  
Amendments adopted, 648  
Engrossed, 681  
Second reading, 708  
Clincher motion, 708  
To House, 760  
Returned to Senate, 1267  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1605  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2368—(Lashkowitz, Sands)**

**Senate Bill No. 2368.** A Bill for an Act to repeal section 40-45-17 of the North Dakota Century Code, relating to a reduction of police retirement benefits by the amount of benefits received from workmen's compensation.

Introduction, first reading, 237  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 556  
Second reading, 641  
Lost, 641

**Senate Bill No. 2369—(Jones, Melland, Rait)**

**Senate Bill No. 2369.** A Bill for an Act to amend and reenact subsection 1 of section 23-17.2-01, sections 23-17.2-02, 23-17.2-03, 27-17.2-05, 23-17.2-09, 23-17.2-11, 23-17.2-13, 23-17.2-14 of the North Dakota Century Code, relating to certification of need for expansion of hospital facilities; and to repeal sections 23-17.2-06, 23-17.2-07, 23-17.2-08, and 23-17.2-10 of the North Dakota Century Code, relating to certification of need for expansion of hospital facilities.

Introduction, first reading, 237  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, amended, 530  
Amendments adopted, 562  
Engrossed, 588  
Re-engrossed, 1301  
Second reading, 641, 1301  
Passed, 642, 1302  
Emergency carried, 642  
To House, 720  
House amendments, 1153  
Returned to Senate, amended, 1149  
Senate concurs, 1301  
Enrolled, 1657  
Signed by President, 1658  
Sent to House, 1658  
Received from House, 1667

Message to Governor, 1667

**Senate Bill No. 2370—(Walsh)**

**Senate Bill No. 2370.** A Bill for an Act to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to residency requirements for hunting licenses.

Introduction, first reading, 237  
 Referred to Committee on Natural Resources  
 Reported back, amended, 497  
 Reprinted, 576  
 Amendments adopted, 536  
 Engrossed, 555  
 Re-engrossed, 962  
 Second reading, 576, 962  
 Passed, 576, 962  
 To House, 645  
 House amendments, 941  
 Returned to Senate, amended, 940  
 Senate concurs, 962  
 Enrolled, 1239  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2371—(Larson, Shablow)**

**Senate Bill No. 2371.** A Bill for an Act to create and enact a new section to chapter 12.1-05 of the North Dakota Century Code, relating to the indemnification and reimbursement of defendants by the state; to amend and reenact section 12.1-05-06 of the North Dakota Century Code, relating to the use of force in defense of premises and property; and providing an appropriation.

Introduction, first reading, 237  
 Referred to Committee on Judiciary  
 Reported back, do pass, 349  
 Second reading, 373  
 Passed, 373  
 To House, 425  
 Returned to Senate, 873

**Senate Bill No. 2372—(Nelson)**

**Senate Bill No. 2372.** A Bill for an Act to create and enact a new section to chapter 40-46 of the North Dakota Century Code, relating to the tax levy for city employees' pension fund.

Introduction, first reading, 237  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 557  
 Reprinted, 709  
 Amendments adopted, 593  
 Engrossed, 605

Re-engrossed, 1121  
Second reading, 708, 1121  
Passed, 709, 1121  
Clincher motion, 709  
To House, 760  
House amendments, 1112  
Returned to Senate, amended, 1112  
Senate concurs, 1121  
Enrolled, 1464  
Signed by President, 1464  
Sent to House, 1479  
Received from House, 1486  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2373—(Krauter, Fritzell)**

**Senate Bill No. 2373.** A Bill for an Act to amend and reenact section 50-10-01 of the North Dakota Century Code, relating to definitions for aid to crippled children.

Introduction, first reading, 237  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 457  
Second reading, 509  
Lost, 509

**Senate Bill No. 2374—(Fritzell)**

**Senate Bill No. 2374.** A Bill for an Act to appropriate funds to the board of higher education for construction, additions to, remodeling, and equipping of buildings at the university of North Dakota at Grand Forks.

Introduction, first reading, 238  
Referred to Committee on Appropriations  
Reported back, withdrawn, 649  
Returned to Senate, 649

**Senate Bill No. 2375—(Strinden)**

**Senate Bill No. 2375.** A Bill for an Act to amend and reenact sections 21-03-47, 40-22-43, 40-35-04, 40-35-05, and 40-57-07 of the North Dakota Century Code, relating to the limitation of actions regarding the validity of certain bonds, certain taxes, and special assessments and to procedures pertaining to such bonds and special assessments.

Introduction, first reading, 238  
Referred to Committee on Finance & Taxation  
Reported back, amended, 363  
Amendments adopted, 378  
Engrossed, 403  
Second reading, 421  
Passed, 422  
To House, 469  
Returned to Senate, 982  
Enrolled, 1238

Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2376—(Strinden)**

**Senate Bill No. 2376.** A Bill for an Act to amend and reenact section 40-27-13, subsection 4 of section 40-36-05, and subsection 3 of section 40-36-13 of the North Dakota Century Code, relating to refunding callable bonds issued to purchase outstanding special assessment warrants of a municipality, what the resolution of the municipality's governing body may provide in issuing revenue bond refunding bonds, and what the governing body must determine to sell or exchange revenue bond refunding bonds.

Introduction, first reading, 238  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 531  
 Second reading, 576  
 Passed, 576  
 To House, 645  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2377 — (Naaden)**

**Senate Bill No. 2377.** A Bill for an Act to provide authorization for the use of laetrile, limit disciplinary actions, and to provide for public hearings on the use of laetrile.

Introduction, first reading, 238  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, indefinitely postponed, 473  
 Second reading, 540  
 Lost, 540

**Senate Bill No. 2378 — (Fritzell)**

**Senate Bill No. 2378.** A Bill for an Act to create and enact a new section to chapter 30.1-14 of the North Dakota Century Code, relating to forms to be provided by a county court and county courts of increased jurisdiction to an applicant for informal probate or informal appointment proceedings under the Uniform Probate Code.

Introduction, first reading, 238  
 Referred to Committee on Judiciary  
 Reported back, amended, 385, 411  
 Amendments adopted, 411(2)  
 Engrossed, 427

Re-engrossed, 1336  
 Second reading, 442, 1336  
 Passed, 442, 1336  
 To House, 491  
 House amendments, 1153  
 Returned to Senate, amended, 1149  
 Conference Committee, 1166, 1272  
 Conference Committee Report, 1335  
 Adopts, 1336  
 House adopts, 1426  
 Senate does not concur, 1166  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2379 — (Fritzell)**

**Senate Bill No. 2379.** A Bill for an Act to create and enact a new section to chapter 58-03 of the North Dakota Century Code, relating to township zoning authority.

Introduction, first reading, 238  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 661, indefinitely postponed, 531  
 Re-referred to Committee on Political Subdivisions, 577  
 Amendments adopted, 682  
 Engrossed, 727  
 Second reading, 737  
 Passed, 738  
 Clincher motion, 738  
 To House, 782  
 Returned to Senate, 1292

**Senate Bill No. 2380 — (Jones)**

**Senate Bill No. 2380.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of certain regulatory agencies and boards and the regulatory activities of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, officers, officials, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these regulatory agencies and activities by the legislative budget analyst and auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all agencies and activities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.



Introduction, first reading, 238  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 497, 662  
 Re-referred to Committee on State & Federal Government, 604,  
 Appropriations, 606  
 Amendments adopted, 536, 682  
 Engrossed, 555  
 Re-engrossed, 727  
 Second reading, 738  
 Passed, 739  
 Clincher motion, 739  
 To House, 782  
 Returned to Senate, 605, 1414

**Senate Bill No. 2381 — (Tallackson, Strand, Rait)**

**Senate Bill No. 2381.** A Bill for an Act to create and enact chapter 40-33.2 of the North Dakota Century Code, relating to municipal power agencies, authorizing, creating, and defining their powers and responsibilities, authorizing the issuance of bonds and notes; and declaring an emergency.

Introduction, first Reading, 239  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 663  
 Reprinted, 742  
 Amendments adopted, 682  
 Engrossed, 727  
 Re-engrossed, 1473  
 Second reading, 739, 1473  
 Passed, 739, 1473  
 Clincher motion, 739  
 Emergency carried, 739, 1473  
 To House, 782  
 House amendments, 1216  
 Returned to Senate, amended, 1208  
 Conference Committee, 1250, 1317  
 Conference Committee Report, 1437  
 Adopts, 1473  
 House adopts, 1544  
 Senate does not concur, 1250  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2382 — (Jones)**

**Senate Bill No. 2382.** A Bill for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to when section lines are considered public roads.

Introduction, first reading, 239  
 Referred to Committee on State & Federal Government

Reported back, do pass, 531  
 Second reading, 628  
 Passed, 628  
 To House, 720  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1605  
 Received from House, 1609  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2383 — (Jones)**

**Senate Bill No. 2383.** A Bill for an Act to amend and reenact section 40-55-09 of the North Dakota Century Code, relating to the mill levy authorized for public recreation systems.

Introduction, first reading, 239  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 531  
 Second reading, 577  
 Lost, 577

**Senate Bill No. 2384 — (Freed, Maher, Krauter, Barth, Jacobson)**

**Senate Bill No. 2384.** A Bill for an Act to authorize the state board of higher education to sell certain land presently used by the Dickinson experiment station; to provide for the use of the proceeds of the sale of such land; to provide for the purchase of replacement land for the use of the Dickinson experiment station; and to provide authorization for a loan from the Bank of North Dakota; and to declare an emergency.

Introduction, first reading, 239  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 363, amended, 531  
 Floor amendments, 642  
 Reprinted, 678  
 Re-referred to Committee on Appropriations, 363  
 Amendments adopted, 562, 642  
 Engrossed, 588  
 Re-engrossed, 642, 1554  
 Second reading, 642, 1554  
 Passed, 643, 1554  
 Emergency carried, 643, 1554  
 To House, 720  
 House amendments, 1383  
 Returned to Senate, amended, 1377  
 Conference Committee, 1396, 1415  
 Conference Committee Report, 1529  
 Adopts, 1554  
 House adopts, 1607  
 Senate does not concur, 1396  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686

Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2385** — (Miller)

**Senate Bill No. 2385.** A Bill for an Act to establish fees chargeable by licensed pawnbrokers operating in this state.

Introduction, first reading, 239  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 457  
 Second reading, 510  
 Lost, 510

**Senate Bill No. 2386** — (Krauter)

**Senate Bill No. 2386.** A Bill for an Act to create and enact a new section to chapter 49-13 of the North Dakota Century Code, relating to heaters for railroad motor track cars; and providing a penalty.

Introduction, first reading, 239  
 Referred to Committee on Industry, Business & Labor  
 Withdrawn, 649  
 Returned to Senate, 649

**Senate Bill No. 2387** — (Albers)

**Senate Bill No. 2387.** A Bill for an Act to restrict the location of haul roads.

Introduction, first reading, 240  
 Referred to Committee on Transportation  
 Reported back, indefinitely postponed, 430, 530  
 Referred to Committee on Transportation, 468  
 Second reading, 468, 577  
 Lost, 577

**Senate Bill No. 2388** — (Rait, Tallackson)

**Senate Bill No. 2388.** A Bill for an Act to provide for the governing of activity in proximity to electric transmission lines; and providing a penalty.

Introduction, first reading, 240  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 618  
 Amendments adopted, 648  
 Engrossed, 681  
 Re-engrossed, 1306  
 Second reading, 712, 1306  
 Passed, 713, 1306  
 Clincher motion, 713  
 To House, 760  
 House amendments, 1266  
 Returned to Senate, amended, 1266  
 Senate concurs, 1306  
 Enrolled, 1657

Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2389 — (Tallackson, Vosper)**

**Senate Bill No. 2389.** A Bill for an Act to amend and reenact sections 4-11-04 and 4-11-06 of the North Dakota Century Code, relating to the bond and fee for a wholesale potato dealer's license.

Introduction, first reading, 240  
 Referred to Committee on Agriculture  
 Reported back, amended, 409  
 Amendments adopted, 433  
 Engrossed, 447  
 Second reading, 477  
 Passed, 477  
 To House, 554  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2390 — (Freed, Jones)**

**Senate Bill No. 2390.** A Bill for an Act to repeal section 15-47-18 of the North Dakota Century Code, relating to the payment of tuition for children whose parents live on county poor farms.

Introduction, first reading, 240  
 Referred to Committee on Education  
 Reported back, amended, 349  
 Amendments adopted, 365  
 Engrossed, 377  
 Second reading, 396  
 Passed, 396  
 To House, 445  
 Returned to Senate, 897  
 Enrolled, 1038  
 Signed by President, 1060  
 Sent to House, 1060  
 Received from House, 1064  
 Message to Governor, 1066  
 Approved by Governor, 1116

**Senate Bill No. 2391 — (Freed, Sands)**

**Senate Bill No. 2391.** A Bill for an Act to amend and reenact section 54-44.1-10 of the North Dakota Century Code, relating to payments made pursuant to law.

Introduction, first reading, 240

Referred to Committee on Judiciary  
Reported back, do pass, 457  
Second reading, 510  
Passed, 510  
To House, 581  
Returned to Senate, 1267  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1605  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2392 — (Freed, Sands)**

**Senate Bill No. 2392.** A Bill for an Act to amend and reenact subdivision b of subsection 3 of section 21-03-07, and sections 21-03-26, 40-04-02, 40-05.1-03, 40-11-04.1, 40-21-02, 40-40-06, 40-48-32, 40-51.2-05, and 48-02-03 of the North Dakota Century Code, all relating to the publication of legal notices in a municipality's official newspaper.

Introduction, first reading, 240  
Referred to Committee on Judiciary  
Reported back, do pass, 457  
Second reading, 510  
Passed, 511  
To House, 581  
Returned to Senate, 1267  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1605  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2393 — (Nothing)**

**Senate Bill No. 2393.** A Bill for an Act to amend and reenact subsection 2 of section 11-15-07 of the North Dakota Century Code, relating to fees for service of process.

Introduction, first reading, 240  
Referred to Committee on Judiciary  
Reported back, amended, 498  
Amendments adopted, 536  
Engrossed, 555  
Second reading, 578  
Passed, 579  
To House, 645  
Returned to Senate, 982  
Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1289  
Message to Governor, 1291

Approved by Governor, 1358

**Senate Bill No. 2394 — (Naaden)**

**Senate Bill No. 2394.** A Bill for an Act to amend and reenact sections 10-18.1-09, 23-14-14, 27-07-40, subdivisions a and e of subsection 1 of section 30.1-20-16, sections 40-35-12, 40-36-07, 40-57-13, subsection 2 of section 40-61-14, section 40-61-15, subsections 8, 9, and 10 of section 47-19-02, sections 47-19-06, and 47-19-07 of the North Dakota Century Code, relating to references to estate taxes and exemptions from taxation; to repeal chapter 57-37.1 of the North Dakota Century Code, relating to the estate tax; and to provide an effective date.

Introduction, first reading, 240  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 589  
Second reading, 713  
Lost, 713

**Senate Bill No. 2395 — (Freed, Jacobson)**

**Senate Bill No. 2395.** A Bill for an Act to amend and reenact section 38-08-09.9 of the North Dakota Century Code, relating to the enlargement of a unit area or the amendment of a plan of unitization.

Introduction, first reading, 240  
Referred to Committee on Natural Resources  
Reported back, do pass, 532  
Engrossed, 1302  
Second reading, 579, 1302  
Passed, 579, 1302  
To House, 645  
House Amendments, 1217  
Returned to Senate, amended, 1208  
Senate concurs, 1302  
Enrolled, 1682  
Signed by President, 1684  
Sent to House, 1686  
Received from House, 1689  
Message to Governor, 1697

**Senate Bill No. 2396 — (Nothing)**

**Senate Bill No. 2396.** A Bill for an Act to amend and reenact section 57-13-02 of the North Dakota Century Code, relating to the annual meeting of the state board of equalization to assess property and providing for a uniform level of assessments on business and commercial property and property assessed by the board.

Introduction, first reading, 241  
Referred to Committee on Finance & Taxation  
Reported back, amended, 665  
Withdrawn, 702  
Amendments adopted, 682  
Engrossed, 727

**Senate Bill No. 2397** — (Holmberg)

**Senate Bill No. 2397.** A Bill for an Act to provide for the conduct of presidential preference primary elections in presidential election years when the primary election is held before state party conventions to select national convention delegates.

Introduction, first reading, 241  
 Referred to Committee on Judiciary  
 Reported back, amended, 499  
 Amendments adopted, 536  
 Engrossed, 555  
 Second reading, 579  
 Passed, 579  
 To House, 645  
 Returned to Senate, 1237

**Senate Bill No. 2398** — (Strand, Krauter, Christensen, Pietron)

**Senate Bill No. 2398.** A Bill for an Act to amend and reenact section 13-03.1-03 and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling.

Introduction, first reading, 241  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 385  
 Floor amendments, 442  
 Amendments adopted, 411, 442  
 Engrossed, 427  
 Re-engrossed, 442  
 Second reading, 442  
 Passed, 443  
 To House, 491  
 Returned to Senate, 1386  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2399** — (Nothing)

**Senate Bill No. 2399.** A Bill for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the number of big game animals that may be taken in any one year.

Introduction, first reading, 241  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 430  
 Second reading, 482  
 Lost, 482

**Senate Bill No. 2400** — (Redlin, Iszler)

**Senate Bill No. 2400.** A Bill for an Act to amend and reenact section 27-06-02 of the North Dakota Century Code, relating to the salary and expenses of the court reporter.

Introduction, first reading, 241  
Referred to Committee on Judiciary  
Withdrawn, 320  
Returned to Senate, 320

**Senate Bill No. 2401 — (Freed)**

**Senate Bill No. 2401.** A Bill for an Act to provide for indemnification of any employee, director, or officer or former employee, director, or officer of any bank.

Introduction, first reading, 241  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 499  
Engrossed, 1164  
Second reading, 553, 1164  
Passed, 553, 1164  
To House, 604  
House amendments, 1147  
Returned to Senate, amended, 1146  
Senate concurs, 1164  
Enrolled, 1604  
Signed by President, 1605  
Sent to House, 1606  
Received from House, 1609  
Message to Governor, 1622  
Approved by Governor, 1660

**Senate Bill No. 2402 — (Lips)**

**Senate Bill No. 2402.** A Bill for an Act to impose a one percent county sales, use, and motor vehicle excise tax, to provide for the administration of such tax by the state tax commissioner, and to provide for the allocation and appropriation of moneys collected to counties, cities, city park districts, and county equalization funds.

Introduction, first reading, 241  
Referred to Committee on Finance & Taxation  
Withdrawn, 461  
Returned to Senate, 461

**Senate Bill No. 2403 — (Redlin)**

**Senate Bill No. 2403.** A Bill for an Act to amend and reenact Section 1-03-04 of the North Dakota Century Code, to provide for a ten day notice on the part of a bank to remain closed on a business day and to provide for closing in event of an emergency.

Introduction, first reading, 241  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 473  
Second reading, 541  
Passed, 541  
To House, 604  
Returned to Senate, 982  
Enrolled, 1238  
Signed by President, 1241



Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2404 — (Melland)**

**Senate Bill No. 2404.** A Bill for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the establishment and operation of a state employee health insurance trust fund; and to amend and reenact subsection 7 of section 54-52-04 of the North Dakota Century Code, relating to the duties of the public employees retirement board as trustee for a state employee health insurance trust fund.

Introduction, first reading, 242  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 499  
 Amendments adopted, 536  
 Engrossed, 555  
 Second reading, 580  
 Passed, 580  
 To House, 645  
 Returned to Senate, 1014

**Senate Bill No. 2405 — (Strinden, Redlin)**

**Senate Bill No. 2405.** A Bill for an Act to amend and reenact section 57-22-02.1 of the North Dakota Century Code, relating to the county auditor publishing a list and maintaining a record of delinquent personal property taxes; and eliminating the requirement of publication in the official county newspaper.

Introduction, first reading, 242  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 532  
 Second reading, 600  
 Passed, 600  
 To House, 679  
 Returned to Senate, 1014  
 Enrolled, 1292  
 Signed by President, 1314  
 Sent to House, 1314  
 Received from House, 1353  
 Message to Governor, 1353  
 Approved by Governor, 1390

**Senate Bill No. 2406 — (Nothing)**

**Senate Bill No. 2406.** A Bill for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to limitations on licenses to hunt big game.

Introduction, first reading, 242  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 431

Second reading, 482  
 Passed, 482  
 To House, 554  
 House amendments, 941  
 Returned to Senate, amended, 940  
 Conference Committee, 959, 983  
 Conference Committee Report, 1333  
 Adopts, 1333  
 House adopts, 1426  
 Senate does not concur, 959  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2407** — (Iszler, Redlin)

**Senate Bill No. 2407.** A Bill for an Act to amend and reenact subsections 2 and 4 of section 27-20-05 of the North Dakota Century Code, relating to juvenile court personnel.

Introduction, first reading, 242  
 Referred to Committee on Judiciary  
 Withdrawn, 394  
 Returned to Senate, 394

**Senate Bill No. 2408** — (Lips)

**Senate Bill No. 2408.** A Bill for an Act to amend and reenact section 23-21.1-03 of the North Dakota Century Code, relating to the deposit and the perpetual care fund for maintenance of mausoleums.

Introduction, first reading, 242  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 457  
 Engrossed, 1334  
 Second reading, 511, 1334  
 Passed, 511, 1334  
 To House, 581  
 House amendments, 1147  
 Returned to Senate, amended, 1146  
 Conference Committee, 1167, 1207  
 Conference Committee Report, 1334  
 Adopts, 1334  
 House adopts, 1414  
 Senate does not concur, 1167  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2409** — (Melland)

**Senate Bill No. 2409.** A Bill for an Act making appropriations to the director of institutions to purchase and remodel the Patterson hotel building in Bismarck.

Introduction, first reading, 242  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 665  
 Referred to Committee on Appropriations, 304  
 Second reading, 713  
 Lost, 713  
 Returned to Senate, 304

**Senate Bill No. 2410 — (Barth, Wenstrom)**

**Senate Bill No. 2410.** A Bill for an Act to amend and reenact sections 54-52.1-06 and 54-52.1-07 of the North Dakota Century Code, relating to the state contribution to the uniform group insurance program and optional coverage for employee's family.

Introduction, first reading, 242  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 363, 409  
 Re-referred to Committee on Appropriations, 274, 396  
 Second reading, 443  
 Lost, 443  
 Returned to Senate, 274

**Senate Bill No. 2411 — (Freed)**

**Senate Bill No. 2411.** A Bill for an Act to amend and reenact subsection 2 of section 51-13-02 of the North Dakota Century Code, relating to the printed requirements of retail installment contracts.

Introduction, first reading, 242  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 532  
 Amendments adopted, 562  
 Engrossed, 588  
 Second reading, 543  
 Passed, 643  
 To House, 720  
 Returned to Senate, 939

**Senate Bill No. 2412 — (Lee)**

**Senate Bill No. 2412.** A Bill for an Act to amend and reenact Section 6-03-05 of the North Dakota Century Code, relating to limitation on bank loans secured by real estate.

Introduction, first reading, 243  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 499  
 Second reading, 553  
 Passed, 553  
 To House, 604  
 Returned to Senate, 982

Enrolled, 1238  
 Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2413 — (Nothing)**

**Senate Bill No. 2413.** A Bill for an Act to amend and reenact section 20.1-08-03 of the North Dakota Century Code, relating to limitations on the governor's proclamation powers for the taking of fur-bearers with traps by nonresidents.

Introduction, first reading, 243  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 431  
 Second reading, 483  
 Passed, 483  
 To House, 554  
 Returned to Senate, 983

**Senate Bill No. 2414 — (Freed)**

**Senate Bill No. 2414.** A Bill for an Act to amend and reenact section 7-02-14 of the North Dakota Century Code, relating to extending powers granted federally chartered savings and loan associations to state-chartered associations.

Introduction, first reading, 248  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 533  
 Second reading, 600  
 Lost 600

**Senate Bill No. 2415 — (Wenstrom)**

**Senate Bill No. 2415.** A Bill for an Act to amend and reenact sections 38-08-05 and 38-12-03 of the North Dakota Century Code relating to the fees to be charged for the permit to drill an oil and gas well and the permit to explore for subsurface minerals.

Introduction, first reading, 248  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 386  
 Second reading, 422  
 Passed, 422  
 To House, 469  
 Returned to Senate, 1292  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2416 — (Freed)**

**Senate Bill No. 2416.** A Bill for an Act to create and enact a new subsection to section 47-19-02 of the North Dakota Century Code, relating to what instruments may be recorded without acknowledgment.

Introduction, first reading, 249  
 Referred to Committee on Judiciary  
 Reported back, do pass, 499  
 Second reading, 564  
 Passed, 564  
 To House, 645  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2417** — (Christensen)

**Senate Bill No. 2417.** A Bill for an Act to create and enact section 12.1-27.1-03.1 of the North Dakota Century Code, relating to the display of objectionable materials to minors and providing a penalty.

Introduction, first reading, 249  
 Referred to Committee on Judiciary  
 Reported back, floor amendments, 714, indefinitely postponed, 589  
 Reprinted, 791  
 Amendments adopted, 715  
 Re-engrossed, 715, 1411  
 Second reading, 714, 1411  
 Passed, 715, 1411  
 Clincher motion, 715  
 To House, 782  
 House Amendments, 1218  
 Returned to Senate, amended, 1208  
 Conference Committee, 1302, 1354  
 Conference Committee Report, 1372  
 Adopts, 1411  
 House adopts, 1492  
 Senate does not concur, 1302  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1686  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2418** — (Lodoen)

**Senate Bill No. 2418.** A Bill for an Act establishing minimum educational requirements for certain insurance agents and providing certain exceptions for these requirements.

Introduction, first reading, 249  
 Referred to Committee on Industry, Business & Labor

Reported back, amended, 457  
Floor amendments, 541  
Amendments adopted, 475, 541  
Engrossed, 493  
Re-engrossed, 541  
Second reading, 541  
Passed, 542  
To House, 604  
Returned to Senate, 964

**Senate Bill No. 2419—(Fritzell)**

**Senate Bill No. 2419.** A Bill for an Act to amend and reenact sections 34-06-04, 34-06-08, 34-06-11, and 34-06-14 of the North Dakota Century Code, relating to minimum wages and hours; the power of the labor commissioner to make rules; investigations and hearings by the commissioner; a hearing upon a conference report; and the right of appeal from the commissioner's decision; and providing for all such areas to be in accordance with the Administrative Agencies Practice Act.

Introduction, first reading, 249  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 457  
Second reading, 511  
Passed, 511  
To House, 581  
Returned to Senate, 1265

**Senate Bill No. 2420 — (Schirado)**

**Senate Bill No. 2420.** A Bill for an Act to create and enact a new subsection to section 52-04-06 of the North Dakota Century Code, relating to the unemployment compensation trust fund reserve ratio.

Introduction, first reading, 249  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 458  
Second reading, 511  
Passed, 512  
To House, 581  
Returned to Senate, 1393  
Enrolled, 1680  
Signed by President, 1684  
Sent to House, 1687  
Received from House, 1689  
Message to Governor, 1697

**Senate Bill No. 2421 — (Lashkowitz, Walsh, Holmberg, Schirado)**

**Senate Bill No. 2421.** A Bill for an Act to require disclosure of conflict of interest by municipal officials in contracts in which the municipality is a party; and providing a penalty.

Introduction, first reading, 249  
Referred to Committee on Political Subdivisions  
Reported back, amended, 431

Amendments adopted, 448  
 Engrossed, 471  
 Re-engrossed, 1056  
 Second reading, 512, 1056  
 Passed, 512, 1057  
 To House, 581  
 House amendments, 941  
 Returned to Senate, amended, 940  
 Senate concurs, 1056  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1458  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2422 — (Walsh, Maher)**

**Senate Bill No. 2422.** A Bill for an Act to create and enact three new sections to chapter 65-05 of the North Dakota Century Code, relating to determining, measuring, and calculating compensable hearing loss for workmen's compensation purposes.

Introduction, first reading, 249  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 618  
 Second reading, 716  
 Lost, 716

**Senate Bill No. 2423 — (Lee)**

**Senate Bill No. 2423.** A Bill for an Act to provide for allocation to coal-producing counties of a portion of the funds received from the Federal Mineral Lands Leasing Act; and to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to state school aid funds from the Federal Mineral Lands Leasing Act.

Introduction, first reading, 250  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 605  
 Returned to Senate, 605

**Senate Bill No. 2424 — (Wenstrom, Orange, Fritzell, Hoffner, Schirado)**

**Senate Bill No. 2424.** A Bill for an Act to provide a Human Rights Act, and to prohibit discrimination against persons; and to repeal section 23-21.1-08, subsection 11 of section 26-30-04, and chapter 50-26 of the North Dakota Century Code, relating to denying privilege of interment because of race or color, refusing to insure risks solely because of race, color, creed, sex, or national origin, and the governor's council on human resources; and providing an appropriation.

Introduction, first reading, 250  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, indefinitely postponed, 557  
 Second reading, 672

Lost, 672

**Senate Bill No. 2425 — (Albers)**

**Senate Bill No. 2425.** A Bill for an Act to amend and reenact sections 11-33-09 and 11-33-10 of the North Dakota Century Code, relating to the publication and effective date of county zoning resolutions and amendments, and to separate hearings on such resolutions and amendments.

Introduction, first reading, 250  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 589  
 Amendments adopted, 630  
 Engrossed, 647  
 Re-engrossed, 1121  
 Second reading, 716, 1122  
 Passed, 716, 1122  
 Clincher motion, 716  
 To House, 760  
 House amendments, 1112  
 Returned to Senate, amended, 1112  
 Senate concurs, 1121  
 Enrolled, 1464  
 Signed by President, 1464  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2426 — (Lee)**

**Senate Bill No. 2426.** A Bill for an Act to amend and reenact subdivision j of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to an income tax adjustment for public employee retirement benefits.

Introduction, first reading, 250  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 458  
 Second reading, 512  
 Lost, 513

**Senate Bill No. 2427 — (Lips, Freed, Hoffner, Lashkowitz)**

**Senate Bill No. 2427.** A Bill for an Act to amend and reenact subsection 8 of section 57-02-08 of the North Dakota Century Code, relating to property exempt from taxation.

Introduction, first reading, 250  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 458  
 Engrossed, 1078  
 Second reading, 513, 1078  
 Passed, 513, 1078  
 To House, 581  
 House amendments, 1069



Returned to Senate, amended, 1068  
 Senate concurs, 1078  
 Enrolled, 1464  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2428 — (Lee)**

**Senate Bill No. 2428.** A Bill for an Act to amend and reenact subsection 8 of section 38-16-01 and section 38-16-02 of the North Dakota Century Code, relating to the definition of "surface mining operation" and to reports of surface mining operations.

Introduction, first reading, 250  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 557  
 Engrossed, 1302  
 Second reading, 643, 1302  
 Passed, 644, 1303  
 To House, 720  
 House Amendments, 1218  
 Returned to Senate, amended, 1208  
 Senate concurs, 1302  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2429 — (Wenstrom)**

**Senate Bill No. 2429.** A Bill for an Act to amend and reenact subsection 4 of section 38-08-07 of the North Dakota Century Code, relating to the establishment of spacing units for oil and gas wells and the number of wells drilled therein; and declaring an emergency.

Introduction, first reading, 250  
 Referred to Committee on Natural Resources  
 Reported back, amended, 533  
 Amendments adopted, 563  
 Engrossed, 588  
 Re-engrossed, 1078  
 Second reading, 644, 1079  
 Passed, 644, 1079  
 Emergency carried, 1079  
 To House, 720  
 House Amendments, 1069  
 Returned to Senate, amended, 1068  
 Senate concurs, 1078  
 Enrolled, 1239  
 Signed by President, 1241  
 Sent to House, 1242

Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2430 — (Lips)**

**Senate Bill No. 2430.** A Bill for an Act to create and enact a new section to chapter 32-15 of the North Dakota Century Code, authorizing electric cooperatives, public utilities, and municipal utilities to enter land subject to eminent domain proceedings and begin construction prior to a final determination of damages through eminent domain proceedings; and to amend and reenact section 32-15-29 of the North Dakota Century Code, relating to possession of land taken by eminent domain proceedings.

Introduction, first reading, 250  
 Referred to Committee on Judiciary  
 Withdrawn, 475  
 Returned to Senate, 475

**Senate Bill No. 2431 — (Strinden, Nelson)**

**Senate Bill No. 2431.** A Bill for an Act to amend and reenact section 15-48-02 of the North Dakota Century Code, relating to notice for school district elections.

Introduction, first reading, 251  
 Referred to Committee on Education  
 Reported back, do pass, 349  
 Engrossed, 1334  
 Second reading, 373, 1335  
 Passed, 374, 1335  
 To House, 425  
 House amendments, 918  
 Returned to Senate, amended, 917  
 Conference Committee, 960, 1014  
 Conference Committee Report, 1334  
 Adopts, 1334  
 House adopts, 1414  
 Senate does not concur, 960  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2432 — (Christensen)**

**Senate Bill No. 2432.** A Bill for an Act to amend and reenact section 6-09-01 of the North Dakota Century Code, relating to the Bank of North Dakota.

Introduction, first reading, 251  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 499  
 Second reading, 564

Passed, 564  
 To House, 645  
 Returned to Senate, 1087

**Senate Bill No. 2433** — (Berube, Solberg, Barth, Miller, Redlin)

**Senate Bill No. 2433.** A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to the rights of annexed territory.

Introduction, first reading, 251  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 349  
 Second reading, 374  
 Lost, 374

**Senate Bill No. 2434** — (Lashkowitz, Schirado)

**Senate Bill No. 2434.** A Bill for an Act to create and enact section 15-65-02.1 and two new subsections to section 15-65-03 of the North Dakota Century Code, relating to senate confirmation of appointments to the North Dakota educational broadcasting council, the authority of the North Dakota educational broadcasting council to contract with non-commercial educational television stations, and meetings of the North Dakota educational broadcasting council; and to amend and reenact section 15-65-02 of the North Dakota Century Code, relating to membership of the North Dakota educational broadcasting council.

Introduction, first reading, 251  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 499  
 Second reading, 717  
 Lost, 717

**Senate Bill No. 2435** — (Christensen)

**Senate Bill No. 2435.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for park and recreation program charges.

Introduction, first reading, 251  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 500  
 Second reading, 565  
 Lost, 565

**Senate Bill No. 2436** — (Freed, Lashkowitz)

**Senate Bill No. 2436.** A Bill for an Act to amend and reenact section 29-28-07 of the North Dakota Century Code, relating to criminal appeals which may be taken by the state, and changing an order quashing an information to an order dismissing an information.

Introduction, first reading, 251  
 Referred to Committee on Judiciary  
 Reported back, do pass, 500  
 Second reading, 565

Passed, 565  
To House, 645  
Returned to Senate, 1292

**Senate Bill No. 2437 — (Tennefos, Melland, Erdman, Reiten)**

**Senate Bill No. 2437.** A Bill for an Act to provide for the preferential assessment of private recreational, open space, and park lands, to provide for the dual assessment of such lands, and to provide for the payment of higher taxes on such lands if there is a change in ownership or use after preferential taxes have been paid.

Introduction, first reading, 251  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 473, 665  
Re-referred to Committee on Finance & Taxation, 542  
Second reading, 717  
Lost, 718

**Senate Bill No. 2438 — (Christensen)**

**Senate Bill No. 2438.** A Bill for an Act to amend and reenact section 5-02-09 of the North Dakota Century Code, relating to the necessity of providing adequate police protection prior to the issuance of alcoholic beverage licenses.

Introduction, first reading, 252  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 409  
Second reading, 444  
Lost, 444

**Senate Bill No. 2439 — (Lashkowitz, Schirado)**

**Senate Bill No. 2439.** A Bill for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking privileges for the physically handicapped; and to amend and reenact section 48-02-19 of the North Dakota Century Code, relating to designating with blue paint the parking spaces reserved for the physically handicapped.

Introduction, first reading, 252  
Referred to Committee on State & Federal Government  
Reported back, amended, 473  
Amendments adopted, 493  
Engrossed, 521  
Re-engrossed, 1303  
Second reading, 565, 1303  
Passed, 566, 1303  
To House, 645  
House amendments, 1270  
Returned to Senate, amended, 1268  
Senate concurs, 1303  
Enrolled, 1657  
Signed by President, 1658  
Sent to House, 1658

Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2440** — (Christensen, Freed)

**Senate Bill No. 2440.** A Bill for an Act to create and enact sections 43-35-11.1 and 43-35-18.1 of the North Dakota Century Code, relating to certification of pump and pitless unit installers; to amend and reenact subsections 4 and 5 of section 43-35-02, and sections 43-35-07, 43-35-11, 43-35-12, 43-35-13, 43-35-14, 43-35-17, 43-35-19, 43-35-20, and 43-35-22 of the North Dakota Century Code, relating to pumps and pitless units, test drilling for ground water, and certification of water well drillers; and to repeal section 43-35-15 of the North Dakota Century Code, relating to certification of persons at effective date of the Act.

Introduction, first reading, 252  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 557  
 Amendments adopted, 593  
 Engrossed, 605  
 Second reading, 718  
 Lost, 718

**Senate Bill No. 2441** — (Freed, Schirado)

**Senate Bill No. 2441.** A Bill for an Act to amend and reenact subsection 28 of section 12.1-30-03 of the North Dakota Century Code, relating to businesses allowed to operate on Sunday.

Introduction, first reading, 252  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, indefinitely postponed, 557  
 Second reading, 651  
 Lost, 652

**Senate Bill No. 2442** — (Christensen)

**Senate Bill No. 2442.** A Bill for an Act to amend and reenact section 15-35-14 of the North Dakota Century Code, relating to the use of school buildings for other than school purposes.

Introduction, first reading, 252  
 Referred to Committee on Education  
 Reported back, do pass, 458  
 Reprinted, 543  
 Amendments adopted, 475  
 Engrossed, 493  
 Re-engrossed, 1338  
 Second reading, 542, 1338  
 Passed, 543, 1338  
 To House, 604  
 House amendments, 918  
 Returned to Senate, amended, 917  
 Conference Committee, 959, 1014  
 Conference Committee Report, 1337  
 Adopts, 1338

House adopts, 1414  
 Senate does not concur, 959  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2443 — (Farrington, Jones)**

**Senate Bill No. 2443.** A Bill for an Act to amend and reenact subsection 2 of section 11-15-07 of the North Dakota Century Code, relating to the fees chargeable by a sheriff for serving certain documents.

Introduction, first reading, 252  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 500  
 Second reading, 566  
 Lost, 566

**Senate Bill No. 2444 — (Morgan, Albers, Barth)**

**Senate Bill No. 2444.** A Bill for an Act to designate an official state grass.

Introduction, first reading, 252  
 Referred to Committee on Agriculture  
 Reported back, do pass, 409  
 Second reading, 444  
 Passed, 444  
 To House, 491  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2445 — (Lips)**

**Senate Bill No. 2445.** A Bill for an Act to create and enact section 57-39.2-14.1 of the North Dakota Century Code, relating to direct payment of sales and use tax to the commissioner; to amend and reenact subsection 1 of section 57-40.2-07 of the North Dakota Century Code relating to the collection of use tax.

Introduction, first reading, 252  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 364  
 Second reading, 397  
 Passed, 397  
 To House, 445  
 Returned to Senate, 982  
 Enrolled, 1238

Signed by President, 1241  
 Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2446 — (Thane)**

**Senate Bill No. 2446.** A Bill for an Act to authorize the state board of higher education to issue revenue bonds for the construction of a swimming pool to complete the physical education/activities building at the state school of science at Wahpeton, to provide for a student facility fee, and to provide an appropriation.

Introduction, first reading, 253  
 Referred to Committee on Education  
 Reported back, do pass, 665  
 Second reading, 718  
 Passed, 719  
 Clincher motion, 719  
 To House, 760  
 Returned to Senate, 1636  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2447 — (Sandness)**

**Senate Bill No. 2447.** A Bill for an Act to amend and reenact section 43-27-01, subsection 2 of section 43-27-04, and subsection 4 of section 43-27-07 of the North Dakota Century Code, relating to inclusion of electronic mechanisms in the definition of watchmaking, to raise the per diem and mileage expenses of the board of examiners in watchmaking, and to raise the fee for certificates of watchmaking registration.

Introduction, first reading, 253  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 459  
 Second reading, 513  
 Passed, 513  
 To House, 581  
 Returned to Senate, 939  
 Enrolled, 1144  
 Signed by President, 1180  
 Sent to House, 1180  
 Received from House, 1182  
 Message to Governor, 1183  
 Approved by Governor, 1275

**Senate Bill No. 2448 — (Jones)**

**Senate Bill No. 2448.** A Bill for an Act to amend and reenact subdivision k of subsection 1 of section 57-38-01.2 of the North Dakota Century Code,

relating to adjustments to taxable income for members of the national guard.

Introduction, first reading, 260  
 Referred to Committee on Finance & Taxation  
 Withdrawn, 461  
 Returned to Senate, 461

**Senate Bill No. 2449 — (Melland)**

**Senate Bill No. 2449.** A Bill for an Act to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code as amended by chapter 417 of the 1973 Session Laws of North Dakota, relating to salaries of elected state officials; to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner; and providing an effective date.

Introduction, first reading, 260  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 618  
 Amendments adopted, 648  
 Engrossed, 681  
 Second reading, 719  
 Passed, 719  
 Clincher motion, 719  
 To House, 760  
 Returned to Senate, 1014  
 Enrolled, 1292  
 Signed by President, 1314  
 Sent to House, 1314  
 Received from House, 1353  
 Message to Governor, 1353  
 Approved by Governor, 1390

**Senate Bill No. 2450 — (Melland)**

**Senate Bill No. 2450.** A Bill for an Act to provide for the salary of the public service commissioner elected to the term of office commencing on January 1, 1979; to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner and to amend and reenact section 49-01-05 of the North Dakota Century Code as amended by section 4 of chapter 417 of the 1973 Session Laws of North Dakota, relating to the salaries of the public service commissioners; and to provide effective dates.

Introduction, first reading, 260  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 619  
 Amendments adopted, 648  
 Engrossed, 681  
 Second reading, 719  
 Passed, 720  
 Clincher motion, 720  
 To House, 760  
 Returned to Senate, 982



Enrolled, 1238  
Signed by President, 1241  
Sent to House, 1242  
Received from House, 1289  
Message to Governor, 1291  
Approved by Governor, 1358

**Senate Bill No. 2451—(Orange, Fritzell)**

**Senate Bill No. 2451.** A Bill for an Act to require the giving of notice of special school board meetings to interested persons.

Introduction, first reading, 260  
Referred to Committee on Education  
Reported back, indefinitely postponed, 459  
Second reading, 513  
Lost, 514

**Senate Bill No. 2452—(Strinden)**

**Senate Bill No. 2452.** A Bill for an Act to amend and reenact section 21-03-26 of the North Dakota Century Code, relating to certain municipal bonds and the advertisement of the public sale thereof.

Introduction, first reading, 261  
Referred to Committee on Political Subdivisions  
Reported back, amended, 431  
Amendments adopted, 448  
Engrossed, 471  
Second reading, 514  
Passed, 514  
To House, 581  
Returned to Senate, 964  
Enrolled, 1238  
Signed by President, 1242  
Sent to House, 1242  
Received from House, 1289  
Message to Governor, 1291  
Approved by Governor, 1358

**Senate Bill No. 2453—(Nelson)**

**Senate Bill No. 2453.** A Bill for an Act to amend and reenact subsection 6 of section 60-02-16, and sections 60-02-17, 60-02-30, 60-02-31, and 60-02-32 of the North Dakota Century Code, relating to warehouse receipts, warehouse and storage contracts, termination of public grain warehouse storage contracts, notice of termination to the owner of the storage contract, and reissued storage receipts; and providing a storage contract termination date for dry edible beans, a storage charge for dry edible beans, no obligation on a warehouseman to renew a dry edible bean storage contract, and notice to the owner of the intent not to renew a dry edible bean storage contract.

Introduction, first reading, 261  
Referred to Committee on Agriculture  
Reported back, amended, 410  
Amendments adopted, 433

Engrossed, 447  
 Second reading, 514  
 Passed, 515  
 To House, 581  
 Returned to Senate, 964  
 Enrolled, 1238  
 Signed by President, 1242  
 Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1390

**Senate Bill No. 2454—(Tennefos, Farrington, Jones)**

**Senate Bill No. 2454.** A Bill for an Act to create a new section to chapter 40-51.2 of the North Dakota Century Code, relating to taxation of annexed land.

Introduction, first reading, 261  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 459  
 Second reading, 515  
 Lost, 515

**Senate Bill No. 2455—(Lips)**

**Senate Bill No. 2455.** A Bill for an Act to amend and reenact section 48-02-07 of the North Dakota Century Code, relating to investment of retainage on public building construction contract payments.

Introduction, first reading, 261  
 Referred to Committee on State & Federal Government  
 Reported back, withdrawn, 320  
 Returned to Senate, 320

**Senate Bill No. 2456—(Rait, Maher, Krauter)**

**Senate Bill No. 2456.** A Bill for an Act to amend and reenact section 38-08.1-06 of the North Dakota Century Code, relating to the duty to plug drill holes.

Introduction, first reading, 261  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 473  
 Floor amendments, 543  
 Amendments adopted, 543  
 Re-engrossed, 543  
 Second reading, 543  
 Passed, 543  
 To House, 604  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2457—(Peterson)**

**Senate Bill No. 2457.** A Bill for an Act to provide power in trustee to convey and transfer real estate.

Introduction, first reading, 261  
 Referred to Committee on Judiciary  
 Reported back, amended, 500  
 Amendments adopted, 536  
 Engrossed, 555  
 Second reading, 600  
 Passed, 601  
 To House, 679  
 Returned to Senate, 982  
 Enrolled, 1238  
 Signed by President, 1242  
 Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2458—(Maher)**

**Senate Bill No. 2458.** A Bill for an Act to establish a state water facility with the authority to construct and own water facilities as may be required to serve citizens of the state and to issue tax-exempt revenue bonds for the cost of water facilities or projects; and to provide an appropriation.

Introduction, first reading, 261  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 665  
 Second reading, 739  
 Lost, 740

**Senate Bill No. 2459—(Rait, Maher, Krauter)**

**Senate Bill No. 2459.** A Bill for an Act to provide for registered agents of mineral exploration organizations and to provide for service of process on the secretary of state; and declaring an emergency.

Introduction, first reading, 261  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 473  
 Amendments adopted, 494  
 Engrossed, 521  
 Second reading, 567  
 Passed, 567  
 To House, 645  
 Returned to Senate, 1146  
 Enrolled, 1463  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2460—(Maher)**

**Senate Bill No. 2460.** A Bill for an Act making an appropriation to defray the expenses of the rural forest and fire protection program.

Introduction, first reading, 262  
Referred to Committee on Appropriations  
Reported back, do pass, 364  
Second reading, 397  
Passed, 397  
To House, 445  
Returned to Senate, 1393  
Enrolled, 1680  
Signed by President, 1684  
Sent to House, 1687  
Received from House, 1689  
Message to Governor, 1697

**Senate Bill No. 2461—(Rait, Maher, Krauter)**

**Senate Bill No. 2461.** A Bill for an Act to create and enact a new section to chapter 38-08.1 of the North Dakota Century Code, relating to the inspection of drill holes and costs for same.

Introduction, first reading, 262  
Referred to Committee on Natural Resources  
Reported back, indefinitely postponed, 533  
Second reading, 601  
Lost, 601

**Senate Bill No. 2462 — (Wenstrom)**

**Senate Bill No. 2462.** A Bill for an Act amend and reenact section 15-39.2-05 of the North Dakota Century Code, relating to the method for calculating retirement annuity of teachers retired under the teachers' insurance and annuity association of America—college retirement equities fund.

Introduction, first reading, 262  
Referred to Committee on Education  
Reported back, amended, 474  
Amendments adopted, 494  
Engrossed, 521  
Second reading, 567  
Passed, 568  
To House, 645  
Returned to Senate, 1265

**Senate Bill No. 2463—(Reiten)**

**Senate Bill No. 2463.** A Bill for an Act to amend and reenact sections 40-57-03, 40-57-04, 40-57-07, 40-57-14, and 40-57-18 of the North Dakota Century Code, relating to municipalities; certain municipal bonds; authorizing municipalities to enter into certain loan agreements; and relating to

costs to be financed by certain municipal bonds; and declaring an emergency.

Introduction, first reading, 262  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 619  
 Floor amendments, 746  
 Reprinted, 752  
 Amendments adopted, 648, 740  
 Engrossed, 681  
 Re-engrossed, 740, 1474  
 Second reading, 740, 1474  
 Passed, 740, 1474  
 Clincher motion, 740  
 Emergency carried, 740, 1474  
 To House, 782  
 House amendments, 1218  
 Returned to Senate, amended, 1208  
 Conference Committee, 1304, 1354  
 Conference Committee Report, 1422  
 Senate adopts, 1474  
 House adopts, 1512  
 Senate does not concur, 1303  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2464—(Maher)**

**Senate Bill No. 2464.** A Bill for an Act to amend and reenact sections 57-55-01.1, 57-55-02, 57-55-08, and 57-55-12 of the North Dakota Century Code, relating to the payment of mobile home taxes by the owner or the occupant if the owner is not the one occupying the mobile home.

Introduction, first reading, 262  
 Referred to Committee on Finance & Taxation  
 Reported back, withdrawn, 365  
 Returned to Senate, 365

**Senate Bill No. 2465—(Orange)**

**Senate Bill No. 2465.** A Bill for an Act to provide for first and second class regional airport authorities, to provide that every county shall be a member of a regional airport authority, to provide options for cities and airport authorities operating first class airports, to provide a mill levy, to provide administrative provisions, and to provide for a legislative council study.

Introduction, first reading, 262  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 558  
 Second reading, 652  
 Lost, 652

**Senate Bill No. 2466—(Reiten)**

**Senate Bill No. 2466.** A Bill for an Act making an appropriation to the board of higher education for construction of a physical education activities center at Minot state college.

Introduction, first reading, 262  
 Referred to Committee on Appropriations  
 Reported back, withdrawn, 649  
 Returned to Senate, 649

**Senate Bill No. 2467—(Barth)**

**Senate Bill No. 2467.** A Bill for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, providing a definition for "farm trailer"; and to amend and reenact subsection 55 of section 39-01-01, subsection 1 of section 39-04-18, subsection 4 of section 39-04-19, section 39-04-26, and subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the definition of "semitrailer", motor vehicles exempt from registration fees, trailer identification plate fees for privately owned trailers, registration of vehicles transporting property, and to driver's license classifications.

Introduction, first reading, 262  
 Referred to Committee on Agriculture  
 Reported back, amended, 533  
 Amendments adopted, 563  
 Engrossed, 588  
 Second reading, 672  
 Passed, 673  
 To House, 760  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2468 — (Strand)**

**Senate Bill No. 2468.** A Bill for an Act to create and enact a new section to chapter 24-17 of the North Dakota Century Code, to provide for an administrative hearing upon request for a sign owner aggrieved by a decision of the highway commissioner; and to amend and reenact section 24-17-11 of the North Dakota Century Code, relating to unlawful sign advertising.

Introduction, first reading, 263  
 Referred to Committee on Transportation  
 Reported back, indefinitely postponed, 558  
 Second reading, 673  
 Lost, 673

**Senate Bill No. 2469—(Orange)**

**Senate Bill No. 2469.** A Bill for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to the taxation of gambling activities; to provide penalties; and to provide an appropriation.

Introduction, first reading, 263  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 589  
 Floor amendments, 741  
 Floor amendments laid on table, 741  
 Second reading, 741

**Senate Bill No. 2470—(Lashkowitz, Holmberg)**

**Senate Bill No. 2470.** A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code, relating to restrictions on the use and possession of radio scanners capable of receiving peace officer and ambulance service messages; and providing a penalty.

Introduction, first reading, 263  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 410  
 Amendments adopted, 433  
 Engrossed, 447  
 Second reading, 483  
 Passed, 484  
 To House, 554  
 Returned to Senate, 964

**Senate Bill No. 2471—(Jones)**

**Senate Bill No. 2471.** A Bill for an Act to amend and reenact Section 13-04-01 of the North Dakota Century Code, relating to installment loan bank charges.

Introduction, first reading, 263  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 500  
 Amendments adopted, 536  
 Engrossed, 555  
 Re-engrossed, 1474  
 Second Reading, 601, 1474  
 Passed, 602, 1475  
 To House, 679  
 House amendments, 1113  
 Returned to Senate, amended, 1112  
 Conference Committee, 1122, 1207  
 Conference Committee Report, 1422  
 Adopts, 1474  
 House adopts, 1544  
 Senate does not concur, 1122  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2472—(Shablow)**

**Senate Bill No. 2472.** A Bill for an Act to provide for the liability of political subdivisions, to allow the insurance commissioner to establish a political subdivisions liability fund and issue policies if political subdivisions are unable to obtain adequate coverage at reasonable costs, and to authorize the state to purchase insurance coverage.

Introduction, first reading, 273  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 624  
 No recommendations, 665  
 Re-referred to Committee on Appropriations, 624  
 Second reading, 743  
 Passed, 744  
 Clincher motion, 744  
 To House, 782  
 Returned to Senate, 1562

**Senate Bill No. 2473—(Lashkowitz, Schirado)**

**Senate Bill No. 2473.** A Bill for an Act to create and enact a new subsection to section 57-27-02 of the North Dakota Century Code, relating to notice of expiration of period of redemption; and to amend and reenact section 57-28-01 of the North Dakota Century Code, relating to notice of expiration of period of redemption.

Introduction, first reading, 273  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 590  
 Amendments adopted, 630  
 Engrossed, 647  
 Second reading, 742  
 Passed, 743  
 Clincher motion, 743  
 To House, 782  
 Returned to Senate, 1292

**Senate Bill No. 2474—(Jones)**

**Senate Bill No. 2474.** A Bill for an Act to amend and reenact section 25-09-09 of the North Dakota Century Code, relating to the statute of limitations on the right of recovery for the expense incurred by the state for care and treatment at the state hospital or state school.

Introduction, first reading, 264  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 500  
 Second reading, 568  
 Lost, 568

**Senate Bill No. 2475—(Melland)**

**Senate Bill No. 2475.** A Bill for an Act to provide for legislative review of administrative rules and regulations when assigned by the legislative council chairman to interim committees, and providing for recommendations by the committees.



Introduction, first reading, 264  
 Referred to Committee on Judiciary  
 Report back, do pass, 624  
 Amended, 500  
 Rereferred to Committee on Appropriations, 536  
 Amendments adopted, 536  
 Engrossed, 555  
 Second reading, 743  
 Passed, 743  
 Clincher motion, 743  
 To House, 782  
 Returned to Senate, 1393  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2476—(Melland)**

**Senate Bill No. 2476.** A Bill for an Act to create and enact sections 28-32-03.1 and 28-32-03.2 of the North Dakota Century Code, providing for an administrative code and code supplement, printing, distribution and sales; to amend and reenact section 28-32-03 of the North Dakota Century Code, relating to the filing and effect of rules and regulations; and providing an appropriation.

Introduction, first reading, 264  
 Referred to Committee on Judiciary  
 Reported back, do pass, 350, 386  
 Rereferred to Committee on Appropriations, 374  
 Second reading, 422  
 Passed, 422  
 To House, 469  
 Returned to Senate, 1393  
 Enrolled, 1680  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message by Governor, 1697

**Senate Bill No. 2477 — (Lips)**

**Senate Bill No. 2477.** A Bill for an Act to create and enact a new section to chapter 26-21 of the North Dakota Century Code, relating to the handling of claims against and the assets of insolvent insurance companies; and to create and enact subsection 6 to section 26-21-09 of the North Dakota Century Code, relating to powers and duties of commissioner of insurance and his deputies in receivership proceedings.

Introduction, first reading, 264  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 534  
 Withdrawn, 602  
 Second reading, 602

**Senate Bill No. 2478—(Redlin)**

**Senate Bill No. 2478.** A Bill for an Act to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to the hours of operation of a motorcycle by persons holding only an instruction permit.

Introduction, first reading, 264  
Referred to Committee on Transportation  
Reported back, do pass, 431  
Second reading, 484  
Passed, 484  
To House, 554  
Returned to Senate, 1087  
Enrolled, 1427  
Signed by President, 1442  
Sent to the House, 1442  
Received from House, 1458  
Message to Governor, 1460  
Approved by Governor, 1540

**Senate Bill No. 2479—(Melland)**

**Senate Bill No. 2479.** A Bill for an Act to amend and reenact subsection 2 of section 32-15-22 of the North Dakota Century Code, relating to the assessment of damages in eminent domain.

Introduction, first reading, 264  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 637  
Engrossed, 1475  
Second reading, 744, 1475  
Passed, 744, 1475  
Clincher motion, 744  
To House, 782  
House Amendments, 983  
Returned to Senate, amended, 982  
Conference Committee, 1058, 1148  
Conference Committee Report, 1438  
Adopts, 1475  
House adopts, 1527  
House laid amendments on table, 1527  
Senate does not concur, 1058

**Senate Bill No. 2480—(Lips)**

**Senate Bill No. 2480.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for sales of certain consumable items sold to a manufacturing concern.

Introduction, first reading, 264  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 364  
Second reading, 397  
Lost, 398

**Senate Bill No. 2481—(Redlin)**

**Senate Bill No. 2481.** A Bill for an Act to repeal sections 15-12-11 and 15-12-12 of the North Dakota Century Code, relating to the list of agricultural college publications furnished to county auditors and the publication of the list.

Introduction, first reading, 264  
 Referred to Committee on Agriculture  
 Reported back, do pass, 432  
 Second reading, 484  
 Passed, 484  
 To House, 554  
 Returned to Senate, 939

**Senate Bill No. 2482—(Melland)**

**Senate Bill No. 2482.** A Bill for an Act to amend and reenact section 57-37.1-12 of the North Dakota Century Code, relating to denial of access to safe deposit box without order of county court.

Introduction, first reading, 265  
 Referred to Committee on Judiciary  
 Reported back, do pass, 501  
 Engrossed, 1057  
 Second reading, 568, 1057  
 Passed, 568, 1057  
 To House, 645  
 House Amendments, 983  
 Returned to Senate, amended, 982  
 Senate concurs, 1057  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1459  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2483—(Lips)**

**Senate Bill No. 2483.** A Bill for an Act to provide a property tax credit for senior citizens based upon increases in taxes on their homesteads; and to provide an appropriation.

Introduction, first reading, 265  
 Referred to Committee on Finance & Taxation  
 Reported back, withdrawn, 519  
 Returned to Senate, 519

**Senate Bill No. 2484—(Morgan, Barth)**

**Senate Bill No. 2484.** A Bill for an Act to create and enact a new chapter of the North Dakota Century Code, relating to the sale of honey and providing a penalty.

Introduction, first reading, 265  
 Referred to Committee on Agriculture  
 Reported back, do pass, 432

Second reading, 484  
 Passed, 485  
 To House, 554  
 Returned to Senate, 964  
 Enrolled, 1238  
 Signed by President, 1242  
 Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2485—(Morgan, Smykowski)**

**Senate Bill No. 2485.** A Bill for an Act to amend and reenact subsection 6 of section 20.1-01-02 of the North Dakota Century Code, relating to definitions of game birds to include mourning doves.

Introduction, first reading, 265  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 501  
 Second reading, 569, 744  
 Lost, 569, 745  
 Clincher motion, 745  
 To House, 783  
 Returned to Senate, 1036  
 Reconsidered, 606

**Senate Bill No. 2486—(Morgan, Smykowski)**

**Senate Bill No. 2486.** A Bill for an Act to amend and reenact subsection 8 of section 20.1-01-02 and section 20.1-08-03 of the North Dakota Century Code, relating to restricting deer hunting to male deer only.

Introduction, first reading, 265  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 432  
 Second reading, 485  
 Lost, 485

**Senate Bill No. 2487—(Tennefos)**

**Senate Bill No. 2487.** A Bill for an Act to amend and reenact subsection 54 of section 39-01-01 and subsection 2 of section 39-04-19 of the North Dakota Century Code, relating to the definition of school bus and to the motor vehicle registration fee for buses used for religious or charitable purposes; and declaring an emergency.

Introduction, first reading, 265  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 432  
 Re-referred to Committee on Transportation, 280  
 Amendments adopted, 448  
 Engrossed, 471  
 Re-engrossed, 1411  
 Second reading, 515, 1411

Passed, 515, 1412  
 Emergency Carried, 1412  
 To House, 581  
 House amendments, 1219  
 Returned to Senate, 280, amended, 1208  
 Conference Committee, 1250, 1318  
 Conference Committee Report, 1372  
 Adopts, 1411  
 House adopts, 1492  
 Senate does not concur, 1250  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2488—** (Vosper, Tallackson, Jones)

**Senate Bill No. 2488.** A Bill for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to the composition of the state banking board.

Introduction, first reading, 265  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 624  
 Second reading, 745  
 Lost, 745

**Senate Bill No. 2489—** (Lodoen)

**Senate Bill No. 2489.** A Bill for an Act to amend and reenact Subsection 1 of Section 6-06-06 of the North Dakota Century Code, to clarify powers of credit unions.

Introduction, first reading, 265  
 Referred to Committee on Industry, Business & Labor  
 Reported back, withdrawn, 605  
 Returned to Senate, 605

**Senate Bill No. 2490—** (Lodoen)

**Senate Bill No. 2490.** A Bill for an Act to provide for interest that may be payable by credit unions on funds deposited.

Introduction, first reading, 265  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 666  
 Second reading, 747  
 Lost, 747

**Senate Bill No. 2491—** (Jones)

**Senate Bill No. 2491.** A Bill for an Act to create and enact one new chapter of the North Dakota Century Code, relating to controls over debt collection practices and penalties for violation.

Introduction, first reading, 266

Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 624  
 Second reading, 747  
 Lost, 748

**Senate Bill No. 2492—(Vosper, Farrington, Holmberg, Jones)**

**Senate Bill No. 2492.** A Bill for an Act to limit the number of full-time salaried state employees to not more than two percent of the state's population and to limit the number of part-time state employees to not more than one percent of the state's population.

Introduction, first reading, 266  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 386  
 Amendments adopted, 411  
 Engrossed, 427  
 Second reading, 444  
 Passed, 445  
 To House, 491  
 Returned to Senate, 983

**Senate Bill No. 2493—(Tennefos, Hanson)**

**Senate Bill No. 2493.** A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to the description and area of school districts; and to amend and reenact section 15-51-11 of the North Dakota Century Code, relating to petitions and elections on mill levy increases in the Fargo school district.

Introduction, first reading, 266  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 459  
 Second reading, 477  
 Lost, 478

**Senate Bill No. 2494—(Vosper, Thane)**

**Senate Bill No. 2494.** A Bill for an Act to amend and reenact subsection 1 of section 10-15-25 of the North Dakota Century Code, relating to qualifications of the board of directors of cooperatives.

Introduction, first reading, 266  
 Referred to Committee on Industry, Business & Labor  
 Reported back, withdrawn, 436  
 Returned to Senate, 436

**Senate Bill No. 2495—(Naaden)**

**Senate Bill No. 2495.** A Bill for an Act to amend and reenact section 16-01-11 of the North Dakota Century Code, relating to removing the requirement that all initiative, referendum, or recall petitions submitted to the secretary of state be accompanied by a typed or printed list of the names of the signers of the petition; or in the alternative, to amend and reenact subsection 1 of section 16.1-01-09 of the North Dakota Century Code as created by section 1 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the removal of the

requirement that all initiative, referendum, or recall petitions submitted to the secretary of state be accompanied by a typed or printed list of the names of the signers of the petitions.

Introduction, first reading, 266  
 Referred to Committee on Judiciary  
 Reported back, do pass, 501  
 Second reading, 569  
 Passed, 570  
 To House, 645  
 Returned to Senate, 1292  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2496—(Reiten)**

**Senate Bill No. 2496.** A Bill for an Act to create and enact a new subsection to section 21-03-06 of the North Dakota Century Code, relating to the purposes and specific limitations of bond issues by recreation service districts; and to amend and reenact section 11-28.2-02 and subsection 1 of section 21-03-01 of the North Dakota Century Code, relating to meetings of recreation service districts and the definition of municipalities in relation to issuance of special assessment bonds.

Introduction, first reading, 266  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 590, 666  
 Re-referred to Committee on Political Subdivisions, 630  
 Amendments adopted, 682  
 Engrossed, 727  
 Re-engrossed, 1559  
 Second reading, 748, 1559  
 Passed, 748, 1560  
 Clincher motion, 748  
 To House, 783  
 House Amendments, 1385  
 Returned to Senate, amended, 1377  
 Senate concurs, 1559  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2497—(Vosper, Jones)**

**Senate Bill No. 2497.** A Bill for an Act to amend and reenact section 16-20-19 of the North Dakota Century Code, relating to electioneering on election day, or, in the alternative, to amend and reenact section 16.1-10-09 of the North Dakota Century Code as created by section 9 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to electioneering on election day.

Introduction, first reading, 266  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 590  
Second reading, 748  
Lost, 749

**Senate Bill No. 2498—(Naaden)**

**Senate Bill No. 2498.** A Bill for an Act to create and enact a new section to chapter 4-02 of the North Dakota Century Code, to provide that a county fair association which fails to hold a fair for ten years will lose its official authorization.

Introduction, first reading, 267  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 558  
Engrossed, 1122  
Second reading, 673, 1122  
Passed, 674, 1123  
To House, 760  
House amendments, 1069  
Returned to Senate, amended, 1068  
Senate concurs, 1122  
Enrolled, 1464  
Signed by President, 1465  
Sent to House, 1479  
Received from House, 1486  
Message to Governor, 1487  
Approved by Governor, 1540

**Senate Bill No. 2499—(Vosper, Orange, Jones)**

**Senate Bill No. 2499.** A Bill for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to withholding sums for income tax withholding purposes from wages of an employee who voluntarily elects withholding.

Introduction, first reading, 267  
Referred to Committee on Finance & Taxation  
Reported back, amended, 474  
Indefinitely postponed, 494  
Amendments adopted, 494  
Engrossed, 521  
Second reading, 570  
Lost, 570

**Senate Bill No. 2500—(Lee)**

**Senate Bill No. 2500.** A Bill for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; to provide for a state coal development impact commission and a county coal development impact commission to approve or disapprove impact



grants; and to amend and reenact sections 57-60-02, 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the coal conversion facilities privilege tax and the allocation of revenues therefrom.

Introduction, first reading, 267  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 624  
 Reprinted, 953  
 Referred to Committee on Finance & Taxation, 300  
 Amendments adopted, 649  
 Engrossed, 681  
 Second reading, 710  
 Passed, 710  
 Clincher motion, 710  
 To House, 760  
 House amendments, 1185  
 Returned to Senate, 300  
 Amended, 1184  
 House amendments laid on table, 1251  
 Senate does not concur, 1251

**Senate Bill No. 2501—(Reiten)**

**Senate Bill No. 2501.** A Bill for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to the duty of burial.

Introduction, first reading, 267  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 534  
 Amendments adopted, 563  
 Engrossed, 588  
 Second reading, 674  
 Passed, 674  
 To House, 760  
 Returned to Senate, 1087  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1459  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2502—(Schirado)**

**Senate Bill No. 2502.** A Bill for an Act to authorize a State's Attorney to issue subpoenas for the purpose of compelling attendance of witnesses at an inquiry investigating the alleged commission of a felony.

Introduction, first reading, 267  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 590  
 Second reading, 749  
 Lost, 749

**Senate Bill No. 2503—(Lee, Schirado)**

**Senate Bill No. 2503.** A Bill for an Act to amend and reenact section 50-

06-05.1 of the North Dakota Century Code, relating to powers and duties of the social service board of North Dakota.

Introduction, first reading, 267  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 558  
Second reading, 674  
Lost 675

**Senate Bill No. 2504—(Christensen)**

**Senate Bill No. 2504.** A Bill for an Act to provide medical expense payments through the state social service board on behalf of certain qualified children for catastrophic illness, and to provide an appropriation.

Introduction, first reading, 267  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 534, 666  
Re-referred to Committee on Appropriations, 602  
Second reading, 602, 737  
Lost, 737

**Senate Bill No. 2505—(Mau)**

**Senate Bill No. 2505.** A Bill for an Act to amend and reenact section 11-27-09.1 of the North Dakota Century Code, relating to the allocation of payments for game and fish lands.

Introduction, first reading, 268  
Referred to Committee on Natural Resources  
Reported back, amended, 590  
Withdrawn, 887  
Amendments adopted, 630  
Engrossed, 647  
Second reading, 749  
Passed, 750  
Clincher motion, 750  
To House, 783  
House amendments, 886  
Senate requests return, 875  
Reconsidered, 887

**Senate Bill No. 2506—(Hoffner, Nething)**

**Senate Bill No. 2506.** A Bill for an Act to amend and reenact subsection 1 of section 26-39-01 and section 26-39-03 of the North Dakota Century Code, relating to the definition of a licensed treatment facility in regard to mental illness and addiction insurance coverage.

Introduction, first reading, 268  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 558  
Second reading, 675  
Passed, 675  
To House, 760  
Returned to Senate, 1067

**Senate Bill No. 2507—(Thane)**

**Senate Bill No. 2507.** A Bill for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the allocation of the highway tax distribution fund to the state highway department, counties, and cities; and providing for allocations to townships.

Introduction, first reading, 268

Referred to Committee on Finance & Taxation

Reported back, indefinitely postponed, 590

Second reading, 750

Lost, 750

**Senate Bill No. 2508—(Thane, Melland)**

**Senate Bill No. 2508.** A Bill for an Act to provide for a midwestern regional education compact to plan and establish regional educational services.

Introduction, first reading, 268

Referred to Committee on Education

Reported back, indefinitely postponed, 174

Second reading, 543

Lost 544

**Senate Bill No. 2509 —(Neison)**

**Senate Bill No. 2509.** A Bill for an Act to amend and reenact sections 54-10-24 and 54-10-25 of the North Dakota Century Code, relating to audit and examination by the state auditor of confidential records of the tax commissioner.

Introduction, first reading, 268

Referred to Committee on State & Federal Government

Reported back, do pass, 474

Second reading, 544

Passed, 544

To House, 604

Returned to Senate, 1354

Enrolled, 1680

Signed by President, 1384

Sent to House, 1687

Received from House, 1689

Message to Governor, 1697

**Senate Bill No. 2510—(Jacobson)**

**Senate Bill No. 2510.** A Bill for an Act to prohibit trespassing on the land of another person; and to provide a penalty.

Introduction, first reading, 268

Referred to Committee on Judiciary

Reported back, indefinitely postponed, 591

Second reading, 750

Lost, 750

**Senate Bill No. 2511—(Hoffner)**

**Senate Bill No. 2511.** A Bill for an Act to provide for qualified actuaries to prepare and sign certain statements and reports relating to public employee retirement systems within the state of North Dakota.

Introduction, first reading, 268  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 336  
 Second reading, 423  
 Lost, 423

**Senate Bill No. 2512—(Maher, Mau)**

**Senate Bill No. 2512.** A Bill for an Act to amend and reenact section 39-12-03 of the North Dakota Century Code, relating to weight limitations for vehicles on highways and charges for extraordinary use of highways.

Introduction, first reading, 268  
 Referred to Committee on Transportation  
 Reported back, indefinitely postponed, 534  
 Second reading, 602  
 Lost, 602

**Senate Bill No. 2513—(Hoffner)**

**Senate Bill No. 2513.** A Bill for an Act to amend and reenact sections 11-33-08, 11-33-09, 40-47-04 and 40-47-05 of the North Dakota Century Code, relating to public hearing, notice, and publication requirements for county and city zoning.

Introduction, first reading, 268  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 666  
 Amendments adopted, 683  
 Engrossed, 727  
 Re-engrossed, 1304  
 Second reading, 750, 1304  
 Passed, 751, 1304  
 Clincher motion, 751  
 To House, 783  
 House amendments, 1220  
 Returned to Senate, amended, 1208  
 Senate concurs, 1304  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2514—(Wright)**

**Senate Bill No. 2514.** A Bill for an Act to state the purpose and intent of the Legislative assembly with respect to special fuels taxes payable by users of special fuels in motor vehicles or for industrial purposes in the performance of contracts with governmental units; and to amend and reenact subsections 5 and 7 of section 57-52-03 and sections 57-52-04, 57-53-02, and 57-53-03 of the North Dakota Century Code, relating to special fuels taxes.

Introduction, first reading, 269  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 667  
 Amendments adopted, 683  
 Engrossed, 727  
 Re-engrossed, 1164  
 Second reading, 751, 1164  
 Passed, 751, 1165  
 Clincher Motion, 751  
 To House, 783  
 House amendments, 1153  
 Returned to Senate, amended, 1149  
 Senate concurs, 1164  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2515—(Nelson)**

**Senate Bill No. 2515.** A Bill for an Act to create and enact a new section to chapter 61-16 and to chapter 61-21 of the North Dakota Century Code, to allow a water management board and a drainage board to accept bids to supply culverts and pipe arches for a period of one year; and to amend and reenact subsection 1 of section 61-21-01 and sections 61-21-25, 61-21-45, and 61-21-46 of the North Dakota Century Code, relating to definitions of a drain, to situations where no acceptable bids are received, to allowing drain boards to contract with the county or private contractors to construct drains, to contracts for constructing or maintaining water management projects, and to the contracts and maximum levy for cleaning and repairing drains.

Introduction, first reading, 269  
 Referred to Committee on Agriculture  
 Reported back, amended, 558  
 Reprinted, 752  
 Amendments adopted, 593  
 Engrossed, 605  
 Re-engrossed, 1250  
 Second reading, 751, 1250  
 Passed, 752, 1251  
 Clincher motion, 752  
 To House, 783  
 House Amendments, 1220  
 Returned to Senate, amended, 1208  
 Senate concurs, 1250  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2516—(Freed, Schirado)**

**Senate Bill No. 2516.** A Bill for an Act to amend and reenact sections 28-22-03, 28-22-04, and 28-22-05 of the North Dakota Century Code, relating to additional exemptions, specific alternative exemptions, and exemptions of a single person.

Introduction, first reading, 269  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 637  
 Re-referred to Committee on Judiciary, 415  
 Second reading, 752  
 Passed, 752  
 Clincher motion, 752  
 To House, 783  
 Returned to Senate, 415, 1265  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2517—(Freed)**

**Senate Bill No. 2517.** A Bill for an Act to establish procedures for the prejudgment remedy of attachment; and to repeal chapter 32-08 of the North Dakota Century Code, relating to the present procedures of attachment.

Introduction, first reading, 269  
 Referred to Committee on Judiciary  
 Reported back, amended, 591  
 Amendments adopted, 630  
 Engrossed, 647  
 Re-engrossed, 1304  
 Second reading, 752, 1304  
 Passed, 753, 1305  
 Clincher motion, 753  
 To House, 783  
 House amendments, 1270  
 Returned to Senate, amended, 1268  
 Senate concurs, 1304  
 Enrolled, 1657  
 Signed by President, 1658  
 Sent to House, 1658  
 Received from House, 1667  
 Message to Governor, 1667

**Senate Bill No. 2518—(Farrington, Jones, Solberg)**

**Senate Bill No. 2518.** A Bill for an Act to amend and reenact subsection 1 of section 39-12-05 of the North Dakota Century Code, relating to motor vehicle weight limitations.

Introduction, first reading, 269  
 Referred to Committee on Transportation

Reported back, amended, 432  
 Amendments adopted, 448  
 Engrossed, 471  
 Second reading, 515  
 Passed, 516  
 To House, 581  
 Returned to Senate, 1087  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1459  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2519—(Lashkowitz, Schirado, Sands)**

**Senate Bill No. 2519.** A Bill for an Act to amend and reenact section 44-04-18 of the North Dakota Century Code, relating to a penalty for violating the open records law.

Introduction, first reading, 269  
 Referred to Committee on Judiciary  
 Reported back, do pass, 591  
 Engrossed, 1412  
 Second reading, 753, 1412  
 Passed, 753, 1412  
 Clincher motion, 753  
 To House, 783  
 House amendments, 983  
 Returned to Senate, amended, 982  
 Conference Committee, 1058, 1148  
 Conference Committee Report, 1374  
 Adopts, 1412  
 House adopts, 1492  
 Senate does not concur, 1058  
 Enrolled, 1682  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2520—(Lashkowitz, Schirado)**

**Senate Bill No. 2520.** A Bill for an Act to amend and reenact section 40-45-03 of the North Dakota Century Code, relating to city ordinances regarding police pensions.

Introduction, first reading, 269  
 Referred to Committee on Political Subdivisions  
 Reported back, amended, 591  
 Amendments adopted, 630  
 Engrossed, 647  
 Second reading, 753  
 Passed, 754  
 Clincher motion, 754

To House, 783  
Returned to Senate, 1386  
Enrolled, 1681  
Signed by President, 1684  
Sent to House, 1687  
Received from House, 1689  
Message to Governor, 1697

**Senate Bill No. 2521 — (Freed)**

**Senate Bill No. 2521.** A Bill for an Act to repeal sections 27-11-03, 27-11-25, and 27-11-26 of the North Dakota Century Code, relating to the admission to the bar, state of North Dakota.

Introduction, first reading, 270  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 637  
Second reading, 754  
Lost, 754

**Senate Bill No. 2522 — (Redlin, Freed)**

**Senate Bill No. 2522.** A Bill for an Act to create and enact section 27-08-08.1 of the North Dakota Century Code, relating to the qualifications of a county judge of increased jurisdiction; and declaring an emergency.

Introduction, first reading, 270  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 637  
Second reading, 754  
Lost, 755

**Senate Bill No. 2523 — (Lashkowitz, Holmberg, Peterson, Schirado)**

**Senate Bill No. 2523.** A Bill for an Act to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, and 15-41-06 of the North Dakota Century Code, relating to foundation payments for public school pupils in kindergarten programs, special education programs for pupils below compulsory age, and regular elementary and secondary education programs approved by the department of public instruction.

Introduction, first reading, 270  
Referred to Committee on Education  
Reported back, indefinitely postponed, 459  
Second reading, 516  
Lost, 516

**Senate Bill No. 2524 — (Lashkowitz, Holmberg, Peterson, Schirado)**

**Senate Bill No. 2524.** A Bill for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to providing aid for the transportation of public elementary and secondary school students.

Introduction, first reading, 270  
Referred to Committee on Education  
Reported back, indefinitely postponed, 474



Second reading, 544

Lost, 544

**Senate Bill No. 2525** — (Lashkowitz, Schirado, Miller, Iszler, Lodoen)

**Senate Bill No. 2525.** A Bill for an Act to create and enact a new section to chapter 14-02 of the North Dakota Century Code, relating to the measure and determination of damages for defamation; and to amend and reenact sections 14-02-03, 14-02-04, 14-02-05, and 14-02-08 of the North Dakota Century Code, relating to definitions of libel, slander, and privileged communications, and to libel suits against newspapers.

Introduction, first reading, 270

Referred to Committee on Judiciary

Reported back, indefinitely postponed, 667

Second reading, 755

Lost, 755

**Senate Bill No. 2526** — (Sandness)

**Senate Bill No. 2526.** A Bill for an Act to create and enact four new subsections to section 61-02-14 of the North Dakota Century Code relating to the power of the state water commission to acquire, develop, lease, and finance irrigation projects by the issuance of bonds and relating to the guarantee thereof; to create and enact a new section to chapter 61-02 of the North Dakota Century Code relating to the law governing the commissions actions; to amend and reenact subsection 2 of section 61-02-24 of the North Dakota Century Code relating to cooperation and coordination with existing agencies; to amend and reenact section 61-02-24.1 relating to cooperation and participation of political subdivisions; to amend and reenact section 61-02-47 of the North Dakota Century Code relating to the maturity of bonds; to amend and reenact section 61-02-48 of the North Dakota Century Code relating to the interest rate, form and denomination of bonds; to amend and reenact section 61-02-53 of the North Dakota Century Code relating to issuance, sale, and proceeds of sale of bonds; to amend and reenact section 61-02-58 of the North Dakota Century Code relating to bond holders lien on a bond proceeds; and to amend and reenact section 61-02-66 of the North Dakota Century Code relating to the deposit of bond proceeds in the construction fund and the disbursement thereof.

Introduction, first reading, 270

Referred to Committee on Agriculture

Withdrawn, 519

Returned to Senate, 519

**Senate Bill No. 2527** — (Fritzell)

**Senate Bill No. 2527.** A Bill for an Act to create and enact section 10-18.1-12 of the North Dakota Century Code, relating to deposit of securities with the federal reserve bank under certain conditions.

Introduction, first reading, 271

Referred to Committee on State & Federal Government

Reported back, do pass, 627

Re-referred to Committee on Industry, Business & Labor, 290

Second reading, 755  
 Passed, 755  
 Clincher motion, 755  
 To House, 783  
 Returned to Senate, 290, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2528 — (Schirado)**

**Senate Bill No. 2528.** A Bill for an Act to amend and reenact section 12.1-32-01 of the North Dakota Century Code, relating to increasing the penalties for classification of offenses.

Introduction, first reading, 271  
 Referred to Committee on Judiciary  
 No recommendation, 637  
 Second reading, 755  
 Lost, 756

**Senate Bill No. 2529 — (Freed)**

**Senate Bill No. 2529.** A Bill for an Act to amend and reenact sections 27-11-01, 27-11-22 and 27-12-02 of the North Dakota Century Code, relating to prohibition of practicing law or serving on certain courts without certificate of admission and payment of annual license fee and providing a penalty, relating to the requirement for an annual license to practice law or serve on certain courts, issuance thereof, fees therefore and membership in the state bar association of North Dakota of all attorneys and persons serving on certain courts.

Introduction, first reading, 271  
 Referred to Committee on Judiciary  
 Reported back, do pass, 637, amended, floor amendments, 775  
 Amendments adopted, 775  
 Re-engrossed, 775  
 Second reading, 756, 775  
 Lost 756, 776  
 Clincher motion, 776  
 To House, 810  
 Returned to Senate, 1112  
 Reconsidered, 775  
 Enrolled, 1463  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2530 — (Schirado)**

**Senate Bill No. 2530.** A Bill for an Act to amend and reenact section 27-08-34 of the North Dakota Century Code, relating to change of judge in preliminary examinations held in county court with increased jurisdiction.

Introduction, first reading, 271  
 Referred to Committee on Judiciary  
 Reported back, amended, 637  
 Amendments adopted, 649  
 Engrossed, 681  
 Second reading, 757  
 Passed, 757  
 Clincher motion, 757  
 To House, 783  
 Returned to Senate, 982  
 Enrolled, 1238  
 Signed by President, 1242  
 Sent to House, 1242  
 Received from House, 1288  
 Message to Governor, 1291  
 Approved by Governor, 1390

**Senate Bill No. 2531 -- (Schirado)**

**Senate Bill No. 2531.** A Bill for an Act to repeal subsection 2 of section 12.1-32-11 of the North Dakota Century Code, relating to the aggregate total term of imprisonment for sentences for multiple offenses.

Introduction, first reading, 271  
 Referred to Committee on Judiciary  
 Reported back, do pass, 667, amended, floor amendments, 757  
 Amendments adopted, 757  
 Re-engrossed, 757  
 Second reading, 757  
 Passed, 758  
 Clincher motion, 758  
 To House, 783  
 Returned to Senate, 982  
 Enrolled, 1238  
 Signed by President, 1242  
 Sent to House, 1242  
 Received from House, 1289  
 Message to Governor, 1291  
 Approved by Governor, 1358

**Senate Bill No. 2532 -- (Morgan, Pietron)**

**Senate Bill No. 2532.** A Bill for an Act to create and enact a new section to chapter 40-57 of the North Dakota Century Code, relating to the authority of municipalities to issue refunding bonds with respect to municipal industrial development projects; and declaring an emergency.

Introduction, first reading, 271  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 560  
 Second reading, 675

Passed, 675  
 Emergency carried, 675  
 To House, 760  
 Returned to Senate, 1087  
 Enrolled, 1427  
 Signed by President, 1442  
 Sent to House, 1442  
 Received from House, 1459  
 Message to Governor, 1460  
 Approved by Governor, 1540

**Senate Bill No. 2533 — (Schirado)**

**Senate Bill No. 2533.** A Bill for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, relating to the punishment classification for simple assault.

Introduction, first reading, 271  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 567  
 Second reading, 758  
 Lost, 758

**Senate Bill No. 2534 — (Schirado)**

**Senate Bill No. 2534.** A Bill for an Act to amend and reenact subsection 2 of section 12.1-21-05 of the North Dakota Century Code, relating to the penalties for criminal mischief.

Introduction, first reading, 271  
 Referred to Committee on Judiciary  
 Reported back, amended, 567  
 Amendments adopted, 683  
 Engrossed, 727  
 Second reading, 758  
 Passed, 759  
 Clincher motion, 759  
 To House, 783  
 Returned to Senate, 1014  
 Enrolled, 1292  
 Signed by President, 1314  
 Sent to House, 1314  
 Received from House, 1353  
 Message to Governor, 1353  
 Approved by Governor, 1390

**Senate Bill No. 2535 — (Barth)**

**Senate Bill No. 2535.** A Bill for an Act to amend and reenact section 57-56-01 and section 57-56-01.2 of the North Dakota Century Code, relating to taxes on aviation gasoline and providing a refund.

Introduction, first reading, 271  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 560  
 Re-referred to Committee on Agriculture, 290

Second reading, 676  
Lost, 676  
Returned to Senate, 290

**Senate Bill No. 2536 — (Solberg)**

**Senate Bill No. 2536.** A Bill for an Act to amend and reenact section 39-18-01 of the North Dakota Century Code, relating to mobile home dealers' licenses, fees, and dealers' plates.

Introduction, first reading, 272  
Referred to Committee on Transportation  
Reported back, amended, 535  
Amendments adopted, 563  
Engrossed, 588  
Second reading, 676  
Passed, 676  
To House, 760  
Returned to Senate, 1354  
Enrolled, 1681  
Signed by President, 1684  
Sent to House, 1687  
Received from House, 1689  
Message to Governor, 1697

**Senate Bill No. 2537 — (Hanson, Fritzell, Tallackson)**

**Senate Bill No. 2537.** A Bill for an Act to create and enact a new section to chapter 49-05 of the North Dakota Century Code, relating to the effectiveness of suspended public utility rates under bond.

Introduction, first reading, 272  
Referred to Committee on Industry, Business, & Labor  
Reported back, do pass, 627  
Second reading, 759  
Passed, 759  
Clincher motion, 759  
To House, 783  
Returned to Senate, 1265

**Senate Bill No. 2538 — (Nelson)**

**Senate Bill No. 2538.** A Bill for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to school district residency determination in child placement cases.

Introduction, first reading, 272  
Referred to Committee on Education  
Reported back, amended, 667  
Amendments adopted, 683  
Engrossed, 727  
Second reading, 759  
Passed, 759  
Clincher motion, 759  
To House, 783  
Returned to Senate, 1146

**Senate Bill No. 2539 — (Freed)**

**Senate Bill No. 2539.** A Bill for an Act to amend and reenact subsection 2 of section 39-10-43 of the North Dakota Century Code, relating to certain vehicles being required to stop at railroad grade crossings at which traffic is controlled by a police officer.

Introduction, first reading, 272  
 Referred to Committee on Transportation  
 Reported back, do pass, 432  
 Engrossed, 1123  
 Second reading, 485, 1123  
 Passed, 485, 1123  
 To House, 554  
 House amendments, 1088  
 Returned to Senate, amended, 1087  
 Senate concurs, 1123  
 Enrolled, 1464  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2540 — (Lips)**

**Senate Bill No. 2540.** A Bill for an Act to require certain provisions to be included in every life insurance policy delivered or issued for delivery in this state relating to minimum benefits to be made available to the lapsing policyholder, to provide for certain exemptions from the Act, and to provide for an operative date with respect to the policies of a particular company issued on and after such date; and to repeal the subsection entitled "Options on Surrender or Lapse" in each of sections 26-03-26, 26-03-27, 26-03-28 and 26-03-29, to repeal the subsection entitled "Continuance of Insurance on Lapse" in each of sections 26-03-30 and 26-03-31, and to repeal subsections 8 and 9 of section 26-03-35 of the North Dakota Century Code, relating to required options on lapse of a life insurance policy.

Introduction, first reading, 272  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 627  
 Amendments adopted, 649  
 Engrossed, 681  
 Second reading, 770  
 Passed, 770  
 Clincher motion, 770  
 To House, 810  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2541 — (Lips)**

**Senate Bill No. 2541.** A Bill for an Act to require certain provisions to be included in every individual deferred annuity contract delivered or issued for delivery in this state relating to minimum benefits to be made available to the contractholder on cessation of payment of consideration, to provide for certain exemptions from the Act, and to provide for an operative date with respect to the contracts of a particular company issued on and after such date.

Introduction, first reading, 272  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 668  
 Second reading, 770  
 Passed, 771  
 Clincher motion, 771  
 To House, 810  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2542 (Barth)**

**Senate Bill No. 2542.** A Bill for an Act to amend and reenact subsections 2 and 4 of section 12.1-28-02 of the North Dakota Century Code, relating to gambling and related offenses and the classification of offenses.

Introduction, first reading, 272  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 668  
 Second reading, 771  
 Lost, 772

**Senate Bill No. 2543 — (Lips)**

**Senate Bill No. 2543.** A Bill for an Act to empower the commissioner of insurance to annually value or cause to be valued the reserve liabilities of every life insurance company doing business in this state and to establish minimum standards for the valuation of such liabilities; and to repeal sections 26-03-33, 26-03-34 and 26-10-01 of the North Dakota Century Code, relating to the valuation of life and accident insurance policies.

Introduction, first reading, 273  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 668  
 Second reading, 771  
 Passed, 771  
 Clincher motion, 771  
 To House, 810  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605

Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2544 — (Committee on Delayed Bills)**

**Senate Bill No. 2544.** A Bill for an Act to create and enact a new section to chapter 23-09 of the North Dakota Century Code, relating to smoke detection devices or other approved alarm systems in hotels, motels, and lodginghouses; to amend and reenact subsection 1 of section 23-09-01 of the North Dakota Century Code, relating to the definition of a motel; and providing a date of compliance.

Introduction, first reading, 476  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 668  
 Amendments adopted, 685  
 Engrossed, 727  
 Second reading, 772  
 Passed, 772  
 Clincher motion, 772  
 To House, 810  
 Returned to Senate, 1267  
 Enrolled, 1604  
 Signed by President, 1605  
 Sent to House, 1606  
 Received from House, 1610  
 Message to Governor, 1622  
 Approved by Governor, 1660

**Senate Bill No. 2545 — (Committee on Delayed Bills)**

**Senate Bill No. 2545.** A Bill for an Act to authorize the active promotion and orderly development of the film, television, and multimedia production industry in North Dakota; and providing an appropriation.

Introduction, first reading, 476  
 Referred to Committee on Appropriations  
 Reported back, do pass, 627  
 Second reading, 772  
 Passed, 773  
 Clincher motion, 773  
 To House, 810  
 Returned to Senate, 1392

**Senate Bill No. 2546 — (Committee on Delayed Bills)**

**Senate Bill No. 2546.** A Bill for an Act to authorize the state board of higher education to purchase two and sixty-nine hundredths acres of land adjacent to the university of North Dakota medical center rehabilitation hospital using certain funds on hand.

Introduction, first reading, 549  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 669  
 Second reading, 773



Passed, 773  
 Clincher motion, 773  
 To House, 811  
 Returned to Senate, 1112  
 Enrolled, 1463  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Governor, 1487  
 Approved by Governor, 1540

**Senate Bill No. 2547** — (Committee on Delayed Bills)

**Senate Bill No. 2547.** A Bill for an Act to amend and reenact subdivision a of subsection 4 and subdivision b of subsection 5 of section 65-01-02 of the North Dakota Century Code, relating to the definition of hazardous employment and the exclusions from the definition of employee; and providing for an effective date.

Introduction, first reading, 597  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 627  
 Second reading, 773  
 Lost, 774

**Senate Bill No. 2548** — (Committee on Delayed Bills)

**Senate Bill No. 2548.** A Bill for an Act making an appropriation to the North Dakota state water commission for the purpose of the investigation and development of a plan and estimate of costs for the supplementation of the water resources of Dickinson and southwestern North Dakota with water from the Missouri River.

Introduction, first reading, 597  
 Referred to Committee on Appropriations  
 Reported back, do pass, 669  
 Engrossed, 1490  
 Second reading, 774, 1490  
 Passed, 775, 1490  
 Clincher motion, 775  
 To House, 811  
 House amendments, 1352  
 Returned to Senate, amended, 1348  
 Conference Committee, 1370, 1414  
 Conference Committee Report, 1482  
 Adopts, 1490  
 House adopts, 1544  
 Senate does not concur, 1370  
 Enrolled, 1683  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2549** — (Committee on Delayed Bills)

**Senate Bill No. 2549.** A Bill for an Act appropriating federal revenue sharing funds for foundation program payments.

Introduction, first reading, 838  
 Referred to Committee on Appropriations  
 Reported back, do pass, 1071  
 Second reading, 1084  
 Passed, 1084  
 Clincher motion, 1084  
 To House, 1085  
 Returned to Senate, 1414  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2550** — (Committee on Delayed Bills)

**Senate Bill No. 2550.** A Bill for an Act to authorize a school district mill levy for federal unemployment compensation taxes; and to provide an expiration date.

Introduction, first reading, 995  
 Referred to Committee on Education  
 Reported back, do pass, 1094  
 Engrossed, 1560  
 Second reading, 1139, 1560  
 Passed, 1140, 1560  
 Clincher motion, 1140  
 To House, 1182  
 House amendments, 1544  
 Returned to Senate, amended, 1544  
 Senate concurs, 1560  
 Enrolled, 1683  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2551** — (Committee on Delayed Bills)

**Senate Bill No. 2551.** A Bill for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; to provide for a state coal development impact commission and a county coal development impact commission to approve or disapprove impact grants; and to provide an appropriation for revenue sharing.

Introduction, first reading, 995  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 1127, amended, 1601  
 Floor amendments, 1652

Referred to Committee on Appropriations, 1601  
 Amendments adopted, 1602, 1653  
 Engrossed, 1609  
 Re-engrossed, 1648, 1653  
 Second reading, 1345, 1625, 1652  
 Passed, 1626  
 Lost, 1654  
 To House, 1627  
 House amendments, 1638-1648  
 Returned to Senate, amended, 1638  
 Senate concurs, 1648

**Senate Bill No. 2552 -- (Committee on Delayed Bills)**

**Senate Bill No. 2552.** A Bill for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to and clarifying the powers and duties of the social service board; and declaring an emergency

Introduction, first reading, 1264  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 1326  
 Amendments adopted, 1375  
 Engrossed, 1375  
 Second reading, 1375  
 Passed, 1376  
 Clincher motion, 1376  
 Emergency carried, 1376  
 To House, 1387  
 Returned to Senate, 1492  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Governor, 1697

**Senate Bill No. 2553 -- (Committee on Delayed Bills)**

**Senate Bill No. 2553.** A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to provision of banking services by the Bank of North Dakota in the event a bank is closed.

Introduction, First reading, 1283  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 1320  
 Second reading, 1356  
 Passed, 1356  
 Clincher motion, 1358  
 To House, 1387  
 Returned to Senate, 1603

## Senate Concurrent Resolutions

### Senate Concurrent Resolution No. 4001— Committee on Budget

Senate Concurrent Resolution No. 4001. A concurrent resolution urging the State Library Commission to provide technical services and expertise to the State Historical Board library.

Introduction, first reading, 48  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 75  
 Second reading, 111  
 Lost, 111

### Senate Concurrent Resolution No. 4002— (Committee on Budget)

Senate Concurrent Resolution No. 4002. A concurrent resolution recommending that the State Library Commission be moved to the Liberty Memorial Building once the Liberty Memorial Building is no longer occupied by the State Historical Board.

Introduction, first reading, 48  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 75  
 Second reading, 111  
 Adopted, 111  
 To House, 142  
 Returned to Senate, 1355  
 Enrolled, 1631  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Secretary of State, 1697

### Senate Concurrent Resolution No. 4003— (Committee on Constitutional Revision)

Senate Concurrent Resolution No. 4003. A concurrent resolution directing the Legislative Council, with the assistance of citizen advisors, to create a permanent interim committee to study the North Dakota Constitution and to make recommendations regarding constitutional revision.

Introduction, first reading, 48  
 Referred to Committee on Constitutional Revision  
 Reported back, do pass, 83, 1424  
 Re-referred to Legislative Council Resolutions Committee, 83  
 Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1509  
 Returned to Senate, 1543  
 Enrolled, 1631  
 Signed by President, 1684  
 Sent to House, 1687

Received from House, 1689  
 Message to Secretary of State, 1697

**Senate Concurrent Resolution No. 4004—**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4004.** A concurrent resolution to repeal sections 60, 62, 180, and 181 of the Constitution of the State of North Dakota, relating to deadlines for the introduction of bills in the legislature and the contents of the general appropriation bill, the levy and collection of a poll tax, and the general powers of the legislature regarding tax matters.

Introduction, first reading, 48  
 Referred to Committee on Constitutional Revision  
 Reported back, amended, 1497  
 Amendments adopted, 1510  
 Engrossed, 1515  
 Second reading, 1515  
 Adopted, 1516  
 To House, 1521  
 Returned to Senate, 1560  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4005—**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4005.** A concurrent resolution to repeal article 75 of the amendments to the Constitution of the State of North Dakota, relating to operations of government offices in periods of emergency resulting from disaster caused by enemy attack.

Introduction, first reading, 48  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1320  
 Second reading, 1358  
 Lost, 1359

**Senate Concurrent Resolution No. 4006—**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4006.** A concurrent resolution to repeal article 76 of the amendments to the Constitution of the State of North Dakota, relating to authorizing the state to issue bonds to help finance private or cooperatively owned power generating facilities.

Introduction, first reading, 49  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1320  
 Second reading, 1359  
 Lost, 1359

**Senate Concurrent Resolution No. 4007—**  
(Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4007.** A concurrent resolution to repeal section 180 of the Constitution of the State of North Dakota, relating to the levy, collection, and disposition of an annual poll tax.

Introduction, first reading, 49  
Referred to Committee on Constitutional Revision  
Reported back, indefinitely postponed, 1498  
Second reading, 1510  
Lost, 1510

**Senate Concurrent Resolution No. 4008 —**  
(Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4008.** A concurrent resolution to repeal section 181 of the Constitution of the State of North Dakota, relating to powers of the legislative assembly.

Introduction, first reading, 49  
Referred to Committee on Constitutional Revision  
Reported back, indefinitely postponed, 1498  
Second reading, 1510  
Lost, 1511

**Senate Concurrent Resolution No. 4009—**  
(Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4009.** A concurrent resolution to repeal section 214 and sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota, relating to the original congressional and legislative apportionment of the state and to the transition of governmental functions from territorial government to state government.

Introduction, first reading, 49  
Referred to Committee on Constitutional Revision  
Reported back, amended, 1498  
Amendments adopted, 1510  
Engrossed, 1515  
Second reading, 1516  
Adopted, 1516  
To House, 1521  
Returned to Senate, 1560  
Enrolled, 1681  
Signed by President, 1684  
Sent to House, 1687  
Received from House, 1689  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4010—**  
(Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4010.** A concurrent resolution to repeal sections 1 through 25 of the transition schedule of the Constitution of the State of North Dakota, relating to the transition of governmental functions from territorial government to state government.

Introduction, first reading, 49  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1498  
 Second reading, 1511  
 Lost, 1511

**Senate Concurrent Resolution No. 4011—**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4011.** A concurrent resolution for the amendment of section 161 of the Constitution of the State of North Dakota, relating to the leasing of lands granted to the state for educational and charitable purposes; and providing an effective date.

Introduction, first reading, 49  
 Referred to Committee on Constitutional Revision  
 Reported back, do pass, 1494  
 Second reading, 1511  
 Lost, 1512

**Senate Concurrent Resolution No. 4012 —**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4012.** A concurrent resolution for the amendment of section 174 of the Constitution of the State of North Dakota, relating to the raising of revenue on an ad valorem basis.

Introduction, first reading, 49  
 Referred to Committee on Constitutional Revision  
 Reported back, do pass, 1494  
 Second reading, 1513  
 Adopted, 1513  
 To House, 1521  
 Returned to Senate, 1560  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4013—**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4013.** A concurrent resolution for the amendment of section 183 of the Constitution of the State of North Dakota, relating to bonding limitations of political subdivisions.

Introduction, first reading, 49  
 Referred to Committee on Constitutional Revision  
 Reported back, do pass, 1494  
 Second reading, 1513  
 Adopted, 1514  
 To House, 1521  
 Returned to Senate, 1560  
 Enrolled, 1681  
 Signed by President, 1684

Sent to House, 1687  
 Received from House, 1689  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4014—**  
 (Committee on Constitutional Revision)

**Senate Concurrent Resolution No. 4014.** A concurrent resolution for the amendment of section 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate.

Introduction, first reading, 50  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1320  
 Second reading, 1359  
 Lost, 1360

**Senate Concurrent Resolution No. 4015—**  
 (Committee on Education)

**Senate Concurrent Resolution No. 4015.** A concurrent resolution directing the Legislative Council, with the assistance of the State Board for Vocational Education and the State Office of Adult Education, to study the needs and financing of adult and vocational education.

Introduction, first reading, 50  
 Referred to Committee on Education  
 Reported back, do pass, 83, 1424  
 Re-referred to Legislative Council Resolutions Committee, 124  
 Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1509  
 Returned to Senate, 1543  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4016—**  
 (Committee on Education)

**Senate Concurrent Resolution No. 4016.** A concurrent resolution commending school districts for raising teacher salaries in North Dakota and urging school districts to continue giving first consideration to raising teacher salaries.

Introduction, first reading, 50  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 75  
 Second reading, 111  
 Lost, 111

**Senate Concurrent Resolution No. 4017—**  
 (Committee on Finance & Taxation)



**Senate Concurrent Resolution No. 4017.** A concurrent resolution urging Congress to enact legislation providing for the reimbursement of political subdivisions for the loss of property tax revenue resulting from federally owned electrical transmission lines.

Introduction, first reading, 50  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 84  
 Second reading, 124  
 Adopted, 124  
 To House, 189  
 Returned to Senate, 376  
 Enrolled, 859  
 Signed by President, 860  
 Sent to House, 872  
 Received from House, 873  
 Message to Secretary of State, 873

**Senate Concurrent Resolution No. 4018—**

(Committee on Legislative Procedure & Arrangements)

**Senate Concurrent Resolution No. 4018.** A concurrent resolution directing a Legislative Council study of the legislative process with emphasis on the appropriate use of the time available to the Legislative Assembly for regular sessions, on the interim process, on the use of standing and interim committees, and on the provision and use of staff.

Introduction, first reading, 50  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 75, 1424  
 Referred to Committee on Constitutional Revision, 98  
 Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1509  
 Returned to Senate, 1543  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1689  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4019—**(Lashkowitz, Lodoen, Tennesos, Hoffner)

**Senate Concurrent Resolution No. 4019.** A concurrent resolution urging acceleration of the Garrison Diversion Project.

Introduction, first reading, 50  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 84  
 Engrossed, 436, 859  
 Second reading, 85, 436  
 Adopted, 85, 436  
 To House, 99  
 House Amendments, 426  
 Returned to Senate, amended, 426

Senate concurs, 436  
Enrolled, 859  
Signed by President, 860  
Sent to House, 872  
Received from House, 873  
Message to Secretary of State, 873

**Senate Concurrent Resolution No. 4020—(Lips)**

**Senate Concurrent Resolution No. 4020.** A concurrent resolution recognizing and commending secretaries who have attained the rating of Certified Professional Secretary.

Introduction, first reading, 50  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 162  
Second reading, 201  
Adopted, 201  
Returned to Senate, 1112  
Enrolled, 1464  
Signed by President, 1465  
Sent to House, 1479  
Received from House, 1486  
Message to Secretary of State, 1487

**Senate Concurrent Resolution No. 4021—(Wenstrom, Nething, Hoffner)**

**Senate Concurrent Resolution No. 4021.** A concurrent resolution urging a moratorium on structural changes in the North Dakota judicial system and directing a Legislative Council study of the state's judicial system.

Introduction, first reading, 50  
Referred to Committee on Judiciary  
Reported back, do pass, 162, 1424  
Re-referred to Committee on Legislative Council Resolutions, 162  
Second reading, 1500  
Adopted, 1501  
Clincher motion, 1502  
To House, 1509  
Returned to Senate, 1543  
Enrolled, 1681  
Signed by President, 1684  
Sent to House, 1687  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4022—(Melland)**

**Senate Concurrent Resolution No. 4022.** A concurrent resolution supporting and urging early completion of the Garrison Diversion Project.

Introduction, first reading, 51  
Referred to Committee on Natural Resources  
Reported back, withdrawn, 86

**Senate Concurrent Resolution No. 4023—(Committee on State & Federal Government)**

**Senate Concurrent Resolution No. 4023.** A concurrent resolution directing the legislative council to conduct an interim study to examine the effectiveness of the state's disaster prevention, preparedness, response, and recovery programs and to determine the feasibility of future legislation to better enable the state and its political subdivisions to meet all types of disasters and emergencies.

Introduction, first reading, 69  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 177  
 Indefinitely postponed, 1445  
 Re-referred to Committee on Legislative Council Resolutions, 177  
 Amendments adopted, 192  
 Engrossed, 213  
 Second reading, 1461  
 Lost, 1461

**Senate Concurrent Resolution No. 4024—(Hoffner, Wenstrom, Reiten)**

**Senate Concurrent Resolution No. 4024.** A concurrent resolution for a constitutional amendment requiring the records of all governmental bodies to be open to the public unless otherwise provided by law.

Introduction, first reading, 69  
 Referred to Committee on Constitutional Revision  
 Reported back, do pass, 1494  
 Second reading, 1514  
 Adopted, 1514  
 To House, 1521  
 Returned to Senate, 1560  
 Enrolled, 1681  
 Signed by President, 1684  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4025—(Hanson, Lodoen, Peterson, Tennesfos, Lashkowitz)**

**Senate Concurrent Resolution No. 4025.** A concurrent resolution congratulating Sid Cichy on being named the national high school football coach of the year for 1975.

Introduction, first reading, 76  
 Referred to Committee on (rules suspended) not referred.  
 Second reading, 77  
 Adopted, 77  
 To House, 99  
 Returned to Senate, 126  
 Enrolled, 231  
 Signed by President, 231  
 Sent to House, 254  
 Received from House, 255

Message to Secretary of State, 257

**Senate Concurrent Resolution No. 4026—(Hanson)**

**Senate Concurrent Resolution No. 4026.** A concurrent resolution congratulating the 1976 North Dakota State University Bison football team and their coach Jim Wacker on winning the North Central Conference championship, advancing to the NCAA Division 2 semifinals, and on being named North Dakota college team and coach of the year.

Introduction, first reading, 106

Referred to Committee on (rules suspended) not referred.

Second reading, 107

Adopted, 107

To House, 126

Returned to Senate, 159

Enrolled, 231

Signed by President, 231

Sent to House, 254

Received from House, 255

Message to Secretary of State, 257

**Senate Concurrent Resolution No. 4027—(Committee on State & Federal Government)**

**Senate Concurrent Resolution No. 4027.** A concurrent resolution for the amendment of section 45 of the Constitution of the state of North Dakota, relating to compensation of members of the Legislative Assembly and providing an independent commission to set legislative pay and compensation.

Introduction, first reading, 119

Referred to Committee on State & Federal Government

Reported back, indefinitely postponed, 474

Second reading, 544

Lost, 545

**Senate Concurrent Resolution No. 4028—(Hoffner, Wenstrom)**

**Senate Concurrent Resolution No. 4028.** A concurrent resolution directing the Legislative Council to conduct a study of the minute keeping practices and procedures of public bodies.

Introduction, first reading, 130

Referred to Committee on State & Federal Government

Reported back, do pass, 286

Indefinitely postponed, 1445

Referred to Committee on Legislative Council Resolutions

Second reading, 1451

Lost, 1462

**Senate Concurrent Resolution No. 4029—(Strinden)**

**Senate Concurrent Resolution No. 4029.** A concurrent resolution congratulating the Valley City State College football team on its extraordinarily fine 1976 season

Introduction, first reading, 180  
 Referred to Committee on (rules suspended)  
 Second reading, 181  
 Adopted, 181  
 To House, 228  
 Returned to Senate, 280  
 Enrolled, 859  
 Signed by President, 860  
 Sent to House, 872  
 Received from House, 873  
 Message to Secretary of State, 873

**Senate Concurrent Resolution No. 4030—(Solberg, Freed)**

**Senate Concurrent Resolution No. 4030.** A concurrent resolution directing the Legislative Council to conduct a study of products liability and related insurance problems.

Introduction, first reading, 181  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 501  
 Indefinitely postponed, 1446  
 Re-referred to Committee on Judiciary, 183  
 Legislative Council Resolutions Committee, 536  
 Amendments adopted, 536  
 Engrossed, 555  
 Second reading, 1462  
 Adopted, 1462  
 To House, 1497  
 Returned to Senate, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4031—(Iszler, Strand, Solberg)**

**Senate Concurrent Resolution No. 4031.** A concurrent resolution to adopt specifications for the modification of motor vehicles.

Introduction, first reading, 217  
 Referred to Committee on Transportation  
 Reported back, do pass, 410  
 Second reading, 445  
 Adopted, 445  
 To House, 491  
 Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by president, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4032—(Sandness)**

**Senate Concurrent Resolution No. 4032.** A concurrent resolution directing the Capitol Grounds Planning Commission to study the feasibility of constructing tunnels connecting the Capitol, the Highway Building, and the Heritage Center.

Introduction, first reading, 303  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 592  
 Second reading, 775  
 Lost, 775

**Senate Concurrent Resolution No. 4033—(Melland)**

**Senate Concurrent Resolution No. 4033.** A concurrent resolution urging the North Dakota Congressional Delegation to introduce legislation in the Congress to make federal aid matching formulas for the states more responsive to current economic conditions of the states.

Introduction, first reading, 303  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 501  
 Second reading, 570  
 Adopted, 570  
 To House, 645  
 Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4034—(Nething, Hoffner)**

**Senate Concurrent Resolution No. 4034.** A concurrent resolution urging the United States Congress to designate Theodore Roosevelt National Memorial Park as Theodore Roosevelt National Park.

Introduction, first reading, 303  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 592  
 Second reading, 776  
 Adopted, 776  
 To House, 811  
 Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4035—(Committee on Appropriations)**

**Senate Concurrent Resolution No. 4035.** A concurrent resolution urging the President and the Congress to retain and to continue the federal highway trust fund in its present status and role.

Introduction, first reading, 320  
 Referred to Committee on Transportation  
 Reported back, do pass, 560  
 Second reading, 776  
 Adopted, 776  
 To House, 811  
 Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4035—(Naaden)**

**Senate Concurrent Resolution No. 4035.** A concurrent resolution congratulating Mr. Lawrence Welk for his achievements and dedication to North Dakota.

Introduction, first reading, 320  
 Referred to Committee on rules suspended  
 Second reading, 321  
 Adopted, 321  
 To House, 341  
 Returned to Senate, 376  
 Enrolled, 860  
 Signed by President, 860  
 Sent to House, 872  
 Received from House, 872  
 Message to Secretary of State, 873

**Senate Concurrent Resolution No. 4037—(Naaden, Solberg, Berube, Lee)**

**Senate Concurrent Resolution No. 4037.** A concurrent resolution to withdraw North Dakota's ratification of the Equal Rights Amendment.

Introduction, first reading, 321  
 Referred to Committee on Judiciary  
 Reported back, do pass, 635  
 Second reading, 672  
 Lost, 672

**Senate Concurrent Resolution No. 4038—(Hoffner, Nething, Reiten)**

**Senate Concurrent Resolution No. 4038.** A concurrent resolution offering a page of praise to the press and declaring Thursday, February 10, 1977, as North Dakota Editors Day at the Forty-fifth Legislative Assembly, and welcoming Mr. Jack Landau, a distinguished journalist and Washington-based syndicated columnist, to North Dakota.

Introduction, first reading, 321  
 Referred to Committee on rules suspended  
 Second reading, 323  
 Adopted, 323  
 To House, 341  
 Returned to Senate, 376  
 Enrolled, 860

Signed by President, 360  
Sent to House, 372  
Received from House, 373  
Message to Secretary of State, 373

**Senate Concurrent Resolution No. 4039—(Wright)**

**Senate Concurrent Resolution No. 4039.** A concurrent resolution congratulating the city of Stanley on its upcoming Seventy-fifth Anniversary celebration.

Introduction, first reading, 323  
Referred to Committee on rules suspended  
Second reading, 324  
Adopted, 324  
To House, 341  
Returned to Senate, 373  
Enrolled, 360  
Signed by President, 360  
Sent to House, 372  
Received from House, 373  
Message to Secretary of State, 373

**Senate Concurrent Resolution No. 4040—(Morgan)**

**Senate Concurrent Resolution No. 4040.** A concurrent resolution urging Congress to require federal agencies to enhance lands under their control with woody plantings and utilize other soil and water conservation practices, including the control of noxious weeds.

Introduction, first reading, 324  
Referred to Committee on Agriculture  
Reported back, amended, 360  
Amendments adopted, 394  
Engrossed, 305  
Second reading, 776  
Adopted, 776  
To House, 811  
Returned to Senate, 1355  
Enrolled, 1657  
Signed by President, 1658  
Sent to House, 1658  
Received from House, 1667  
Message to Secretary of State, 1667

**Senate Concurrent Resolution No. 4041—(Medland)**

**Senate Concurrent Resolution No. 4041.** A concurrent resolution urging Congress and the President to permit states to have flexibility in establishing standards and solving local problems.

Introduction, first reading, 324  
Referred to Committee on State & Federal Government  
Reported back, do pass, 301  
Second reading, 370  
Adopted, 370  
To House, 345



Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4042—(Naaden)**

**Senate Concurrent Resolution No. 4042.** A concurrent resolution urging the Commodity Futures Trading Commission and/or the United States Congress to impose a ban on the speculating and shortselling of futures contracts by foreign governments and nonproducers for agricultural commodities.

Introduction, first reading, 324  
 Referred to Committee on Agriculture  
 Reported back, amended, 561  
 Amendments adopted, 594  
 Engrossed, 605  
 Second reading, 744  
 Lost, 744

**Senate Concurrent Resolution No. 4043—(Naaden)**

**Senate Concurrent Resolution No. 4043.** A concurrent resolution requesting the Congress of the United States to adopt an amendment to the United States Constitution for ratification by the states which will guarantee the right of the unborn human to life throughout its intrauterine development subordinate only to saving the life of the mother, and will guarantee that no human life shall be denied protection of law or deprived of life on account of age, sickness, or condition of dependency.

Introduction, first reading, 324  
 Referred to Committee on Judiciary  
 Reported back, floor amendment, 777  
 Referred to Committee on 777  
 Re-engrossed, 777  
 Second reading, 776  
 Adopted, 778  
 To House, 811  
 Returned to Senate, 1112  
 Enrolled, 1464  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Secretary of State, 1487

**Senate Concurrent Resolution No. 4044—(Shablow, Sands)**

**Senate Concurrent Resolution No. 4044.** A concurrent resolution urging the State Department of Health to exercise discretion in requiring small communities to meet the criteria for solid waste management established in Chapter 23-29 of the North Dakota Century Code.

Introduction, first reading, 324  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 560  
Second reading, 778  
Adopted, 778  
To House, 811  
Returned to Senate, 1087  
Enrolled, 1427  
Signed by President, 1442  
Sent to House, 1442  
Received from House, 1459  
Message to Secretary of State, 1460

**Senate Concurrent Resolution No. 4045—(Walsh)**

**Senate Concurrent Resolution No. 4045.** A concurrent resolution urging the North Dakota Mill and Elevator and the Industrial Commission to conduct marketing research regarding the production and sale of gasohol.

Introduction, first reading, 324  
Referred to Committee on Agriculture  
Reported back, amended, 561  
Amendments adopted, 594  
Engrossed, 605  
Second reading, 778  
Adopted, 778  
To House, 811  
Returned to Senate, 1355  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1687  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4046—(Barth, Wenstrom)**

**Senate Concurrent Resolution No. 4046.** A concurrent resolution relating to recognition of and cooperation with a study being conducted by the North Dakota State University Community and Regional Planning Program, at the request of the North Dakota Indian Affairs Commission, concerning the distribution of county motor vehicle tax moneys for North Dakota reservation county roads.

Introduction, first reading, 325  
Referred to Committee on State & Federal Government  
Reported back, amended, 592  
Amendments adopted, 630  
Engrossed, 647  
Second Reading, 778  
Adopted, 778  
To House, 811  
Returned to Senate, 1355  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1687

Received from House, 1690

**Senate Concurrent Resolution No. 4047**—(Mau, Lashkowitz, Orange, Sands)

**Senate Concurrent Resolution No. 4047.** A concurrent resolution urging and encouraging the State Board of Higher Education and all political subdivisions to make buildings under their control accessible to and usable by the physically handicapped with all possible dispatch.

Introduction, first reading, 325

Reported back, indefinitely postponed, 592

Withdrawn, 778

**Senate Concurrent Resolution No. 4048**—(Maher, Hoffner, Berube)

**Senate Concurrent Resolution No. 4048.** A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and urging the Congress and the President of the United States to exercise responsibility and authority in resolving them.

Introduction, first reading, 325

Referred to Committee on State & Federal Government

Reported back, do pass, 592

Second reading, 778

Adopted, 778

To House, 811

Returned to Senate, 1355

Enrolled, 1681

Signed by President, 1685

Sent to House, 1687

Received from House, 1690

Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4049**—(Tennefos)

**Senate Concurrent Resolution No. 4049.** A concurrent resolution urging Congress to retain Section 14(b) of the Taft-Hartley Act.

Introduction, first reading, 325

Referred to Committee on Industry, Business & Labor

Reported back, do pass, 502

Second reading, 570

Adopted, 571

To House, 645

Returned to Senate, 1393

Enrolled, 1681

Signed by President, 1685

Sent to House, 1687

Received from House, 1690

Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4050** — (Vosper)

**Senate Concurrent Resolution No. 4050.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the Pembilier Dam Project.

Introduction, first reading, 325  
 Referred to Committee on Natural Resources  
 Reported Back, do pass, 592  
 Second reading, 778  
 Adopted, 778  
 To House, 811  
 Returned to Senate, 1112  
 Enrolled, 1464  
 Signed by President, 1465  
 Sent to House, 1479  
 Received from House, 1486  
 Message to Secretary of State, 1487

**Senate Concurrent Resolution No. 4051 — (Lashkowitz, Schirado)**

**Senate Concurrent Resolution No. 4051.** A concurrent resolution for the amendment of subsections 2 and 7 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the qualifications and appointment of members of the State Board of Higher Education and the method of selection of the State Commissioner of Higher Education.

Introduction, first reading, 325  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 1391  
 Re-referred to Committee on Constitutional Revision, 605  
 Second reading, 1425  
 Lost, 1426  
 Returned to Senate, 605

**Senate Concurrent Resolution No. 4052 — (Strinden, Redlin)**

**Senate Concurrent Resolution No. 4052.** A concurrent resolution urging federally authorized lending agencies to provide financial information to state authorities.

Introduction, first reading, 325  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 593  
 Amendments adopted, 630  
 Engrossed, 647  
 Second reading, 778  
 Adopted, 779  
 To House, 811  
 Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4053 — (Lashkowitz, Schirado)**

**Senate Concurrent Resolution No. 4053.** A concurrent resolution for the amendment of subsection 7 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the method of selection of the State Commissioner of Higher Education.

Introduction, first reading, 350  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1391  
 Second reading, 1452  
 Lost, 1452

**Senate Concurrent Resolution No. 4054 — (Lashkowitz, Schirado)**

**Senate Concurrent Resolution No. 4054.** A concurrent resolution for the amendment of subsection 2 of article 54 of the amendments to the Constitution of the State of North Dakota, relating to the qualifications and appointment of members of the State Board of Higher Education.

Introduction, first reading, 350  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1391  
 Second reading, 1452  
 Lost, 1452

**Senate Concurrent Resolution No. 4055 — (Hanson)**

**Senate Concurrent Resolution No. 4055.** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of assisting local authorities to develop local energy codes or of adopting a statewide code for energy conservation in building construction.

Introduction, first reading, 365  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 502, indefinitely postponed, 1446  
 Re-referred to Committee on Legislative Council Resolution Committee  
 Second reading, 1494, 1523  
 Lost, 1495  
 Adopted, 1524  
 To House, 1525  
 Returned to Senate, 1604  
 Reconsidered, 1523  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4056 — (Nelson)**

**Senate Concurrent Resolution No. 4056.** A concurrent resolution directing a Legislative Council study of the organization and financing of special education.

Introduction, first reading, 366  
 Referred to Committee on Education  
 Reported back, do pass, 669, indefinitely postponed, 1446  
 Referred to Committee on Legislative Council Resolution Committee,  
 669  
 Second reading, 1495  
 Lost, 1495

**Senate Concurrent Resolution No. 4057 — (Committee on Agriculture)**

**Senate Concurrent Resolution No. 4057.** A concurrent resolution directing the Legislative Council to conduct a study of the North Dakota noxious weeds law, chapter 63-01.1, to provide a more effective and efficient procedure for controlling and eradicating noxious weeds on all lands within North Dakota.

Introduction, first reading, 386  
 Referred to Committee on Agriculture  
 Reported back, do pass, 561, indefinitely postponed, 1446  
 Re-referred to Committee on Legislative Council Resolution Committee, 644  
 Second reading, 1495  
 Lost, 1495

**Senate Concurrent Resolution No. 4058 — (Jones)**

**Senate Concurrent Resolution No. 4058.** A concurrent resolution directing the Legislative Council to study the pace at which state agencies, institutions, and political subdivisions are complying with laws requiring accessibility to and usability of public buildings and facilities by physically handicapped persons.

Introduction, first reading, 387  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 593, indefinitely postponed, 1446  
 Re-referred to Committee on Legislative Council Resolution Committee, 630  
 Amendments adopted, 630  
 Engrossed, 647  
 Second reading, 1495  
 Lost, 1495

**Senate Concurrent Resolution No. 4059 — (Naaden)**

**Senate Concurrent Resolution No. 4059.** A concurrent resolution for the amendment of article 33 of the amendments to the Constitution of the State of North Dakota, relating to the recall of elected officials of political subdivisions.

Introduction, first reading, 413  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1425  
 Second reading, 1453  
 Lost, 1453

**Senate Concurrent Resolution No. 4060 — (Thane, Freed)**

**Senate Concurrent Resolution No. 4060.** A concurrent resolution directing the legislative council to conduct a study of the criminal justice system in North Dakota.

Introduction, first reading, 413  
 Referred to Committee on Judiciary  
 Reported back, do pass, 669, 1424  
 Re-referred to Committee on Legislative Council Resolution Committee, 779

Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1509  
 Returned to Senate, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4061 — (Melland)**

**Senate Concurrent Resolution No. 4061.** A concurrent resolution directing the Legislative Council to conduct a study of general fund revenues and expenditures during the biennium.

Introduction, first reading, 413  
 Referred to Legislative Council Resolution Committee  
 Reported back, do pass, 1424, amended, 986  
 Referred to Committee on Appropriations, 860  
 Legislative Council Resolution Committee, 1022  
 Amendments adopted, 1022  
 Engrossed, 1071  
 Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4062 — (Fritzell)**

**Senate Concurrent Resolution No. 4062.** A concurrent resolution directing a Legislative Council interim study of laws providing closure of areas having high fire hazards.

Introduction, first reading, 434  
 Referred to Legislative Council Resolution Committee  
 Reported back, do pass, 943, indefinitely postponed, 1446  
 Referred to Committee on Agriculture, 860,  
 Legislative Council Resolutions Committee, 943  
 Second reading, 1495  
 Lost, 1496  
 Returned to Senate, 860

**Senate Concurrent Resolution No. 4063 — (Wenstrom, Lips, Barth)**

**Senate Concurrent Resolution No. 4063.** A concurrent resolution directing the Legislative Council, with the assistance of other appropriate agencies and consultants, to conduct a comprehensive study of various programs and plans to provide state employees with insurance benefits.

Introduction, first reading, 434  
 Referred to Legislative Council Resolutions Committee  
 Reported back, do pass, 986, indefinitely postponed, 1446  
 Referred to Committee on State & Federal Government, 860  
 Legislative Council Resolutions Committee, 986  
 Second reading, 1496  
 Adopted, 1496  
 To House, 1510  
 Returned to Senate, 860, 1542

**Senate Concurrent Resolution No. 4064 — (Melland)**

**Senate Concurrent Resolution No. 4064.** A concurrent resolution directing the Legislative Council to conduct a study of the manner in which state buildings are planned and designed in response to the scarcity and high cost of energy.

Introduction, first reading, 459  
 Referred to Legislative Council Resolutions Committee  
 Reported back, amended, 986, indefinitely postponed, 1446  
 Referred to Committee on State & Federal Government, 860  
 Legislative Council Resolutions Committee, 1022  
 Amendments adopted, 1022  
 Engrossed, 1071  
 Second reading, 1496  
 Lost, 1496  
 Returned to Senate, 860

**Senate Concurrent Resolution No. 4065 — (Melland)**

**Senate Concurrent Resolution No. 4065.** A concurrent resolution directing the Legislative Council to study the purchasing practices of state government.

Introduction, first reading, 459  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 986, 1424  
 Referred to Committee on State & Federal Government, 860  
 Legislative Council Resolutions Committee, 986  
 Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4066 — (Strand)**

**Senate Concurrent Resolution No. 4066.** A concurrent resolution requesting the legislative council to study the laws relating to residence for poor relief purposes, North Dakota Century Code chapter 50-02, and to determine the adequacy of the provisions of this chapter.



Introduction, first reading, 476

Referred to Committee on Legislative Council Resolutions Committee

Reported back, do pass, 987, indefinitely postponed, 1447

Referred to Committee on Social Welfare & Veterans Affairs, 860

Legislative Council Resolutions Committee, 987

Second reading, 1498

Lost, 1499

Returned to Senate, 860

**Senate Concurrent Resolution No. 4067 — (Melland)**

**Senate Concurrent Resolution No. 4067.** A concurrent resolution directing the Legislative Council to study special assessment obligations at state institutions and procedures for determining special assessments related to state institutions.

Introduction, first reading, 502

Referred to Committee on Legislative Council Resolutions Committee

Reported back, do pass, 987, indefinitely postponed, 1447

Referred to Committee on State & Federal Government, 860

Legislative Council Resolutions Committee, 987

Second reading, 1499

Lost, 1499

Returned to Senate, 860

**Senate Concurrent Resolution No. 4068 — (Lashkowitz, Peterson)**

**Senate Concurrent Resolution No. 4068.** A concurrent resolution directing a Legislative Council study of public telecommunications.

Introduction, first reading, 502

Referred to Committee on Legislative Council Resolutions Committee

Reported back, indefinitely postponed, 971

Referred to Committee on Education, 860

Second reading, 995

Lost, 995

Returned to Senate, 860

**Senate Concurrent Resolution No. 4069 — (Committee on Delayed Bills)**

**Senate Concurrent Resolution No. 4069.** A concurrent resolution congratulating the Doris Nelson Rink of Devils Lake, the Ken Kistner Rink of Fargo, and the Don Barcome, Jr., Rink of Grand Forks for their recent curling championships and wishing them well in their upcoming national and international competition.

Introduction, first reading, 597

Referred to Committee on rules suspended

Second reading, 598

Adopted, 599

To House, 679

Returned to Senate, 873

Enrolled, 1038

Signed by President, 1060

Sent to House, 1060

Received from House, 1064

Message to Secretary of State, 1069

**Senate Concurrent Resolution No. 4070 — (Thane)**

**Senate Concurrent Resolution No. 4070.** A concurrent resolution directing the Legislative Council to study the feasibility of and necessity for a Midwestern Regional Education Compact.

Introduction, first reading, 606  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 971, 1424  
 Referred to Committee on Education 860  
 Legislative Council Resolutions Committee, 971  
 Second reading, 1500  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4071 — (Orange)**

**Senate Concurrent Resolution No. 4071.** A concurrent resolution directing the Legislative Council to study the alternative methods of providing an equitable means of airport financing.

Introduction, first reading, 607  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 971, 1424  
 Referred to Committee on Political Subdivisions, 860  
 Legislative Council Resolutions Committee, 971  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4072 — (Nothing)**

**Senate Concurrent Resolution No. 4072.** A concurrent resolution directing a Legislative Council study of costs incurred by state agencies and institutions during the 1977-1979 biennium because of energy development activities in North Dakota.

Introduction, first reading, 649  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 1424

Referred to Committee on Appropriations, 860  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4073 — (Redlin, Jacobson)**

**Senate Concurrent Resolution No. 4073.** A concurrent resolution directing the Legislative Council to study and review the capacity of the State Water Commission to aid in the development of irrigation and other water resource development projects.

Introduction, first reading, 650  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 943, 1425  
 Referred to Committee on Natural Resources, 860  
 Legislative Council Resolutions Committee, 943  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4074 — (Melland)**

**Senate Concurrent Resolution No. 4074.** A concurrent resolution directing the Legislative Council to study the feasibility of reorganizing and consolidating the administrative, management, and budgetary responsibilities of state government into a department of executive management or a department of administration.

Introduction, first reading, 683  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 1039, 1425  
 Referred to Committee on Appropriations, 860  
 Legislative Council Resolutions Committee, 1039  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685

Sent to House, 1687  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4075 — (Holmberg)**

**Senate Concurrent Resolution No. 4075.** A concurrent resolution for the amendment of sections 65 and 77 of the Constitution of the State of North Dakota, relating to the lieutenant governor voting in the state senate.

Introduction, first reading, 683  
Referred to Committee on Constitutional Revision  
Reported back, do pass, 1494  
Second reading, 1514  
Adopted, 1515  
To House, 1521  
Returned to Senate, 1560  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1687  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4076 — (Wright, Jacobson)**

**Senate Concurrent Resolution No. 4076.** A concurrent resolution directing the legislative council to study the use to which moneys should be put that are received by the state from the United States Secretary of the Treasury from sales, bonuses, royalties and rentals the United States receives from its mineral interests in public lands in North Dakota.

Introduction, first reading, 684  
Referred to Committee on Legislative Council Resolutions Committee  
Reported back, do pass, 944, 1425  
Referred to Committee on Natural Resources, 860  
Legislative Council Resolutions Committee, 944  
Second reading, 1501  
Adopted, 1501  
Clincher motion, 1502  
To House, 1510  
Returned to Senate, 860, 1543  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1687  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4077 — (Naaden, Strinden, Wenstrom)**

**Senate Concurrent Resolution No. 4077.** A concurrent resolution directing the Legislative Council to conduct a study of the internal organization, policies, and programs of human service and mental health and retardation centers.

Introduction, first reading, 684  
Referred to Committee on Legislative Council Resolution Committee

Reported back, do pass, 987, 1425  
 Referred to Committee on Social Welfare & Veterans Affairs, 860  
 Legislative Council Resolutions Committee, 987  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4078 — (Wenstrom)**

**Senate Concurrent Resolution No. 4078.** A concurrent resolution directing a Legislative Council study of the teachers' fund for retirement.

Introduction, first reading, 684  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 971, indefinitely postponed, 1447  
 Referred to Committee on Education, 860  
 Legislative Council Resolutions Committee, 971  
 Second reading, 1499  
 Lost, 1499  
 Returned to Senate, 860

**Senate Concurrent Resolution No. 4079 — (Nothing)**

**Senate Concurrent Resolution No. 4079.** A concurrent resolution directing an interim study by the Legislative Council of the feasibility of enacting comprehensive human rights legislation in North Dakota.

Introduction, first reading, 745  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 1425, amended, 971  
 Referred to Committee on Judiciary, 861  
 Legislative Council Resolutions Committee  
 Amendments adopted, 985  
 Engrossed, 1017  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1687  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4080 — (Naaden, Lee)**

**Senate Concurrent Resolution No. 4080.** A concurrent resolution for a constitutional amendment requiring that all proposed amendments to the

U.S. Constitution be submitted to an advisory vote of the state's electors prior to legislative or convention ratification or rejection.

Introduction, first reading, 745  
 Referred to Committee on Constitutional Revision  
 Reported back, indefinitely postponed, 1425  
 Second Reading, 1453  
 Lost, 1453

**Senate Concurrent Resolution No. 4081 — (Fritzell)**

**Senate Concurrent Resolution No. 4081.** A concurrent resolution directing the Legislative Council to study the purposes and effects of the Municipal Industrial Development Act.

Introduction, first reading, 746  
 Referred to Committee on Legislative Council Resolutions Committee  
 Reported back, do pass, 972, 1425  
 Referred to Committee on Political Subdivisions, 861  
 Legislative Council Resolutions Committee, 972  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 860, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1688  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4082 — (Jacobson, Freed)**

**Senate Concurrent Resolution No. 4082.** A concurrent resolution directing a study by the Legislative Council of alternative methods of taxation of severed mineral interests.

Introduction, first reading, 746  
 Referred to Committee on Legislative Council Resolution Committee  
 Reported back, do pass, 1017, indefinitely postponed, 1447  
 Referred to Committee on Finance & Taxation, 861  
 Legislative Council Resolutions Committee, 1017  
 Second reading, 1499  
 Lost 1499  
 Returned to Senate, 860

**Senate Concurrent Resolution No. 4083 — (Lodoen)**

**Senate Concurrent Resolution No. 4083.** A concurrent resolution directing the Legislative Council to study the function and authority of credit unions and the relationship of credit unions, banks, and savings and loan associations to one another.

Introduction, first reading, 746  
 Referred to Committee on Legislative Council Resolutions Committee

Reported back, do pass, 987, indefinitely postponed, 1447  
 Referred to Committee on Industry, Business & Labor, 861  
 Legislative Council Resolutions Committee, 987  
 Second reading, 1499  
 Adopted, 1499  
 Clincher motion, 1499  
 To House, 1510  
 Returned to Senate, 860, 1542

**Senate Concurrent Resoluion No. 4084 — (Committee on Delayed Bills)**

**Senate Concurrent Resolution No. 4084.** A concurrent resolution urging lignite mining companies, state agencies, and political subdivisions to be aware of and work to solve potential problems from haul roads.

Introduction, first reading, 916  
 Referred to Committee on Transportation  
 Reported back, do pass, 923  
 Second reading, 948  
 Adopted, 949  
 To House, 1013  
 Returned to Senate, 1355  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1688  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4085 — (Committee on Delayed Bills)**

**Senate Concurrent Resolution No. 4085.** A concurrent resolution directing the Legislative Council to conduct a study of the need for and feasibility of establishing a state housing finance agency in North Dakota.

Introduction, first reading, 995  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 1094, indefinitely postponed, 1447  
 Re-referred to Committee on Political Subdivision, 1023  
 Legislative Council Resolutions Committee, 1094  
 Second reading, 1499  
 Lost, 1500  
 Returned to Senate, 1023

**Senate Concurrent Resolution No. 4086 — (Committee on Delayed Bills)**

**Senate Concurrent Resolution No. 4086.** A concurrent resolution urging Congress and the United States Secretary of Health, Education and Welfare to take certain action to allow graduates of foreign medical schools to practice medicine in the United States, and particularly in rural areas, such as North Dakota.

Introduction, first reading, 995  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 1039  
 Second reading, 1310

Adopted, 1311  
 To House, 1386  
 Returned to Senate, 1457  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1688  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4087** — (Committee on Delayed Bills)

**Senate Concurrent Resolution No. 4087.** A concurrent resolution expressing dissatisfaction with the apparent decline in academic achievement in education.

Introduction, first reading, 1092  
 Referred to Committee on Education  
 Withdrawn, 1157

**Senate Concurrent Resolution No. 4088** — (Committee on Delayed Bills)

**Senate Concurrent Resolution No. 4088.** A concurrent resolution directing the Legislative Council to conduct a study of North Dakota's drug laws, penalties, and sentencing procedures and practices.

Introduction, first reading, 1153  
 Referred to Committee on Judiciary  
 Reported back, do pass, 1321, 1425  
 Re-referred to committee on Legislative Council Resolutions Committee, 1321  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510  
 Returned to Senate, 1543  
 Enrolled, 1681  
 Signed by President, 1685  
 Sent to House, 1688  
 Received from House, 1690  
 Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4089** — (Committee on Delayed Bills)

**Senate Concurrent Resolution No. 4089.** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of regulating the transfer of control of banking institutions.

Introduction, first reading, 1283  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 1321, 1425  
 Re-referred to Committee on Legislative Council Resolutions Committee, 1321  
 Second reading, 1501  
 Adopted, 1501  
 Clincher motion, 1502  
 To House, 1510



Returned to Senate, 1543  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1688  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4090** — (Committee on Delayed Bills)

**Senate Concurrent Resolution No. 4090.** A concurrent resolution providing for the completion of the legislative journals of the House and Senate.

Introduction, first reading, 1536  
Referred to Committee on rules suspended  
Second reading, 1547  
Adopted, 1547  
Clincher motion, 1547  
To House, 1547  
Returned to Senate, 1552  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1688  
Received from House, 1690  
Message to Secretary of State, 1698

**Senate Concurrent Resolution No. 4091** — (Committee on Delayed Bills)

**Senate Concurrent Resolution No. 4091.** A concurrent resolution commending Dean H. Pederson of Valley City upon his selection as North Dakota's outstanding Vietnam veteran for 1977.

Introduction, first reading, 1635  
Referred to Committee on rules suspended  
Second reading, 1635  
Adopted, 1635  
To House, 1636  
Returned to Senate, 1638  
Enrolled, 1681  
Signed by President, 1685  
Sent to House, 1688  
Received from House, 1690  
Message to Secretary of State, 1698

## Senate Resolutions

### Senate Resolution No. 1 — (Nething, Hoffner)

**Senate Resolution No. 1.** A resolution authorizing the majority and minority floor leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

Introduction, first reading, 55  
Second reading, 55  
Adopts, 56  
Enrolled, 231  
Signed by President, 231  
Message to Secretary of State, 257

### Senate Resolution No. 2 — (Nething)

**Senate Resolution No. 2.** A resolution creating a select Senate committee to study and review the administration and operation of the Bank of North Dakota and legislative proposals for use of the Bank, and to report its findings and recommendations to the Senate within forty-five legislative days after passage of this resolution.

Introduction, first reading, 119  
Referred to Committee on rules suspended — not referred  
Second reading, 130  
Adopted, 130  
Enrolled, 231  
Signed by President, 231  
Message to Secretary of State, 257

### Senate Resolution No. 3 — (Melland, Lashkowitz)

**Senate Resolution No. 3.** A resolution supporting and urging early completion of the Garrison Diversion Project.

Introduction, first reading, 133  
Referred to Committee on rules suspended, not referred, 133  
Second reading, 135  
Adopted, 136  
Enrolled, 231  
Signed by President, 231  
Message to Secretary of State, 257

### Senate Resolution No. 4 — (Erdman)

**Senate Resolution No. 4.** A resolution congratulating Miss Tamera Brandvold for being named 1977 North Dakota Pork Queen.

Introduction, first reading, 151  
Referred to Committee on rules suspended, not referred  
Second reading, 152

Adopted, 152  
 Enrolled, 231  
 Signed by President, 231  
 Message to Secretary of State, 257

**Senate Resolution No. 5 — (Nothing)**

**Senate Resolution No. 5.** A resolution supporting the Tri-State Water Forum to be held in Fargo January 31 and authorizing Senators Hoffner and Nething to attend as official representatives of the Senate of the Forty-fifth Legislative Assembly.

Introduction, first reading, 181  
 Referred to Committee on rules suspended  
 Second reading, 182  
 Adopted, 182  
 Enrolled, 231  
 Signed by President, 231  
 Message to Secretary of State, 257

**Senate Resolution No. 6 — (Nothing)**

**Senate Resolution No. 6.** A resolution creating a select Senate committee to study and review the operations of the Federal Comprehensive Employment Training Act as it effects political subdivisions and non-profit corporations in North Dakota.

Introduction, first reading, 226  
 Referred to Committee on rules suspended  
 Second reading, 247  
 Adopted, 247  
 Enrolled, 859  
 Signed by President, 860  
 Message to Secretary of State, 866

**Senate Resolution No. 7 — (Strinden)**

**Senate Resolution No. 7.** A resolution commending Arthur A. Herk of Fingal for his long service as Assistant Secretary of the North Dakota Senate.

Introduction, first reading, 325  
 Referred to Committee on rules suspended  
 Second reading, 326  
 Adopted, 326  
 Enrolled, 859  
 Signed by President, 860  
 Message to Secretary of State, 866

**Senate Resolution No. 8 — (Committee on Delayed Bills)**

**Senate Resolution No. 8.** A resolution recognizing the many years of distinguished service Hal Davies has given to the newspaper profession in North Dakota and extending congratulations to him on the overall excellence of all facets of his career.

Introduction, first reading, 549

Referred to Committee on rules suspended

Second reading, 551

Adopted, 551

Enrolled, 859

Signed by President, 860

Message to Secretary of State, 866

**Senate Resolution No. 9 — (Committee on Delayed Bills)**

**Senate Resolution No. 9.** A resolution commending Mr. Rudy Hoefs on being the only charter member still playing with the official band of the American Legion's Department of North Dakota.

Introduction, first reading, 563

Referred to Committee on rules suspended

Second reading, 564

Adopted, 564

Enrolled, 859

Signed by President, 860

Message to Secretary of State, 866

**Senate Resolution No. 10 — (Committee on Delayed Bills)**

**Senate Resolution No. 10.** A resolution urging President Carter to visit North Dakota to discuss the Garrison Diversion Project.

Introduction, first reading, 769

Referred to Committee on rules suspended

Second reading, 770

Adopted, 770

Enrolled, 859

Signed by President, 860

Message to Secretary of State, 866

**Senate Resolution No. 11 — (Committee on Delayed Bills)**

**Senate Resolution No. 11.** A resolution congratulating the Velva High School wrestling team on winning its second consecutive State Class "B" Championship.

Introduction, first reading, 790

Referred to Committee on rules suspended

Second reading, 791

Adopted, 791

Enrolled, 860

Signed by President, 860

Message to Secretary of State, 866

**Senate Resolution No. 12 — (Committee on Delayed Bills)**

**Senate Resolution No. 12.** A resolution congratulating the Fargo North High School basketball team on winning the North Dakota Class A high school basketball championship.

Introduction, first reading, 1093

Referred to Committee on rules suspended

Second reading, 1093

Adopted, 1094  
 Enrolled, 1463  
 Signed by President, 1465  
 Message to Secretary of State, 1481

**Senate Resolution No. 13 — (Committee on Delayed Bills)**

**Senate Resolution No. 13.** A resolution urging the legislature and executive officials and agencies of the State of Washington to encourage and permit the construction of appropriate port facilities for unloading crude oil for shipment by pipeline to the northern states, including the State of North Dakota.

Introduction, first reading, 1092  
 Referred to Committee on Transportation  
 Reported back, do pass, 1321  
 Second reading, 1360  
 Adopted, 1360  
 Enrolled, 1680  
 Signed by President, 1685  
 Message to Secretary of State, 1697

**Senate Resolution No. 14 — (Committee on Delayed Bills)**

**Senate Resolution No. 14.** A resolution welcoming Saudi Arabian officials Abdulrahman Al Sadhan and Dr. Fouad Al Farsy to North Dakota.

Introduction, first reading, 1109  
 Referred to Committee on rules suspended  
 Second reading, 1109  
 Adopted, 1109  
 Enrolled, 1463  
 Signed by President, 1465  
 Message to Secretary of State, 1481

**Senate Resolution No. 15 — (Committee on Delayed Bills)**

**Senate Resolution No. 15.** A resolution welcoming the National Outstanding Young Farmer Awards Congress to North Dakota and proclaiming the week of March 20-26, 1977, as Outstanding Young Farmer Week in North Dakota.

Introduction, first reading, 1232  
 Referred to Committee on rules suspended  
 Second reading, 1233  
 Adopted, 1233  
 Enrolled, 1604  
 Signed by President, 1605  
 Message to Secretary of State, 1609

**Senate Resolution No. 16 — (Committee and Delayed Bills)**

**Senate Resolution No. 16.** A resolution noting the accomplishments of the Custer Memorial 7th Cavalry and urging the Pasadena Tournament of Roses Association and its Equestrian Committee to give strong consideration to inviting the Custer Memorial 7th Cavalry to ride in the 1978 Rose Bowl Parade.

Introduction, first reading, 1233  
 Referred to Committee on rules suspended  
 Second reading, 1234  
 Adopted, 1234  
 Enrolled, 1464  
 Signed by President, 1465  
 Message to Secretary of State, 1481

**Senate Resolution No. 17 — (Committee on Delayed Bills)**

**Senate Resolution No. 17.** A resolution urging Congress not to adopt common situs picketing legislation.

Introduction, first reading, 1283  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 1321  
 Second reading, 1360  
 Adopted, 1360  
 Enrolled, 1681  
 Signed by President, 1685  
 Message to Secretary of State, 1697

**Senate Resolution No. 18 — (Committee on Delayed Bills)**

**Senate Resolution No. 18.** A resolution congratulating the Hillsboro High School basketball team on winning the North Dakota Class B high school basketball championship.

Introduction, first reading, 1292  
 Referred to Committee on rules suspended  
 Second reading, 1293  
 Adopted, 1293  
 Enrolled, 1657  
 Signed by President, 1658  
 Message to Secretary of State, 1660

**Senate Resolution No. 19 — (Committee on Delayed Bills)**

**Senate Resolution No. 19.** A resolution to appoint an official photographer for the Senate of the Forty-fifth Legislative Assembly of the State of North Dakota.

Introduction, first reading, 1390  
 Referred to Committee on rules suspended  
 Second reading, 1391  
 Adopted, 1391  
 Enrolled, 1681  
 Signed by President, 1685  
 Message to Secretary of State, 1697

**Senate Resolution No. 20 — (Committee on Delayed Bills)**

**Senate Resolution No. 20.** A resolution thanking the District 5 Cowbelles and the North Dakota Beef Commission for furnishing beef broth to committee members during their deliberations.

Introduction, first reading, 1493

Referred to Committee on rules suspended

Second reading, 1494

Adopted, 1494

Enrolled, 1681

Signed by President, 1685

Message to Secretary of State, 1697

## Senate Memorial Resolutions

### Senate Memorial Resolution No. 1 — (Nething, Hoffner)

**Senate Memorial Resolution No. 1.** A memorial resolution extending sympathy and condolence to Senator Howard Freed upon the death of his mother.

Introduction, first reading, 415  
Second reading, 415  
Adopted, 415  
Enrolled, 860  
Signed by President, 860  
Message to Secretary of State, 866

### Senate Memorial Resolution No. 2 — (Christensen, Miller, Peterson)

**Senate Memorial Resolution No. 2.** A memorial resolution for deceased members of the Senate of the State of North Dakota.

Introduction, first reading, 906  
Referred to Committee on rules suspended  
Second reading, 907  
Adopted, 907  
Enrolled, 1238  
Signed by President, 1239  
Message to Secretary of State, 1239

### Senate Memorial Resolution No. 3 — (Committee on Delayed Bills)

**Senate Memorial Resolution No. 3.** A memorial resolution expressing the Senate's sympathy and condolences to General C. Emerson Murry upon the death of his father, former State Senator Raymond H. Murry.

Introduction, first reading, 1361  
Referred to Committee on rules suspended  
Second reading, 1362  
Adopted, 1362  
Enrolled, 1681  
Signed by President, 1685  
Message to Secretary of State, 1697



## Record of House Bills

### House Bill No. 1001

**House Bill No. 1001.** — BUDGETS — Elected State Officials — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

To Senate, 783  
 First reading, 811  
 Referred to Committee on Appropriations, 1313  
 Reported back, no recommendations, 1127  
 Amended, 1362  
 Floor amendments, 1448  
 Amendments adopted, 1403, 1406, 1449  
 Second reading, 1447, 1583  
 Clincher motion, 1449  
 Passed, 1449, 1583  
 Emergency carried, 1449, 1583  
 Returned to House, amended, 1457  
 Conference Committee, 1465, 1477  
 Conference Committee Report, 1566  
 Senate adopts, 1583  
 House adopts, 1562  
 House does not concur, 1465  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

### House Bill No. 1002

**House Bill No. 1002.** Budgets — Department of Accounts and Purchases — A Bill for an Act making an appropriation for defraying the expenses of various divisions thereof of the state of North Dakota and which are under the supervision of the director of accounts and purchases.

To Senate, 581  
 Referred to Committee on Appropriations  
 First reading, 599  
 Reported back, amended, 1175  
 Floor amendments, 1433, 1365  
 Rereferred Appropriations, 1276  
 Amendments adopted, 1222, (1407, except section 6), 1433  
 Second reading, 1433, 1633  
 Clincher motion, 1434  
 Passed, 1434, 1633  
 Returned to House, amended, 1457  
 Conference Committee, 1466, 1478, 1552, 1553, 1610 (2)  
 Conference Committee report, 1631  
 House does not adopt, 1610  
 House adopts, 1631  
 House does not concur, 1466  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

### House Bill No. 1003

**House Bill No. 1003.** Budgets — Judicial Branch — A Bill for an Act making an appropriation for defraying expenses of the judicial branch of the government of the state of North Dakota.

To Senate, 679  
 First reading, 721  
 Referred to Committee on Appropriations  
 Reported back, amended, 1127  
 Floor amendments, 1454  
 Amendments adopted, 1173, 1455  
 Second reading, 1454  
 Clincher motion, 1455  
 Passed, 1455  
 Returned to House, amended, 1457  
 Conference Committee, 1465, 1478  
 House concurs, 1486, 1542  
 House does not concur, 1465  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1004**

**House Bill No. 1004.** Personal Property Tax Replacement and Homestead Tax Credit — A Bill for an Act to provide an appropriation for the replacement of personal property taxes and homestead tax credit, and the distribution of such moneys.

To Senate, 425  
 First reading, 434  
 Referred to Committee on Appropriations  
 Reported back, do pass, 987  
 Floor amendments, 1455  
 Amendments adopted, 1455  
 Second reading, 1455  
 Clincher motion, 1456  
 Passed, 1456  
 Returned to House, amended, 1457  
 Senate concurs, 1542  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1005**

**House Bill No. 1005.** BUDGETS — Board of Higher Education — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

To Senate, 720  
 First reading, 721  
 Referred to Committee on Appropriations  
 Reported back, amended, 1176  
 Amendments adopted, 1222  
 Second reading, 1244  
 Clincher motion, 1244  
 Passed, 1244

Emergency carried, 1244  
 Returned to House, amended, 1267  
 House concurs, 1318  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1006**

**House Bill No. 1006.** Budgets—A Bill for An Act making an appropriation for defraying expenses of the various departments and various divisions thereof, of the state of North Dakota; and declaring an emergency.

To Senate, 815  
 First reading, 852  
 Referred to Committee on Appropriations  
 Reported back, amended, 1094, 1321  
 Re-referred to Committee on Appropriations, 1151  
 Amendments adopted, 1124, 1375, 1679  
 Second reading, 1449, 1679  
 Clincher motion, 1450  
 Passed, 1450, 1679  
 Emergency carried, 1450  
 Returned to House, amended, 1457  
 Conference Committee, 1465, 1478, 1636, 1637, 1672, 1672  
 Conference Committee report, 1677  
 Adopts, 1679  
 House adopts, 1677  
 House does not adopt, 1636  
 House does not concur, 1465  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1007**

**House Bill No. 1007.** Budgets — Director of Institutions — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota and which are under the supervision of the director of institutions; and declaring an emergency.

To Senate, 815  
 First reading, 852  
 Referred to Committee on Appropriations, 1313  
 Reported back no recommendations, 1128  
 Amended, 1367  
 Floor amendments, 1434, 1451  
 Amendments adopted, 1435, 1451  
 Amendments lost, 1434  
 Second reading, 1450  
 Clincher motion, 1452  
 Passed, 1452  
 Emergency carried, 1452  
 Returned to House, amended, 1457  
 Conference Committee, 1465, 1478  
 Conference Committee report, 1570

Adopts, 1583  
 House adopts, 1562  
 House does not concur, 1465  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1008

**House Bill No. 1008.** Budgets — Commissioner of Insurance — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the commissioner of insurance.

To Senate, 446  
 First reading, 460  
 Referred to Committee on Appropriation  
 Reported back, amended, 987  
 Amendments adopted, 1022  
 Second reading, 1051  
 Passed, 1051  
 Returned to House, amended, 1111  
 House concurs, 1184  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1608

#### House Bill No. 1009

**House Bill No. 1009.** Budgets — Department of Agriculture — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota and which are under the supervision of the commissioner of agriculture.

To Senate, 446  
 First reading, 460  
 Referred to Committee on Appropriations  
 Reported back, amended, 1039  
 Amendments adopted, 1077  
 Second reading, 1142  
 Clincher motion, 1143  
 Passed, 1143  
 Returned to House, amended, 1182  
 Conference Committee, 1251, 1207  
 Conference Committee report, 1423  
 Senate adopts, 1475  
 House adopts, 1413  
 House does not concur, 1207  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1010

**House Bill No. 1010.** Budgets — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota; and declaring an emergency.

To Senate, 815  
 First reading, 852  
 Referred to Committee on Appropriations  
 Reported back, amended, 1128  
 Floor amendments, 1197  
 Amendments adopted, 1174, 1198  
 Second reading, 1197, 1583  
 Clincher motion, 1198  
 Passed, 1198, 1584  
 Emergency carried, 1198, 1584  
 Returned to House, amended, 1238  
 Conference Committee, 1306, 1465, 1273, 1478  
 Conference Committee report, 1570  
 Senate adopts, 1583  
 House adopts, 1562  
 House does not concur, 1273  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1011

**House Bill No. 1011 — BUDGETS — EMPLOYEES BENEFIT AND RETIREMENT FUNDS — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof of the state of North Dakota, and declaring an emergency.**

To Senate, 720  
 First reading, 722  
 Referred to Committee on Appropriations  
 Reported back, amended, 1040  
 Amendments adopted, 1077  
 Second reading, 1143  
 Clincher motion, 1143  
 Passed, 1143  
 Emergency carried, 1143, 1207  
 Returned to House, amended, 1182  
 House adopts, 1237  
 House does not concur, 1207  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1608

#### House Bill No. 1012

**House Bill No. 1012. Pardon Board and Parole Office — A Bill for an Act making an appropriation for defraying expenses of the pardon board and parole office.**

To Senate, 679  
 First reading, 722  
 Referred to Committee on Appropriations  
 Reported back, amended, 1095  
 Amendments adopted, 1126  
 Second reading, 1159  
 Clincher motion, 1160  
 Passed, 1160  
 Returned to House, amended, 1205

House concurs, 1272  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

#### House Bill No. 1013

**House Bill No. 1013.** Budgets — Adjutant General — A Bill for an Act making an appropriation for defraying expenses of various departments and various divisions thereof, of the state of North Dakota, and which are under the supervision of the office of the adjutant general; and declaring an emergency

To Senate, 783  
First reading, 812  
Referred to Committee on Appropriations  
Reported back, amended, 988  
Amendments adopted, 1023  
Second reading, 1051, 1475  
Passed, 1052, 1476  
Emergency carried, 1476  
Returned to House, amended, 1111  
Conference Committee, 1165, 1147  
Conference Committee report, 1423  
Senate adopts, 1475  
House adopts, 1413  
House does not concur, 1147  
Received from House, 1690  
Signed by President, 1692  
Returned to House, 1694

#### House Bill No. 1014

**House Bill No. 1014.** Budgets — Recreation and Natural Resources — A Bill for an Act to appropriate money for defraying expenses of various departments and various divisions thereof of the state of North Dakota; and declaring an emergency.

To Senate, 815  
First reading, 852  
Referred to Committee on Appropriations  
Reported back, amended, 1176  
Amendments adopted, 1222  
Second reading, 1245  
Clincher motion, 1245  
Passed, 1245  
Emergency carried, 1245  
Returned to House, amended, 1267  
Conference Committee, 1345, 1318  
Conference Committee report, 1548  
Senate adopts, 1556  
House adopts, 1543  
House does not concur, 1318  
Received from House, 1690  
Signed by President, 1692  
Returned to House, 1694

**House Bill No. 1017**

**House Bill No. 1017.** Deficiency Appropriations — A Bill for an Act making an appropriation for defraying expenses of the various departments of the government of the state of North Dakota and declaring an emergency.

To Senate, 581  
 First reading, 599  
 Referred to Committee on Appropriations  
 Reported back, do pass, 792  
 Second reading, 820  
 Passed, 820  
 Emergency carried, 820  
 Returned to House, 871  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 937

**House Bill No. 1018**

**House Bill No. 1018.** A Bill for an Act to provide for community water facility loans through the Bank of North Dakota in conjunction with federal moneys; defining community water facility; and providing for a transfer of funds to a revolving fund, loan application approval, fund supervision and administration, fund purposes, loan terms, loan eligibility, project service area alternatives, rules and regulations, and powers of the Bank of North Dakota in relation to loans.

To Senate, 581  
 First reading, 599  
 Referred to Committee on Agriculture  
 Reported back, do pass, 835  
 Amended, 1130  
 Rereferred Appropriations, 835  
 Amendments adopted, 1174  
 Second reading, 1198  
 Passed, 1199  
 Clincher motion, 1199  
 Returned to House, amended, 1238  
 Conference Committee, 1345 (2)  
 Conference Committee report, 1438  
 House concurs, 1272  
 Senate adopts, 1476  
 House adopts, 1426  
 House does not concur, 1317  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1019**

**House Bill No. 1019.** A Bill for an Act to repeal section 12-48-13 of the North Dakota Century Code, relating to depositing receipts from manufacture and sale of license plates and road signs at the state penitentiary into the general fund.

To Senate, 114  
First reading, 120  
Referred to Committee on State and Federal Government  
Reported back, indefinitely postponed, 876  
Second reading, 909  
Lost, 910  
Returned to House, 962

#### House Bill No. 1020

**House Bill No. 1020.** A Bill for an Act to create and enact a new section to chapter 37-01, relating to unit funds of the national guard.

To Senate, 159  
First reading, 166  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 300  
Second reading, 336  
Passed, 336  
Returned to House, 375  
Received from House, 918  
Signed by President, 919  
Returned to House, 937

#### House Bill No. 1021

**House Bill No. 1021.** A Bill for an Act to amend and reenact paragraph 5 of subdivision i of subsection 15 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation for spouses of students.

To Senate, 720  
First reading, 722  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 876  
Second reading, 910  
Passed, 910  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1242  
Returned to House, 1243

#### House Bill No. 1022

**House Bill No. 1022.** A Bill for an Act to provide for an economical and efficient method of preserving public records for research, reference, or other uses to document governmental actions; to create and enact a new subsection to section 11-17-08 of the North Dakota Century Code, relating to destruction of records by the clerk of court; and to amend and reenact sections 11-13-17, 11-17-09, 40-16-10, 54-46-03, subsection 3 of section 54-46-04, subsection 3 of section 54-46-05, sections 54-46-08, 54-46-08.1, 54-46-09, 54-46-12, 54-46-13, and 58-07-05 of the North Dakota Century Code, relating to destruction of county records, destruction of city records, duties of the state records administrator, duties of state agency heads, disposal of records, preservation of records, destruction of nonrecord materials, uniform system of county records management, rules for destruction of certain welfare records, and destruction of township records.

To Senate, 255



First reading, 273  
 Referred to Committee on State and Federal Government  
 Reported back, no recommendation  
 Second reading, 820  
 Passed, 821  
 Returned to House, 871  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1025**

**House Bill No. 1025.** A Bill for an Act to amend and reenact sections 15-60-03, 15-60-04, and subsection 1 of section 57-15-16 of the North Dakota Century Code, relating to limitations on school construction fund expenditures, and allocation of tax levies of school districts which have not been allocated by contract with the state school construction fund; and declaring an emergency.

To Senate, 491  
 First reading, 502  
 Referred to Committee on Education  
 Reported back, do pass, 899  
 Amended, 669, 835  
 Rereferred Appropriations, 683, Ed. 861  
 Amendments adopted, 683, 861  
 Second reading, 929  
 Passed, 930  
 Emergency carried, 930  
 Returned to House, amended, 981  
 House concurs, 1015  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1026**

**House Bill No. 1026.** A Bill for an Act to create and enact a new subsection to section 15-40.1-08 of the North Dakota Century Code, relating to foundation payments for special education pupils between certain ages; to amend and reenact sections 15-40.1-06 and 15-40.1-16 of the North Dakota Century Code, relating to increasing the educational support payment and the transportation aid payment.

To Senate, 815  
 First reading, 852  
 Referred to Committee on Appropriations  
 Reported back, amended, 1095, 1322  
 Floor amendments, 1127, 1427, 1428  
 Rereferred Education, 912, Appropriations, 1127  
 Amendments adopted, 1127, 1408, 1428, (1432; sec. 3, sec. 4)  
 Second reading, 1427, 1432, 1677  
 Clincher motion, 1433  
 Passed, 1432, 1677  
 Returned to House, amended, 1457  
 Conference Committee, 1466, 1478, 1578, 1596, 1672, 1673  
 Conference Committee report, 1676  
 Senate adopts, 1677  
 House adopts, 1676

House does not adopt, 1672  
 House does not concur, 1466  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1028

**House Bill No. 1028.** A Bill for an Act to amend and reenact sections 11-10.-01, 11-10.1-05 and 11-10.1-07 of the North Dakota Century Code, relating to the qualifications of county directors of tax equalization and city and township assessors.

To Senate, 359  
 First reading, 366  
 Referred to Committee on Finance and Taxation  
 Reported back, amended, 989  
 Amendments adopted, 1023  
 Second reading, 1052, 1521  
 Passed, 1052, 1521  
 Returned to House, amended, 1111  
 Conference Committee, 1165, 1335, 1147, 1352  
 Conference Committee report, 1504  
 Senate adopts, 1521  
 House adopts, 1352, 1492  
 House does not concur, 1147  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1029

**House Bill No. 1029.** A Bill for an Act to provide for the preferential assessment of agricultural lands, to provide for the dual assessment of agricultural lands, to provide for the reclassification of agricultural lands if there is a change in use; to amend and reenact section 40-51.2-06, subsection 3 of section 40-51.2-07, and sections 40-51.2-16 and 57-02-27 of the North Dakota Century Code, relating to the continued classification as agricultural lands for tax purposes of agricultural areas annexed to cities.

To Senate, 229  
 First reading, 243  
 Referred to Committee on Finance and Taxation  
 Reported back, amended, 990  
 Indefinitely postponed, 1023  
 Amendments adopted, 1023  
 Second reading, 1052  
 Lost, 1053  
 Returned to House, 1111

#### House Bill No. 1030

**House Bill No. 1030.** A Bill for an Act to amend and reenact section 15-18-08 of the North Dakota Century Code, relating to the junior colleges and educational centers providing the appropriations committees with budget information and an audit of expenditures and activities.

To Senate, 80  
 First reading, 93  
 Referred to Committee on Education  
 Reported back, do pass, 162  
 Second reading, 201  
 Passed, 201  
 Returned to House, 254  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 937

**House Bill No. 1031**

**House Bill No. 1031.** A Bill for an Act to authorize postsecondary educational institutions to operate in North Dakota; providing definitions, exemptions, powers and duties, minimum standards, prohibitions, refund of tuition fees, negotiation of promissory instruments, cancellation of contracts for instruction, treble damage remedies for defrauded students, board review, civil and criminal penalties, court jurisdiction and process, and enforcement; and to repeal chapter 15-50 of the North Dakota Century Code, relating to licensure of private trade, industrial, vocational, technical, business, and correspondence schools.

To Senate, 314  
 First reading, 326  
 Referred to Committee on Education  
 Reported back, do pass, 627  
 Second reading, 779  
 Passed, 779  
 Returned to House, 831  
 Received from House, 1012  
 Signed by President, 1034  
 Returned to House, 1035

**House Bill No. 1022**

**House Bill No. 1032.** A Bill for an Act to amend and reenact section 49-02-02 of the North Dakota Century Code, relating to commission powers with reference to public utilities.

To Senate, 159  
 First reading, 166  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 364  
 Second reading, 424  
 Passed, 424  
 Returned to House, amended, 811  
 House concurs, 851  
 Senate requests return, 789  
 Received from House, 789, 1012  
 Signed by President, 1034  
 Returned to House, 1035

**House Bill No. 1033**

**House Bill No. 1033.** A Bill for an Act to amend and reenact section 49-01-08 of the North Dakota Century Code, relating to the appointment of examiners by the public service commission.

To Senate, 114

First reading, 121  
Referred to Committee on Industry, Business & Labor  
Reported back, amended, 286  
Amendments adopted, 301  
Second reading, 336  
Passed, 337  
Returned to House, amended, 375  
House concurs, 425  
Received from House, 918  
Signed by President, 919  
Returned to House, 938

**House Bill No. 1034**

**House Bill No. 1034.** A Bill for an Act to amend and reenact section 49-02-01 of the North Dakota Century Code, relating to public service commission jurisdiction over public utilities.

To Senate, 314  
First reading, 327  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 765  
Amendments adopted, 378  
Second reading, 798  
Passed, 798  
Returned to House, 851  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1036**

**House Bill No. 1036.** A Bill for an Act to authorize the public service commission to assess a civil penalty against any person subject to the commission's authority.

To Senate, 142  
First reading, 152  
Referred to Committee on Industry, Business & Labor  
Reported back, amended, 286  
Amendments adopted, 301  
Second reading, 337  
Passed, 337  
Returned to House, amended, 375  
House concurs, 425  
Received from House, 918  
Signed by President, 919  
Returned to House, 938

**House Bill No. 1037**

**House Bill No. 1037.** A Bill for an Act to create and enact a new section to chapter 38-14 of the North Dakota Century Code, relating to notice of noncompliance and surface mining permit suspension and revocation; to amend and reenact section 38-14-01, subsection 9 of section 38-14-02, subsections 1 and 3 of section 38-14-04, subsection 5 of section 38-14-05, and section 38-14-07 of the North Dakota Century Code, relating to the declaration of policy on reclamation of affected lands, definition of

refuse, application requirements for surface mining permits, amended applications, placement of material outside the permit area, and operator bonds; and to repeal subsections 10, 11, and 15 of section 38-14-02 of the North Dakota Century Code, relating to the definition of ridge, peak, and rolling topography.

To Senate, 760  
 First reading, 783  
 Reported back, 1071  
 Amendments adopted, 1092  
 Second reading, 1153  
 Clincher motion, 1154  
 Passed, 1154  
 Returned to House, amended, 1205  
 Conference Committee, 1306, 1273  
 Conference Committee report, 1505  
 Senate adopts, 1522  
 House adopts, 1492  
 House does not concur, 1273  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1038

**House Bill No. 1038.** A Bill for an Act to create and enact chapter 49-03.1 of the North Dakota Century Code, relating to certificates of public convenience and necessity for public utilities other than electric public utilities or carriers of persons or property for hire; and to amend and reenact section 49-03-01 of the North Dakota Century Code, relating to certificates of public convenience and necessity secured by electric public utilities.

To Senate, 298  
 First reading, 302  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 766  
 Second reading, 798  
 Passed, 799  
 Returned to House, 851  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

#### House Bill No. 1039

**House Bill No. 1039.** A Bill for an Act to amend and reenact section 49-04-05 of the North Dakota Century Code, relating to the consent of the public service commission to dispose of or encumber public utility franchises, works, or systems.

To Senate, 142  
 First reading, 152  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 287  
 Second reading, 337  
 Passed, 338  
 Returned to House, 375  
 Received from House, 918

Signed by President, 919  
 Returned to House, 938

#### House Bill No. 1040

**House Bill No. 1040.** A Bill for an Act to amend and reenact section 64-02-02 and subsections 2 and 3 of section 64-02-10 of the North Dakota Century Code, relating to installation of scales under special permit and vehicle scale inspection fees.

To Senate, 99  
 First reading, 107  
 Referred to Committee on Agriculture  
 Reported back, do pass, 319  
 Second reading, 355  
 Passed, 355  
 Returned to House, 401  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 938

#### House Bill No. 1041

**House Bill No. 1041.** A Bill for an Act to create and enact sections 23-10-02.1 and 23-10-07.1 of the North Dakota Century Code, relating to local enforcement and inspection and to service fees of mobile home parks, trailer parks, and campgrounds, and to amend and reenact sections 23-10-01, 23-10-02, 23-10-03, 23-10-04, 23-10-05, 23-10-06, 23-10-07, 23-10-09, 23-10-10, 23-10-11, and 23-10-12 of the North Dakota Century Code, relating to definitions, state laboratories department authority to promulgate regulations, issue licenses, and conduct inspections concerning mobile home parks, trailer parks, and campgrounds, license fees, sanitation and safety requirements, guest records, distribution and posting of regulations, ejection from premises, revocation of licenses, and providing a penalty.

To Senate, 229  
 First reading, 243  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 990  
 Rereferred, Industry, Business & Labor, 819  
 Amendments adopted, 1023  
 Second reading, 1053  
 Passed, 1053  
 Returned to House, amended, 1111  
 Conference Committee, 1165, 1147  
 Conference Committee Report, 1482  
 Senate adopts, 1490  
 House adopts, 1457  
 House does not concur, 1147  
 Received from House, 1690  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1042

**House Bill No. 1042.** A Bill for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to actions brought to abate taxes assessed on mobile homes.

To Senate, 229  
First reading, 243  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 861  
Second reading, 885  
Passed, 885  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180  
Returned to House, 1181

**House Bill No. 1043**

**House Bill No. 1043.** A Bill for an Act to limit professional liability of qualifying health care providers to patients electing to be bound, to create a trust fund for the benefit of patients suffering damage caused by negligence of the health care provider, and to establish a commission on medical competency.

To Senate, 815  
First reading, 853  
Referred to Committee on Judiciary  
Reported back, amended, 1130  
Amendments adopted, 1174  
Second reading, 1221  
Clincher motion, 1249  
Passed, 1221  
Returned to House, amended, 1267  
House concurs, 1318  
Received from House, 1691  
Signed by President, 1692  
Returned to House, 1694

**House Bill No. 1044**

**House Bill No. 1044.** A Bill for an Act to eliminate the statement of damages in certain pleadings.

To Senate, 376  
First reading, 387  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 792  
Second reading, 821  
Lost, 821  
Returned to House, 872

**House Bill No. 1045**

**House Bill No. 1045.** A Bill for an Act to provide for reporting and review of medical malpractice claims, settlements, and final judgments.

To Senate, 376

First reading, 387  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 1131  
 Second reading, 1173, 1246  
 Clincher motion, 1246  
 Lost, 1173  
 Passed, 1246  
 Returned to House, 1267  
 Reconsidered, 1246  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1608

#### House Bill No. 1046

**House Bill No. 1046.** A Bill for an Act to require physicians to give patients informed consent in any cases where there is a grave risk of injury from a proposed course of diagnosis or treatment.

To Senate, 815  
 First reading, 853  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, indefinitely postponed, 1042  
 Second reading, 1174  
 Lost, 1175  
 Returned to House, 1386

#### House Bill No. 1047

**House Bill No. 1047.** A Bill for an Act to establish a medical review panel to review or arbitrate medical malpractice claims, to provide a method by which a panel shall be selected, to prescribe the powers and duties of the panel, and to authorize the panel to make a report which shall be admissible into evidence in any subsequent action based on a medical malpractice claim.

To Senate, 815  
 First reading, 853  
 Referred to Committee on Judiciary  
 Reported back, amended, 1131  
 Amendments adopted, 1174  
 Second reading, 1245  
 Clincher motion, 1246  
 Passed, 1246  
 Returned to House, amended, 1267  
 Conference Committee, 1345, 1318  
 House concurs, 1414  
 House does not concur, 1318  
 Received from House, 1691  
 Signed by President, 1692  
 Returned to House, 1694

#### House Bill No. 1048

**House Bill No. 1048.** A Bill for an Act to prohibit discrimination in the choice of optometric services.



To Senate, 159  
 First Reading, 166  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 386  
 Second reading, 424  
 Lost, 424  
 Returned to House, 469

#### House Bill No. 1049

**House Bill No. 1049.** A Bill for an Act to create and enact chapter 16.1-01, 16.1-04, 16.1-05, 16.1-06, 16.1-07, 16.1-08, 16.1-09, 16.1-10, 16.1-12, 16.1-13, 16.1-15, and 16.1-16, and sections 16.1-11-03, 16.1-11-04, 16.1-11-05, 16.1-11-06, 16.1-11-07, 16.1-11-08, 16.1-11-09, 16.1-11-10, 16.1-11-11, 16.1-11-12, 16.1-11-13, 16.1-11-14, 16.1-11-15, 16.1-11-16, 16.1-11-17, 16.1-11-19, 16.1-11-20, 16.1-11-21, 16.1-11-22, 16.1-11-23, 16.1-11-24, 16.1-11-26, 16.1-11-27, 16.1-11-28, 16.1-11-29, 16.1-11-30, 16.1-11-31, 16.1-11-32, 16.1-11-33, 16.1-11-34, 16.1-14-01, 16.1-14-02, 16.1-14-03, 16.1-14-04, 16.1-14-05, 16.1-14-06, 16.1-14-07, 16.1-14-08, 16.1-14-09, 16.1-14-10, 16.1-14-11, 16.1-14-12, 16.1-14-13, 16.1-14-14, 16.1-14-15, 16.1-14-16, and 16.1-14-17 of the North Dakota Century Code, relating to a new election code establishing qualifications for electors, initiative and referendum procedures, election offenses, the administration of elections, the establishment of voting precincts, the qualifications and duties of election officers, election supplies, ballots and voting machines, absent voters' ballots, the disclosure of financial interests, corrupt practices, primary elections, nominations at the general election, the conduct of elections, presidential electors, election returns, recounts, and contests; and to repeal chapters 16-01, 16-03, 16-05, 16-06, 16-07, 16-08, 16-09, 16-10, 16-11, 16-12, 16-13, 16-14, 16-15, 16-18, 16-21, and 16-22, and sections 16-04-02.1, 16-04-03, 16-04-05, 16-04-06, 16-04-07, 16-04-08, 16-04-09, 16-04-10, 16-04-12, subsections 2, 3, and 4 of section 16-04-13, sections 16-04-15.2, 16-04-18, 16-04-19, 16-04-20, 16-04-25, 16-04-26, 16-04-27, 16-04-28, 16-04-29, 16-04-30, 16-04-31, 16-04-32, 16-04-33, 16-04-34, 16-04-35, 16-04-36, 16-16-01, 16-16-02, 16-16-03, 16-16-04, 16-16-05, 16-16-06, 16-16-07, 16-16-08, 16-16-09, 16-16-10, 16-16-11, 16-16-12, 16-16-13, 16-16-14, 16-16-15, 16-16-16, 16-20-04, 16-20-05, 16-20-07, 16-20-08, 16-20-09, 16-20-10, 16-20-12, 16-20-15, 16-20-16, 16-20-17, 16-20-18, 16-20-22, and 16-20-23 of the North Dakota Century Code, and sections 16-04-02, 16-04-04, subsection 1 of section 16-04-13, sections 16-04-16, 16-04-17, 16-04-21, 16-16-03.1, 16-20-01, 16-20-01.1, 16-20-06, 16-20-17.1, 16-20-17.2, 16-20-17.3, 16-20-19 and 16-20-24 of the 1975 Supplement to the North Dakota Century Code, relating to general election provisions, individual nominations, primary elections, nominations for office, general and special elections, the no-party ballot, the establishment of precincts and voting places, election officers and supplies, the conduct of elections, returns and contests of elections, voting by new residents, absent voters' ballots, corrupt practices, voting machines, and the disclosure of financial interests.

To Senate, 811  
 First reading, 832  
 Referred to Committee on Judiciary  
 Reported back, amended, 1131  
 Amendments adopted, 1222  
 Second reading, 1276, 1665  
 Clincher motion, 1280

Passed, 1280, 1666  
Returned to House, amended, 1290  
Conference Committee, 1345, 1355, 1611(2), 1636, 1637, 1649, 1654  
Conference Committee Report, 1661  
Senate adopts, 1665  
House Adopts, 1661  
House does not adopt, 1611, 1636, 1649  
House does not concur, 1354  
Received from House, 1691  
Signed by President, 1692  
Returned to House, 1694

#### House Bill No 1051

**House Bill No. 1051.** A Bill for an Act to create and enact a new section to chapter 40-21 of the North Dakota Century Code, relating to the establishment of polling places for municipal elections; and to repeal section 16-09-04.1 of the North Dakota Century Code, relating to the establishment of polling places for municipal elections.

To Senate, 80  
First Reading, 93  
Referred to Committee on Judiciary  
Reported back, do pass, 260  
Second reading, 338  
Passed, 338  
Returned to House, 375  
Received from House, 918  
Signed by President, 919  
Returned to House, 938

#### House Bill No. 1052

**House Bill No. 1052.** A Bill for an Act to amend and reenact subsection 2 of section 27-20-10 of the North Dakota Century Code, relating to the period of supervision allowed under informal adjustment for a juvenile.

To Senate, 80  
First reading, 93  
Referred to Committee on Judiciary  
Reported back, amended, 287  
Amendments adopted, 301  
Second reading, 338, 1338  
Passed, 338, 1339  
Returned to House, amended, 375  
Conference Committee, 435  
Conference Committee Report, 1037, 1338  
Senate adopts, 1338  
House does not concur, 425  
Received from House, 1691  
Signed by President, 1692  
Returned to House, 1694

#### House Bill No. 1053

**House Bill No. 1053.** A Bill for an Act to create and enact section 14-10-17.1 of the North Dakota Century Code, relating to emergency treatment of minors without their parents' permission, and to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to the treatment of minors for alcoholism without their parents' permission.

To Senate, 298  
 First reading, 302  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 817  
 Second reading, 841  
 Passed, 842  
 Returned to House, 896  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1054**

**House Bill No. 1054.** A Bill for an Act to amend and reenact subsection 1 of section 27-20-22 and section 27-20-24 of the North Dakota Century Code, relating to the time for a hearing and the right of dismissal of a petition against a juvenile.

To Senate, 142  
 First reading, 152  
 Referred to Committee on Judiciary  
 Reported back, amended, 287  
 Amendments adopted, 301  
 Second reading, 338  
 Passed, 339  
 Returned to House, amended, 375  
 House concurs, 425  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 938

**House Bill No. 1055**

**House Bill No. 1055.** A Bill for an Act to create and enact a new section to chapter 14-10 of the North Dakota Century Code, relating to the emancipation of minors.

To Senate, 298  
 First reading, 302  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, indefinitely postponed, 835  
 Second reading, 866  
 Lost, 867  
 Returned to House, 917

**House Bill No. 1056**

**House Bill No. 1056.** A Bill for an Act to create and enact a new section of the North Dakota Century Code, relating to the establishment of an office of state juvenile services coordinator.

To Senate, 298  
First reading, 302  
Referred to Committee on Judiciary  
Reported back, do pass, 861, amended, 1135  
Rereferred Appropriations, 861  
Amendments adopted, 1174  
Second reading, 1199  
Clincher motion, 1199  
Passed, 1199  
Returned to House, amended, 1238  
House concurs, 1273  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

#### House Bill No. 1057

**House Bill No. 1057.** A Bill for an Act to amend and reenact section 27-20-38 of the North Dakota Century Code, relating to emergency medical treatment for juveniles under the supervision of a legal custodian.

To Senate, 187  
First reading, 196  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 459  
Second reading, 779  
Passed, 780  
Returned to House, 831  
Received from House, 1012  
Signed by President, 1034  
Returned to House, 1035

#### House Bill No. 1058

**House Bill No. 1058.** A Bill for an Act to amend and reenact sections 40-45-15 and 40-46-16 of the North Dakota Century Code, relating to the loss of a policeman's and a city employee's right to retirement benefits upon conviction of a felony, and providing that conviction of a felony shall not cause forfeiture once a person is entitled to be retired.

To Senate, 159  
First reading, 166  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 817  
Second reading, 842  
Passed, 842  
Returned to House, 896  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

#### House Bill No. 1059

**HOUSE Bill No. 1059.** A Bill for an Act to provide good conduct and merit sentence reductions for penitentiary and state farm inmates; providing for retroactive effect; and declaring an emergency.

To Senate, 171  
First reading, 183  
Referred to Committee on State & Federal Government  
Reported back, do pass, 669  
Second reading, 780  
Passed, 780  
Emergency carried, 780  
Returned to House, 831  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1060**

**House Bill No. 1060.** A Bill for an Act to amend and reenact section 12-48-15 of the North Dakota Century Code, relating to the disposition of moneys earned by a penitentiary inmate, allowing an inmate to deposit penitentiary earnings in a Bank of North Dakota interest account, and to deposit outside earnings in any bank or organization upon approval of the director of institutions.

To Senate, 159  
First reading, 166  
Referred to Committee on State & Federal Government  
Reported back, do pass, 670  
Second reading, 780  
Passed, 780  
Returned to House, 831  
Received from House, 1012  
Signed by President, 1034  
Returned to House, 1035

**House Bill No. 1062**

**House Bill No. 1062.** A Bill for an Act to amend and reenact section 28-32-19 of the North Dakota Century Code, relating to scope of and procedure on appeal from administrative agency determinations.

To Senate, 491  
First reading, 502  
Referred to Committee on Judiciary  
Reported back, do pass, 792  
Second reading, 822  
Passed, 822  
Returned to House, 871  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1063**

**House Bill No. 1063.** A Bill for an Act to create and enact section 28-32-02.1 of the North Dakota Century Code, relating to adopting a rule describing an agency's organization and functions; and to amend and reenact sections 28-32-01, 28-32-05, 28-32-09, 28-32-12, 28-32-21 of the North

Dakota Century Code, relating to definitions, rules of procedure and notice of hearing, depositions and interrogatories, methods of recording testimony, and supreme court review.

- To Senate, 229
- First reading, 244
- Referred to Committee on State & Federal Government
- Reported back, amended, 670
- Amendments adopted, 683
- Second reading, 780
- Passed, 781
- Returned to House, amended, 832
- House concurs, 1067
- Received from House, 1442
- Signed by President, 1459
- Returned to House, 1462

#### House Bill No. 1064

**House Bill No. 1064.** A Bill for an Act to amend and reenact section 28-32-02 of the North Dakota Century Code, relating to the rulemaking power of an administrative agency, and providing for public opportunity to submit data, views, and arguments and for required oral hearings.

- To Senate, 142
- First reading, 152
- Referred to Committee on Judiciary
- Reported back, amended, 287
- Amendments adopted, 301
- Second reading, 339
- Passed, 339
- Returned to House, amended, 375
- Conference Committee, 425, 436
- House does not concur, 425
- House does concur, 845
- Received from House, 1012
- Signed by President, 1034
- Returned to House, 1035

#### House Bill No. 1068

**House Bill No. 1068.** A Bill for an Act to create the office of energy coordinator, to provide for the duties and responsibilities of the energy coordinator.

- To Senate, 298
- First reading, 302
- Referred to Committee on Natural Resources
- Reported back, indefinitely postponed, 835
- Second reading, 867
- Lost, 867
- Returned to House, 917

#### House Bill No. 1069

**House Bill No. 1069.** A Bill for an Act to provide for solar easements, and for the contents of instruments creating those easements.

To Senate, 401  
First reading, 413  
Referred to Committee on Natural Resources  
Reported back, do pass, 817  
Second reading, 842  
Passed, 842  
Returned to House, 896  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1071**

**House Bill No. 1071.** A Bill for an Act to provide for the liability of political subdivisions, to require political subdivisions to be insured to certain limits, to set limitations upon such liability, to provide for the certification of coverage, to authorize the purchase of insurance or provision for self-insurance and to authorize a fund and a levy therefor, to prescribe the duties of the insurance commissioner, to provide a statute of limitations, to provide a procedure for making payments for claims and judgments against political subdivisions, to authorize the state to purchase insurance coverage to reinstate certain causes of action; to amend and reenact section 24-08-03 of the North Dakota Century Code, relating to the limit of county liability for negligence in the supervision and repairs of bridges; and to repeal section 40-42-01, 40-42-02, 40-42-03, and 40-43-07 of the North Dakota Century Code, relating to claims for injuries on streets, sidewalks, or bridges.

To Senate, 645  
First reading, 650  
Referred to Committee on Judiciary  
Reported back, amended, 1096  
Amendments adopted, 1127  
Second reading, 1154, 1584  
Clincher motion, 1155  
Passed, 1155, 1585  
Returned to House, amended, 1205  
Conference Committee, 1307, 1273  
Conference Committee Report, 1572  
Senate adopts, 1584  
House adopts, 1562  
House does not concur, 1273  
Received from House, 1691  
Signed by President, 1692  
Returned to House, 1694

**House Bill No. 1073**

**House Bill No. 1073.** A Bill for an Act to provide for an appropriation and transfer to the teachers' fund for retirement.

Reported back, indefinitely postponed, 1135

**House Bill No. 1074**

**House Bill No. 1074.** A Bill for an Act to amend and reenact sections 15-39.1-09 and 15-39.1-10 of the North Dakota Century Code, relating to assessments for and benefits from the teachers' fund for retirement; and to provide an appropriation.

To Senate, 811  
 First reading, 833  
 Referred to Committee on Education  
 Reported back, do pass, 944, 1098  
 Rereferred Appropriations, 944  
 Second reading, 1346  
 Passed, 1346  
 Returned to House, 1394  
 Received from House, 1691  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1076**

**House Bill No. 1076.** A Bill for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to requirements for advertisement for bids on school district contracts.

To Senate, 159  
 First reading, 166  
 Referred to Committee on Education  
 Reported back, do pass, 260, floor amendments, 355  
 Amendments adopted, 355  
 Second reading, 355  
 Passed, 356  
 Returned to House, amended, 401  
 House concurs, 425  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 938

**House Bill No. 1078**

**House Bill No. 1078.** A Bill for an Act to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to school board elections.

To Senate, 143  
 First reading, 152  
 Referred to Committee on Education  
 Reported back, do pass, 260  
 Second reading, 356  
 Passed, 356  
 Returned to House, 401  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 938

**House Bill No. 1079**



**House Bill No. 1079.** A Bill for an Act to amend section 28-26-01 of the North Dakota Century Code, relating to the awarding of costs and attorney's fees to the prevailing party in a civil case.

To Senate, 376  
First Reading, 387  
Referred to Committee on Judiciary  
Reported back, amended, 766  
Amendments adopted, 798  
Second reading, 822  
Passed, 822  
Returned to House, amended, 872  
House concurs, 886  
Received from House, 1148  
Signed by President, 1180  
Returned to House, 1181

**House Bill No. 1084**

**House Bill No. 1084.** A Bill for an Act to amend and reenact section 57-15-14 of the North Dakota Century Code relating to petitions for school district tax levy limitation elections.

To Senate, 255  
First reading, 273  
Referred to Committee on Education  
Reported back, amended, 627  
Floor amendments, 823  
Amendments adopted, 683, 823  
Second reading, 822, 1476  
Passed, 823, 1476  
Returned to House, amended, 872  
Conference Committee, 894, 887  
Conference Committee report, 1439  
Senate adopts, 1476  
House adopts, 1426  
House does not concur, 886  
Received from House, 1691  
Signed by President, 1692  
Returned to House, 1694

**House Bill No. 1085**

**House Bill No. 1085.** A Bill for an Act to amend and reenact subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to the exemption of mobile homes from taxation.

To Senate, 159  
First reading, 166  
Referred to Committee on Finance and Taxation  
Reported back, do pass, 861  
Second reading, 886  
Passed, 886  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180

Returned to House, 1181

**House Bill No. 1087**

**House Bill No. 1087.** A Bill for an Act to regulate real property easements, servitudes, or any nonappurtenant restriction on the use of real property.

To Senate, 298

First reading, 302

Reported to Committee on Agriculture

Reported back, amended, 923

Amendments adopted, 943

Second reading, 972

Passed, 973

Returned to House, amended, 1035

House concurs, 1147

Received from House, 1480

Signed by President, 1486

Returned to House, 1486

**House Bill No. 1088**

**House Bill No. 1088.** A Bill for an Act to create and enact a new subsection to section 57-15-56 of the North Dakota Century Code, relating to nonprofit senior citizens' organizations obtaining bonding coverage through the state bonding fund; and declaring an emergency.

To Senate, 425

First reading, 434

Referred to Committee on Social Welfare & Veterans Affairs

Reported back, do pass, 836

Second reading, 867

Passed, 867

Emergency carried, 867

Returned to House, 916

Received from House, 1061

Signed by President, 1062

Returned to House, 1064

**House Bill No. 1090**

**House Bill No. 1090.** A Bill for an Act to amend and reenact section 15-10-28.1 of the North Dakota Century Code, relating to repayment of student loans to the state.

To Senate, 99

First reading, 108

Referred to Committee on Education

Reported back, do pass, 177

Second reading, 207

Passed, 207

Returned to House, 254

Received from House, 918

Signed by President, 919

Returned to House, 938

**House Bill No. 1094**

**House Bill No. 1094.** A Bill for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to inquiry into the conditions of children born out of wedlock and authorizing the provision of protective services.

To Senate, 315

First reading, 327

Referred to Committee on Social Welfare & Veterans Affairs

Reported back, indefinitely postponed, 861

Second reading, 887

Lost, 887

Returned to House, 939

**House Bill No. 1096**

**House Bill No. 1096.** A Bill for an Act to create and enact sections 23-13-02.1 through 23-13-02.7 of the North Dakota Century Code, relating to regulation of the operation of self-service motor fuel dispensing devices; and to amend and reenact sections 23-13-02 and 23-13-03 of the North Dakota Century Code, relating to the operation of self-service motor fuel dispensing devices and providing a penalty.

To Senate, 280

First reading, 289

Referred to Committee on Industry, Business & Labor

Reported back, do pass, 966

Floor amendments, 995

Amendments adopted, 995

Second reading, 1029

Passed, 1029

Returned to House, amended, 1086

House concurs, 1184

Received from House, 1606

Signed by President, 1608

Returned to House, 1608

**House Bill No. 1097**

**House Bill No. 1097.** A Bill for an Act to create and enact a new section to chapter 49-22 of the North Dakota Century Code, relating to restrictions on the issuance of construction permits by the public service commission for the location and construction of electric transmission lines.

To Senate, 760

First reading, 784

Referred to Committee on Natural Resources

Reported back, indefinitely postponed, 944

Second reading, 973

Lost, 973

Returned to House, 1036

**House Bill No. 1101**

**House Bill No. 1101.** A Bill for an Act to amend and reenact section 15-20.1-08 of the North Dakota Century Code, relating to a mill levy for cooperative vocational education programs.

To Senate, 143

First reading, 152  
 Referred to Committee on Education  
 Reported back, do pass, 287  
 Second reading, 356  
 Passed, 356  
 Returned to House, 401  
 Received from House, 918  
 Signed by President, 919  
 Returned to House, 938

**House Bill No. 1103**

**House Bill No. 1103.** A Bill for an Act to amend and reenact section 57-02-31 of the North Dakota Century Code, relating to the furnishing of assessment books to county assessors by the county auditor.

To Senate, 126  
 First reading, 153  
 Referred to Committee on Political Subdivisions  
 Reported back do pass, 817  
 Second reading, 842  
 Passed, 843  
 Returned to House, 896  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1104**

**House Bill No. 1104.** A Bill for an Act to amend and reenact section 28-22-05 of the North Dakota Century Code, relating to the judgment exemptions for a single person.

To Senate, 126  
 First reading, 153  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 766  
 Second reading, 799  
 Lost, 799  
 Returned to House, 852

**House Bill No. 1105**

**House Bill No. 1105.** A Bill for an Act to amend and reenact section 47-18-02 of the North Dakota Century Code, relating to the definition of the head of a family as used for homestead purposes.

To Senate, 210  
 First reading, 217  
 Referred to Committee on Judiciary  
 Reported back, do pass, 766  
 Second reading, 799  
 Passed, 800  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1106**

**House Bill No. 1106.** A Bill for an Act to amend and reenact section 47-18-01 and subsection 4 of section 47-18-04 of the North Dakota Century Code, relating to the definition of a homestead for exemption from judgments and execution and to homesteads subject to execution.

To Senate, 298  
 First reading, 302  
 Referred to Committee on Judiciary  
 Reported back, do pass, 766  
 Second reading, 800  
 Passed, 800  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1107**

**House Bill No. 1107.** A Bill for an Act to amend and reenact sections 47-30-24 and 47-30-26 of the North Dakota Century Code, relating to the administration of the abandoned property laws.

To Senate, 171  
 First reading, 183  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 300  
 Second reading, 356  
 Passed, 357  
 Returned to House, 401  
 Received from House, 919  
 Signed by President, 919  
 Returned to House, 938

**House Bill No. 1109**

**House Bill No. 1109.** A Bill for an Act to create and enact section 15-05-12.1 of the North Dakota Century Code, relating to improvements placed on state lands; to amend and reenact section 15-08-26 of the North Dakota Century Code, relating to improvements placed on state lands; and to repeal section 15-05-12 of the North Dakota Century Code, relating to improvements placed on state lands.

To Senate, 298  
 First reading, 302  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 817  
 Second reading, 845  
 Passed, 845  
 Returned to House, 896  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1110**

**House Bill No. 1110.** A Bill for an Act to amend and reenact sections 15-04-09, 15-06-25, and 15-07-05 of the North Dakota Century Code, relating to notices of school land sales and leases.

To Senate, 519  
First reading, 536  
Referred to Committee on Natural Resources  
Reported back, do pass, 944  
Second reading, 973  
Passed, 973  
Returned to House, 1035  
Received from House, 1289  
Signed by President, 1289  
Returned to House, 1291

#### House Bill No. 1111

**House Bill No. 1111.** A Bill for an Act to create and enact section 15-08-21.1 of the North Dakota Century Code, relating to criminal trespass on state lands; to amend and reenact sections 15-05-08 and 15-08-20 of the North Dakota Century Code, relating to illegal mining activities and trespassing on state lands; and providing a penalty.

To Senate, 401  
First reading, 413  
Referred to Committee on Natural Resources  
Reported back, do pass, 836  
Second reading, 867  
Passed, 868  
Returned to House, 916  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

#### House Bill No. 1112

**House Bill No. 1112.** A Bill for an Act to amend and reenact subsection 2 of section 20.1-03-07 and sections 20.1-03-09 and 20.1-03-10 of the North Dakota Century Code, relating to the issuance and contents of nonresident fur-bearer licenses; and to repeal subsection 6 of section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fur-bearer licenses.

To Senate, 298  
First reading, 303  
Referred to Committee on Natural Resources  
Reported back, do pass, 836  
Second reading, 869  
Passed, 869  
Returned to House, 916  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

#### House Bill No. 1113

**House Bill No. 1113.** A Bill for an Act to create and enact subsection 5 of section 39-10-07.2 of the North Dakota Century Code, relating to red reflectors within the right-of-way of any highway.

To Senate, 210  
First reading, 217  
Referred to Committee on Transportation

Reported back, do pass, 561  
Second reading, 781  
Passed, 781  
Returned to House, 831  
Received from House, 1012  
Signed by President, 1035  
Returned to House, 1035

**House Bill No. 1114**

**House Bill No. 1114.** A Bill for an Act to amend and reenact sections 40-21-02 and 40-21-03 of the North Dakota Century Code, relating to polling hours for municipal elections.

To Senate, 376  
First reading, 387  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 792  
Second reading, 823  
Lost, 823  
Returned to House, 872

**House Bill No. 1115**

**House Bill No. 1115.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for truck-mounted haystack movers.

To Senate, 126  
First reading, 153  
Referred to Committee on Transportation  
Reported back, do pass, 350  
Second reading, 374  
Passed, 375  
Returned to House, 425  
Received from House, 919  
Signed by President, 919  
Returned to House, 938

**House Bill No. 1117**

**House Bill No. 1117.** A Bill for an Act to amend and reenact section 21-03-18 of the North Dakota Century Code, relating to the form and content of bonds, their coupons, and number of bonds.

To Senate, 143  
First reading, 153  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 300  
Second reading, 357  
Passed, 357  
Returned to House, 401  
Received from House, 919  
Signed by President, 919  
Returned to House, 938

**House Bill No. 1118**

**House Bill No. 1118.** A Bill for an Act to amend and reenact section 6-09-15 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota to make loans.

To Senate, 143  
First reading, 153  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 288  
Indefinitely postponed, 1018  
Rereferred Industry, Business & Labor, 298  
Second reading, 1079  
Lost, 1079  
Returned to House, 1145

**House Bill No. 1119**

**House Bill No. 1119.** A Bill for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the compensation, mileage and travel expenses for members of the Health Council.

To Senate, 143  
First reading, 153  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 213  
Second reading, 357  
Passed, 358  
Returned to House, 401  
Received from House, 919  
Signed by President, 919  
Returned to House, 938

**House Bill No. 1122**

**House Bill No. 1122.** A Bill for an Act to amend and reenact sections 11-10-05 and 44-01-03 of the North Dakota Century Code relating to the time county and district officers take office when elected to fill an unexpired term.

To Senate, 159  
First reading, 167  
Referred to Committee on Judiciary  
Reported back, do pass, 288  
Second reading, 358  
Passed, 358  
Returned to House, 401  
Received from House, 919  
Signed by President, 919  
Returned to House, 938

**House Bill No. 1123**

**House Bill No. 1123.** A Bill for an Act to amend and reenact section 4-12-03.1 of the North Dakota Century Code, relating to establishment of bee locations.

To Senate, 114  
First reading, 121  
Referred to Committee on Agriculture  
Reported back, do pass, 320  
Second reading, 358  
Passed, 358  
Returned to House, 401  
Received from House, 919  
Signed by President, 919  
Returned to House, 938



**House Bill No. 1124**

**House Bill No. 1124.** Transfer from Bank of North Dakota — A Bill for an Act to transfer moneys from the accumulated and undivided profits of the bank of North Dakota to the general fund of the state.

To Senate, 401

First reading, 413

Referred to Committee on Appropriations

Reported back, do pass, 991

Second reading, 1029

Passed, 1029

Returned to House, 1086

Received from House, 1442

Signed by President, 1459

Returned to House, 1462

**House Bill No. 1127**

**House Bill No. 1127.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for recreational vehicles.

To Senate, 126

First reading, 153

Referred to Committee on Transportation

Reported back, indefinitely postponed, 350, 561

Returned to Senate, 365

Rereferred Transportation, 365

Second reading, 781

Lost, 782

Returned to House, 831

**House Bill No. 1128**

**House Bill No. 1128.** A Bill for an Act to amend and reenact section 57-15-31.1 of the North Dakota Century Code, relating to the date by which a taxing district must certify taxes or submit budget amendments.

To Senate, 159

First reading, 167

Referred to Committee on Finance & Taxation

Reported back, do pass, 861

Second reading, 887

Passed, 887

Returned to House, 938

Received from House, 1148

Signed by President, 1180

Returned to House, 1181

**House Bill No. 1129**

**House Bill No. 1129.** A Bill for an Act to amend and reenact sections 24-06-28, 24-06-30, 24-07-03, 24-07-19, 24-10-01, 24-10-02, and 24-10-04 of the North Dakota Century Code, relating to obstruction of section lines, removal of fences, section lines as public roads, removal of fences when public roads have been laid out, erection of cattle guards, construction of cattle guards, and removal of cattle guards.

To Senate, 210

First reading, 217  
Referred to Committee on Agriculture  
Reported back, amended, 944  
Amendments adopted, 965  
Second reading, 995  
Passed, 996  
Returned to House, amended, 1061  
House concurs, 1147  
Received from House, 1480  
Signed by President, 1486  
Returned to House, 1486

**House Bill No. 1132**

**House Bill No. 1132.** A Bill for an Act prohibiting the unauthorized starting of fires under certain circumstances, and providing a penalty.

To Senate, 679  
First reading, 722  
Referred to Committee on Agriculture  
Reported back, indefinitely postponed, 944  
Second reading, 973  
Lost, 974  
Returned to House, 1036

**House Bill No. 1133**

**House Bill No. 1133.** A Bill for an Act to provide for standards of health for public water systems; to provide for system approval, limitations on water contaminants, records and reporting procedure, variances and exemptions, enforcement process; and to provide for imposition of penalties.

To Senate, 187  
First reading, 196  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 459  
Second reading, 782  
Passed, 782  
Returned to House, 831  
Received from House, 1012  
Signed by President, 1035  
Returned to House, 1035

**House Bill No. 1134**

**House Bill No. 1134.** A Bill for an Act to amend and reenact subsection 1 of section 21-02-11 of the North Dakota Century Code, relating to waiver of bid advertisement when certificates of indebtedness are to be sold to the Bank of North Dakota.

To Senate, 210  
First Reading, 217  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 766  
Second reading, 800  
Passed, 800  
Returned to House, 851  
Received from House, 1012  
Signed by President, 1035

Returned to House, 1035

**House Bill No. 1135**

**House Bill No. 1135.** Transfer From Mill and Elevator — A Bill for an Act to transfer moneys from the accumulated and undivided profits of the North Dakota Mill and Elevator Association to the general fund of the state.

To Senate, 315  
First reading, 327  
Referred to Committee on Appropriations  
Reported back, do pass, 991  
Second reading, 1029  
Passed, 1029  
Returned to House, 1086  
Received from House, 1442  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1136**

**House Bill No. 1136.** A Bill for an Act to amend and reenact section 12.1-04-03 of the North Dakota Century Code, relating to lack of criminal responsibility as a defense.

To Senate, 446  
First reading, 460  
Referred to Committee on Judiciary  
Reported back, do pass, 792  
Second reading, 824  
Passed, 824  
Returned to House, 871  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1141**

**House Bill No. 1141.** A Bill for an Act to amend and reenact section 39-06.1-03 of the North Dakota Century Code, relating to administrative hearings for traffic offenses.

To Senate, 315  
First reading, 327  
Referred to Committee on Judiciary  
Reported back, do pass, 861  
Second reading, 887  
Passed, 888  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180  
Returned to House, 1181

**House Bill No. 1142**

**House Bill No. 1142.** A Bill for an Act to amend and reenact subsection 2 of section 20.1-02-07 of the North Dakota Century Code, relating to the number of district deputy game wardens the commissioner may appoint.

To Senate, 520  
First reading, 536  
Referred to Committee on Natural Resources  
Reported back, do pass, 836  
Second reading, 869  
Passed, 869  
Returned to House, 916  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

#### House Bill No. 1145

**House Bill No. 1145.** A Bill for an Act to prohibit requiring a fingerprint or thumbprint upon a check for identification or other check cashing purposes.

To Senate, 143  
First reading, 153  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 364  
Second reading, 398  
Lost, 398  
Returned to House, 446

#### House Bill No. 1146

**House Bill No. 1146.** A Bill for an Act to amend and reenact subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to length limitations for motor vehicles.

To Senate, 171  
First reading, 184  
Referred to Committee on Transportation  
Reported back, do pass, 350  
Second reading, 375  
Passed, 375  
Returned to House, 425  
Received from House, 919  
Signed by President, 919  
Returned to House, 938

#### House Bill No. 1147

**House Bill No. 1147.** A Bill for an Act to amend and reenact section 20.1-02-25 of the North Dakota Century Code, relating to the months of the year during which advisory board members shall hold public meetings.

To Senate, 491  
First reading, 502  
Referred to Committee on Natural Resources  
Reported back, do pass, 817  
Second reading, 845  
Passed, 846  
Returned to House, 896  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

#### House Bill No. 1148

**House Bill No. 1148.** A Bill for an Act to amend and reenact sections 39-24-03 and 39-24-05 of the North Dakota Century Code, relating to snowmobile registration fees and the disposition of same.

To Senate, 187  
 First reading, 197  
 Referred to Committee on Transportation  
 Reported back, amended, 836  
 Amendments adopted, 861  
 Second reading, 888, 1339  
 Passed, 888, 1340  
 Returned to House, amended, 938  
 Conference Committee, 1023, 983  
 Conference Committee report, 1339  
 Senate adopts, 1339  
 House adopts, 1237  
 House does not concur, 983  
 Received from House, 1691  
 Signed by President, 1692  
 Returned to House, 1694

**House Bill No. 1151**

**House Bill No. 1151.** A Bill for an Act to amend and reenact section 6-06-08 of the North Dakota Century Code, relating to supervision of credit unions by the state credit union board, reports, examinations, and fees.

To Senate, 171  
 First reading, 184  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 364  
 Second reading, 398  
 Passed, 399  
 Returned to House, 445  
 Received from House, 919  
 Signed by President, 919  
 Returned to House, 938

**House Bill No. 1152**

**House Bill No. 1152.** A Bill for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to the minimum fixed assets reporting value for financial statements for state agencies.

To Senate, 229  
 First reading, 244  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 628  
 Second reading, 800  
 Passed, 801  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1153**

**House Bill No. 1153.** A Bill for an Act to amend and reenact subsection 2

of section 6-01-03 of the North Dakota Century Code, relating to the state credit union board.

To Senate, 159  
First reading, 167  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 364  
Second reading, 399  
Passed, 399  
Returned to House, 445  
Received from House, 919  
Signed by President, 919  
Returned to House, 938

#### House Bill No. 1154

**House Bill No. 1154.** A Bill for an Act to amend and reenact sections 24-02-41 and 24-02-42 of the North Dakota Century Code, relating to certain highway department revenues and the time for deposit of such revenues with the state treasurer, and changing the interest rate on engineering scholarships.

To Senate, 187  
First reading, 197  
Referred to Committee on Transportation  
Reported back, do pass, 837  
Second reading, 869  
Passed, 870  
Returned to House, 916  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

#### House Bill No. 1155

**House Bill No. 1155.** A Bill for an Act to amend and reenact subsections 1 and 2 of section 39-12-04 of the North Dakota Century Code, relating to width, height, and length limitations on vehicles.

To Senate, 187  
First reading, 197  
Referred to Committee on Transportation  
Reported back, do pass, 535  
Second reading, 801  
Passed, 801  
Returned to House, 851  
Received from House, 1012  
Signed by President, 1035  
Returned to House, 1035

#### House Bill No. 1156

**House Bill No. 1156.** A Bill for an Act to amend and reenact section 54-23A-06 of the North Dakota Century Code relating to law enforcement radio equipment prohibited in private automobiles without permit.

To Senate, 210  
First reading, 217  
Referred to Committee on Transportation  
Reported back, amended, 535

Amendments adopted, 563  
 Second reading, 801, 1340  
 Passed, 802, 1340  
 Returned to House, amended, 852  
 Conference Committee, 875, 873  
 Conference Committee report, 1067, 1340  
 Senate adopts, 1340  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1694

**House Bill No. 1157**

**House Bill No. 1157.** A Bill for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to examination of applicants; to repeal subsection 2 of section 39-06-14 of the North Dakota Century Code, relating to licenses issued to operators.

To Senate, 187  
 First reading, 197  
 Referred to Committee on Transportation  
 Reported back, do pass, 562  
 Second reading, 802  
 Passed, 802  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1158**

**House Bill No. 1158.** A Bill for an Act to amend and reenact subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to the disposition of school building funds and providing for the use of such funds for vocational education facilities financed under the Municipal Industrial Development Act.

To Senate, 229  
 First reading, 244  
 Referred to Committee on Education  
 Reported back, do pass, 628  
 Second reading, 802  
 Passed, 802  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1161**

**House Bill No. 1161.** A Bill for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code relating to the increase of base premium; and to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to assessment of premiums based on the average wage in the state.

To Senate, 446  
 First reading, 460  
 Referred to Committee on Industry, Business & Labor

Reported back, indefinitely postponed, 1018  
Second reading, 1079  
Lost, 1080  
Returned to House, 1145

#### House Bill No. 1162

**House Bill No. 1162.** A Bill for an Act to provide for supplementary benefits to persons receiving workmen's compensation benefits under previous benefit allowances, payment of supplementary benefits, establishment of a supplementary benefit fund within the workmen's compensation fund, and providing an appropriation.

To Senate, 520  
First reading, 536  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 1018  
Second reading, 1080  
Lost, 1080  
Returned to House, 1145

#### House Bill No. 1163

**House Bill No. 1163.** A Bill for an Act to create and enact a new section to chapter 24-17 of the North Dakota Century Code, relating to limitations of outdoor advertising; to amend and reenact section 24-17-03 of the North Dakota Century Code, relating to limitations of outdoor advertising.

To Senate, 520  
First reading, 537  
Referred to Committee on Transportation  
Reported back, amended, 1072  
Amendments adopted, 1092  
Second reading, 1155  
Clincher motion, 1155  
Passed, 1155  
Returned to House, amended, 1206  
House concurs, 1273  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

#### House Bill No. 1165

**House Bill No. 1165.** A Bill for an Act to amend and reenact section 43-23-08 of the North Dakota Century Code, relating to license standards under the real estate commission.

To Senate, 229  
First reading, 244  
Referred to Committee on State & Federal Government  
Reported back, amended, 670  
Amendments adopted, 683  
Second reading, 802, 840  
Lost, 803, Passed, 840  
Returned to House, amended, 896  
House concurs, 1067  
Reconsidered, 840  
Received from House, 1442



Signed by President, 1459  
 Returned to House, 1462

**House Bill No. 1166**

**House Bill No. 1166.** A Bill for an Act to provide for destruction of records maintained by the filing officer under the uniform commercial code.

To Senate, 299  
 First reading, 244  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 670  
 Second reading, 803  
 Passed, 803  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1167**

**House Bill No. 1167.** A Bill for an Act to amend and reenact section 46-04-19 of the North Dakota Century Code, relating to disposal of certain volumes of the law.

To Senate, 229  
 First reading, 244  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 670  
 Second reading, 803  
 Passed, 804  
 Returned to House, 851  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

**House Bill No. 1168**

**House Bill No. 1168.** A Bill for an Act to amend and reenact section 46-06-01 of the North Dakota Century Code, relating to selection of official county newspapers.

To Senate, 187  
 First reading, 197  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 817  
 Second reading, 846  
 Passed, 846  
 Returned to House, 896  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1171**

**House Bill No. 1171.** A Bill for an Act to amend and reenact section 54-24-09 of the North Dakota Century Code, relating to the distribution of state publications.

To Senate, 315  
 First reading, 327  
 Referred to Committee on State and Federal Government  
 Reported back, do pass, 792  
 Second reading, 824  
 Passed, 824  
 Returned to House, 871  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

#### House Bill No. 1172

**House Bill No. 1172.** A Bill for an Act to create and enact a new section to chapter 50-09, a new subsection to section 50-09-02, a new subsection to section 50-09-03, and a new subsection to section 50-09-08 of the North Dakota Century Code, relating to partial reimbursement of county social service board costs in administering the child support enforcement program, duties of the state social service board regarding the child support enforcement program, duties of the county social service boards regarding administration of the child support enforcement program, and the furnishing of information regarding absent parents by state and local agencies for the administration of the child support enforcement program; to amend and reenact section 50-09-06, section 50-09-07, and section 50-09-21 of the North Dakota Century Code, relating to the assignment of rights to support upon application for aid to dependent children, notification of deserting parent to state's attorney by the county social service board, and the appropriation of county social service board funds for the administration of the child support enforcement program.

To Senate, 425  
 First reading, 434  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 837  
 Amended, 1228  
 Second reading, 870, 1228  
 Passed, 870, 1229  
 Returned to House, 916, amended, 1267  
 House concurs, 1318  
 Senate requests return, 1116  
 Reconsidered, 1228  
 Received from House, 1126, 1691  
 Signed by President, 1693  
 Returned to House, 1694

#### House Bill No. 1173

**House Bill No. 1173.** A Bill for an Act to provide an appropriation to the North Dakota state department of health for the purpose of supplementing all local health services' resources, and the distribution of such moneys.

To Senate, 520  
 First reading, 537  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 944  
 Rereferred Appropriations, 944  
 Second reading, 1587

Passed, 1588  
 Returned to House, 1599  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1694

**House Bill No. 1174**

**House Bill No. 1174.** A Bill for an Act to amend and reenact section 57-15-06.4 of the North Dakota Century Code, relating to the levy authorized for county veterans' service officers' salary, traveling and office expenses.

To Senate, 401  
 First reading, 414  
 Referred to Committee on Social Welfare and Veterans Affairs  
 Reported back, amended, 862  
 Amendments adopted, 875  
 Second reading, 910, 1341  
 Passed, 911, 1341  
 Returned to House, amended, 963  
 Conference Committee, 1058, 1015, 1066  
 Conference Committee report, 1341  
 Senate adopts, 1341  
 House adopts, 1237  
 House does not concur, 1015  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1694

**House Bill No. 1175**

**House Bill No. 1175.** A Bill for an Act to authorize the administrative committee of veterans affairs to obtain a loan from the Bank of North Dakota to match federal funds available for an addition to the soldiers' home, and to provide an appropriation.

To Senate, 679  
 First reading, 722  
 Referred to Committee on Social Welfare and Veterans Affairs  
 Reported back, do pass, 945, 1098  
 Rereferred, Appropriations, 945  
 Second reading, 1201  
 Passed, 1201  
 Returned to House, 1238  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1608

**House Bill No. 1176**

**House Bill No. 1176.** A Bill for an Act to create and enact five new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions; to amend and reenact subsection 9 of section 20.1-01-02 and subsection 16 of section 20.1-02-05 of the North Dakota Century Code, relating to a definition, the power of the state game and fish commissioner to protect endangered species, and the creation of a

penalty; and to repeal subsection 29 of section 20.1-01-02 of the North Dakota Century Code, relating to a definition.

To Senate, 554  
 First reading, 583  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 945  
 Second reading, 974  
 Passed, 974  
 Returned to House, 1035  
 Received from House, 1289  
 Signed by President, 1289  
 Returned to House, 1291

#### House Bill No. 1177

**House Bill No. 1177.** A Bill for an Act to create a new section in Chapter 20.1-08 of the North Dakota Century Code, relating to designation of a moose hunting season and providing that recipients of a moose hunting license shall not be eligible to apply for another such license.

To Senate, 520  
 First reading, 537  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 837  
 Second reading, 870  
 Passed, 871  
 Returned to House, 916  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

#### House Bill No. 1178

**House Bill No. 1178.** A Bill for an Act to create and enact subsection 8 of section 38-14-03.1, and subsection 16 of section 38-14-05, relating to powers of the public service commission, and duties of the operator; to amend and reenact subsections 3 and 8 of section 38-14-02, subsection 2 of section 38-14-04, subsections 1, 2, 3, and 14 of section 38-14-05, subsection 6 of section 38-14-05.1, and section 38-14-12, relating to definitions, data required to be filed in the application for a mining permit, expedited amendments to existing permits and waiver or modification of time schedules or procedures, limitations, and civil penalties.

**Senate Concurrent Resolution No. 4090.** A concurrent resolution providing for the completion of the legislative journals of the House and Senate.

To Senate, 760  
 First reading, 784  
 Referred to Committee on Natural Resources  
 Reported back, amended, 1072  
 Amendments adopted, 1092  
 Second reading, 155, 1522  
 Passed, 1156, 1522  
 Clincher motion, 1156  
 Returned to House, amended, 1206  
 Conference Committee, 1307, 1273  
 Conference Committee report, 1506  
 Senate adopts, 1522

House adopts, 1492  
House does not concur, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1694

**House Bill No. 1179**

**House Bill No. 1179.** A Bill for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the recovery of medical costs incurred by the social service board on behalf of medical assistance recipients; and to amend and reenact section 50-24.1-02 of the North Dakota Century Code, relating to eligibility for medical assistance and to provide for the application of proceeds received from accident and health care coverage to the costs of medical care and to the assignment of rights accruing under health care coverage to the social service board by applicants or recipients of medical assistance.

To Senate, 554  
First reading, 583  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 923  
Second reading, 949  
Passed, 949  
Returned to House, 1013  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1180**

**House Bill No. 1180.** A Bill for an Act to amend and reenact subsection 1 of section 50-25.1-02 and section 50-25.1-08 of the North Dakota Century Code, relating to the definition of "abused child", and the appointment of a guardian ad litem.

To Senate, 298  
First reading, 303  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 817  
Second reading, 846  
Passed, 846  
Returned to House, 896  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1181**

**House Bill No. 1181.** A Bill for an Act to continue the Devils Lake basin advisory committee, and providing an appropriation.

To Senate, 783  
First reading, 812  
Referred to Committee on Natural Resources  
Reported back, do pass, 1042, 1073  
Rereferred Appropriations, 1042  
Second reading, 1201

Passed, 1202  
 Returned to House, 1238  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1608

**House Bill No. 1182**

**House Bill No. 1182.** A Bill for an Act to amend and reenact section 11-32-01 of the North Dakota Century Code, relating to county commissioners' authorization to erect war memorials.

To Senate, 280  
 First reading, 289  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 817  
 Second reading, 846  
 Passed, 847  
 Returned to House, 896  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1183**

**House Bill No. 1183.** A Bill for an Act to amend and reenact sections 37-15-12 and 37-15-15 of the North Dakota Century Code, relating to moneys in the soldiers' home fund.

To Senate, 376  
 First reading, 387  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 818  
 Second reading, 847  
 Passed, 847  
 Returned to House, 896  
 Received from House, 1061  
 Signed by President, 1062  
 Returned to House, 1064

**House Bill No. 1184**

**House Bill No. 1184.** A Bill for an Act to amend section 54-52-25 of the North Dakota Century Code, relating to the limitation of powers.

To Senate, 315  
 First reading, 327  
 Referred to Committee on Judiciary  
 Reported back, do pass, 1018  
 Indefinitely postponed, 862  
 Rereferred Judicial, 925  
 Second reading, 889, 1080  
 Lost, 889  
 Passed, 1080  
 Returned to House, 1184  
 Reconsidered, 925  
 Received from House, 1480  
 Signed by President, 1486  
 Returned to House, 1486

**House Bill No. 1186**

**House Bill No. 1186.** A Bill for an Act to amend and reenact subsection 2 of section 39-24-08 of the North Dakota Century Code, relating to the regulation and use of snowmobiles upon the state highways; and declaring an emergency.

To Senate, 315

First reading, 327

Referred to Committee on Transportation

Reported back, do pass, 837

Second reading, 875

Passed, 876

Emergency carried, 876

Returned to House, 938

Received from House, 1148

Signed by President, 1180

Returned to House, 1181

**House Bill No. 1187**

**House Bill No. 1187.** A Bill for an Act to amend and reenact subsection 3 of section 54-11-01 and sections 54-11-04 and 54-11-05 of the North Dakota Century Code, relating to the numbering, retention, and storage of certain documents by the state treasurer.

To Senate, 229

First reading, 244

Referred to Committee on State & Federal Government

Reported back, do pass, 671

Second reading, 804

Passed, 804

Returned to House, 851

Received from House, 1012

Signed by President, 1035

Returned to House, 1035

**House Bill No. 1189**

**House Bill No. 1189.** A Bill for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-03 of the North Dakota Century Code, relating to the jurisdictional limits of the small claims court and the answer and counterclaim.

To Senate, 229

First reading, 244

Referred to Committee on Judiciary

Reported back, do pass, 766

Second reading, 804

Passed, 804

Returned to House, 851

Received from House, 1012

Signed by President, 1035

Returned to House, 1035

**House Bill No. 1190**

**House Bill No. 1190.** A Bill for an Act to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to the provision of

family planning services and the treatment of minors for alcoholism without their parents' permission.

To Senate, 581

First reading, 599

Referred to Committee on Social Welfare & Veterans Affairs

Reported back, indefinitely postponed, 945

Second reading, 975

Lost, 976

Returned to House, 1036

#### House Bill No. 1191

**House Bill No. 1191.** A Bill for an Act to create and enact a new section of the North Dakota Century Code, relating to referral of patients of the state hospital upon discharge.

To Senate, 255

First reading, 273

Referred to Committee on State and Federal Government

Reported back, amended, 792

Floor amendments, 847

Amendments adopted, 819, 847

Second reading, 847

Passed, 848

Returned to House, amended, 896

House concurs, 1067

Received from House, 1442

Signed by President, 1459

Returned to House, 1462

#### House Bill No. 1197

**House Bill No. 1197.** A Bill for an Act to amend and reenact subsections 1 and 4 of section 51-10-01, sections 51-10-03, 51-10-05, and 51-10-07 of the North Dakota Century Code, relating to the definition of cost; unfair advertising, offer to sell, or sale; advertising, offering, or selling articles at less than cost; and the application of provisions of this chapter.

To Senate, 280

First reading, 289

Referred to Committee on Industry Business & Labor

Reported back, indefinitely postponed, 766

Second reading, 804

Lost, 805

Returned to House, 852

#### House Bill No. 1199

**House Bill No. 1199.** A Bill for an Act to create and enact a new subsection to section 39-24-09 of the North Dakota Century Code, relating to the towing of sleds behind snowmobiles.

To Senate, 298

First reading, 303

Referred to Committee on Transportation

Reported back, do pass, 562

Second reading, 805

Passed, 805

Returned to House, 851



Received from House, 1061

Signed by President, 1062

Returned to House, 1064

**House Bill No. 1200**

**House Bill No. 1200.** A Bill for an Act to amend and reenact section 39-21-01 of the North Dakota Century Code, relating to the use of lighted lamps on motor vehicles.

To Senate, 376

First reading, 387

Referred to Committee on Transportation

Reported back, indefinitely postponed, 837

Second reading, 882

Lost, 882

Returned to House, 939

**House Bill No. 1203**

**House Bill No. 1203.** A Bill for an Act to create and enact section 43-23-06.1 of the North Dakota Century Code and to repeal section 43-23-06 of the North Dakota Century Code, all relating to the definition of real estate brokers, mortgage brokers, and salesman.

To Senate, 315

First reading, 327

Referred to Committee on Industry, Business & Labor

Reported back, do pass, 766

Second reading, 805

Passed, 806

Returned to House, 851

Received from House, 1061

Signed by President, 1062

Returned to House, 1064

**House Bill No. 1204**

**House Bill No. 1204.** A Bill for an Act to amend and reenact section 64-02-07 of the North Dakota Century Code, relating to duties of the director.

To Senate, 255

First reading, 273

Referred to Committee on Industry, Business & Labor

Reported back, do pass, 767

Second reading, 806

Passed, 806

Returned to House, 851

Received from House, 1061

Signed by President, 1062

Returned to House, 1064

**House Bill No. 1205**

**House Bill No. 1205.** A Bill for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to requiring maintenance of a patient profile record system by pharmacies.

To Senate, 401

First reading, 414  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 991  
 Indefinitely postponed, 945  
 Rereferred Social Welfare & Veterans Affairs, 976  
 Second reading, 1030  
 Passed, 1030  
 Returned to House, 1086  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1462

#### House Bill No. 1207

**House Bill No. 1207.** A Bill for an Act to amend and reenact subdivision c of subsection 1 of section 39-01-01 of the North Dakota Century Code, relating to the definition of class C emergency vehicles.

To Senate, 298  
 First reading, 303  
 Referred to Committee on Transportation  
 Reported back, indefinitely postponed, 923  
 Second reading, 949  
 Lost, 949  
 Returned to House, 1013

#### House Bill No. 1209

**House Bill No. 1209.** A Bill for an Act to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to department names being painted on the side of state-owned vehicles.

To Senate, 255  
 First reading, 273  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 767  
 Amendments adopted, 798  
 Second reading, 824  
 Passed, 825  
 Returned to House, amended, 872  
 House concurs, 1067  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1462

#### House Bill No. 1210

**House Bill No. 1210.** A Bill for an Act to repeal sections 57-22-26, 57-22-27, and 57-22-28 of the North Dakota Century Code, relating to the deduction of personal property taxes from salaries, wages, and claims against public funds.

To Senate, 255  
 First reading, 273  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 593  
 Second reading, 806

Passed, 806  
Returned to House, 851  
Received from House, 1061  
Signed by President, 1062  
Returned to House, 1064

**House Bill No. 1211**

**House Bill No. 1211.** A Bill for an Act to amend and reenact subsection 1 of section 12.1-21-02 of the North Dakota Century Code, relating to the crime of endangering by fire or explosion.

To Senate, 315  
First reading, 328  
Referred to Committee on Judiciary  
Reported back, amended, 876  
Amendments adopted, 903  
Second reading, 930  
Passed, 930  
Returned to House, amended, 981  
House concurs, 1067  
Received from House, 1442  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1214**

**House Bill No. 1214.** A Bill for an Act to declare the purpose of marking personal property, and making it an offense, to remove from or have possession of personal property, on which the serial numbers or owners identification mark has been changed or obliterated, and providing a penalty.

To Senate, 376  
First reading, 387  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 991  
Second reading, 1030  
Lost, 1031  
Returned to House, 1086

**House Bill No. 1215**

**House Bill No. 1215.** A Bill for an Act to amend and reenact section 57-50-03 of the North Dakota Century Code, relating to the filing time for the refund of motor fuel tax.

To Senate, 315  
First reading, 328  
Referred to Committee on Transportation  
Reported back, do pass, 837  
Second reading, 882  
Passed, 883  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180

Returned to House, 1181

**House Bill No. 1216**

**House Bill No. 1216.** A Bill for an Act to amend and reenact sections 23-11-31, 23-11-32, 23-11-33, 23-11-34, and subsection 8 of section 23-11-35 of the North Dakota Century Code, relating to housing for veterans.

To Senate, 376

First reading, 387

Referred to Committee on Social Welfare & Veterans Affairs

Reported back, do pass, 818

Second reading, 848

Passed, 848

Returned to House, 896

Received from House, 1061

Signed by President, 1062

Returned to House, 1064

**House Bill No. 1217**

**House Bill No. 1217.** A Bill for an Act to amend and reenact section 4-10.1-09 of the North Dakota Century Code, relating to potato promotion assessment.

To Senate, 339

First reading, 350

Referred to Committee on Agriculture

Reported back, do pass, 818

Second reading, 848

Passed, 848

Returned to House, 896

Received from House, 1061

Signed by President, 1063

Returned to House, 1064

**House Bill No. 1218**

**House Bill No. 1218.** A Bill for an Act to amend and reenact subsection 2 of section 43-28-02 of the North Dakota Century Code, relating to persons exempt for the licensing provisions for dentists.

To Senate, 491

First reading, 502

Referred to Committee on Industry, Business & Labor

Reported back, amended, 767

Amendments adopted, 798

Second reading, 825

Passed, 825

Returned to House, amended, 872

House concurs, 886

Received from House, 1148

Signed by President, 1180

Returned to House, 1181

**House Bill No. 1220**

**House Bill No. 1220.** A Bill for an Act to amend and reenact subsection D of section 52-09-20 of the North Dakota Century Code, relating to the determination of the primary insurance benefit under the North Dakota old age and survivor insurance system.

To Senate, 298  
First reading, 303  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 818  
Second reading, 848  
Passed, 849  
Returned to House, 896  
Received from House, 1061  
Signed by President, 1063  
Returned to House, 1064

**House Bill No. 1221**

**House Bill No. 1221.** A Bill for an Act to provide for a solvency contribution to the unemployment compensation fund and declaring an emergency.

To Senate, 520  
First reading, 537  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 876  
Second reading, 911  
Passed, 911  
Emergency carried, 911  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1242  
Returned to House, 1243

**House Bill No. 1223**

**House Bill No. 1223.** A Bill for an Act to create and enact a new subsection to section 29-28-07 of the North Dakota Century Code, relating to an appeal by the state of an order suppressing evidence.

To Senate, 339  
First reading, 350  
Referred to Committee on Judiciary  
Reported back, do pass, 862, 1135  
Rereferred Judiciary, 930  
Second reading, 911, 1202  
Lost, 911  
Passed, 1202  
Returned to House, 1238  
Reconsidered, 912  
Received from House, 1606  
Signed by President, 1608  
Returned to House, 1609

**House Bill No. 1224**

**House Bill No. 1224.** A Bill for an Act to amend and reenact section 27-08-38 of the North Dakota Century Code, relating to a change of judge for trial of a criminal action in county court with increased jurisdiction.

To Senate, 679  
First reading, 722  
Referred to Committee on Judiciary  
Reported back, do pass, 876  
Second reading, 911  
Passed, 912  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1242  
Returned to House, 1243

**House Bill No. 1225**

**House Bill No. 1225.** A Bill for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the disclosure of information contained in social service board records and providing a penalty; and to repeal sections 50-06.1-11 and 50-09-13, relating to the disclosure of information contained in vocational rehabilitation records and aid to dependent children records.

To Senate, 554  
First reading, 583  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 923  
Second reading, 950  
Passed, 950  
Returned to House, 1013  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1226**

**House Bill No. 1226.** A Bill for an Act to amend and reenact sections 12-53-06, 12-53-07, 12-53-09, 12-53-10, 12-53-14, and 12-53-16 of the North Dakota Century Code, relating to the functions and procedures of the parole board; to amend and reenact sections 12-59-09 and 12-59-15 of the North Dakota Century Code, relating to parole applications and the hearing and parole board procedures following a breach of parole; and to repeal sections 12-53-08 and 12-59-19 of the North Dakota Century Code, relating to the parole board furnishing forms to the court clerk, and reports of the parole board.

To Senate, 491  
First reading, 502  
Referred to Committee on Judiciary  
Reported back, do pass, 793  
Second reading, 825  
Passed, 826  
Returned to House, 871

Received from House, 1061  
Signed by President, 1063  
Returned to House, 1064

**House Bill No. 1228**

**House Bill No. 1228.** A Bill for an Act to create and enact new sections to chapters 57-52 and 57-53 of the North Dakota Century Code, relating to special fuel shrinkage provisions; and to amend and reenact sections 57-35-06, 57-35.1-02, 57-50-04, 57-52-12, 57-52-17, 57-54-11 and 57-54.1-12 of the North Dakota Century Code, relating to the subjection of banks, trust companies and building and loan associations to motor fuel tax, occasional trip permits and general penalty provisions.

To Senate, 255  
First reading, 273  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 362  
Second reading, 889  
Passed, 890  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180  
Returned to House, 1181

**House Bill No. 1230**

**House Bill No. 1230.** A Bill for an Act to provide funds to reimburse the federal government for the state's twenty-five percent share of three individual and family grant programs that were conducted in North Dakota following the spring flood of 1975, the severe storm and summer floods of 1975, and the spring flood of 1976.

To Senate, 401  
First reading, 414  
Referred to Committee on Appropriations  
Reported back, do pass, 793  
Second reading, 826  
Passed, 826  
Returned to House, 871  
Received from House, 1061  
Signed by President, 1063  
Returned to House, 1064

**House Bill No. 1231**

**House Bill No. 1231.** A Bill for an Act to amend and reenact subsection 3 of section 57-38-45 of the North Dakota Century Code, relating to a penalty for failing to file or fraudulently filing a North Dakota income tax return.

To Senate, 255  
First reading, 274  
Referred to Committee on Judiciary  
Reported back, do pass, 767, 966  
Rereferred, Judiciary, 806

Second reading, 996  
 Passed, 996  
 Returned to House, 1061  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1462

**House Bill No. 1232**

**House Bill No. 1232.** A Bill for an Act to amend and reenact section 2-05-01 of the North Dakota Century Code, relating to the aeronautics commission, its creation, membership and salary of its members.

To Senate, 255  
 First reading, 274  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 767  
 Second reading, 806  
 Passed, 807  
 Returned to House, 851  
 Received from House, 1061  
 Signed by President, 1063  
 Returned to House, 1064

**House Bill No. 1233**

**House Bill No. 1233.** A Bill for an Act to provide a method of reimbursing counties for certain court costs incurred in the prosecution and defense of felonies involving physical violence; to amend and reenact sections 29-07-01.1, 29-26-22, and 29-32-05 of the North Dakota Century Code, relating to the reimbursement of certain court costs and fees of counsel appointed to defend indigents; and providing an appropriation.

To Senate, 679  
 First reading, 722  
 Referred to Committee on Judiciary  
 Reported back, amended, 899, indefinitely postponed, 1018  
 Rereferred Appropriations, 926  
 Amendments adopted, 926  
 Second reading, 1081  
 Lost, 1081  
 Returned to House, 1145

**House Bill No. 1234**

**House Bill No. 1234.** A Bill for an Act to create and enact section 36-04-11.1 of the North Dakota Century Code, relating to rules and regulations; and to amend and reenact subsection 4 of section 36-04-02, subsection 1 of section 36-04-04, and sections 36-04-07 and 36-04-21 of the North Dakota Century Code, relating to licensing of livestock dealers.

To Senate, 280  
 First reading, 289  
 Referred to Committee on Agriculture  
 Reported back, do pass, 535



Second reading, 807  
Passed, 807  
Returned to House, 851  
Received from House, 1061  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1235**

**House Bill No. 1235.** A Bill for an Act to create and enact three new sections to chapter 55-08, relating to the functions of the recreation division of the North Dakota parks and recreation department and the outdoor recreation interagency council; to amend and reenact section 55-08-01 of the North Dakota Century Code, relating to the combination of the North Dakota park service and the state outdoor recreation agency into the North Dakota parks and recreation department; and to repeal chapter 53-07 of the North Dakota Century Code, relating to the state outdoor recreation agency.

To Senate, 425  
First reading, 434  
Referred to Committee on Natural Resources  
Reported back, do pass, 818  
Second reading, 849  
Passed, 849  
Returned to House, 896  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1238**

**House Bill No. 1238.** A Bill for an Act to amend and reenact sections 5-02-03 and 5-02-04 of the North Dakota Century Code, relating to establishing exclusive on sale alcoholic beverage licenses and fees therefor.

To Senate, 315  
First reading, 328  
Referred to Committee on Industry, Business & Labor  
Reported back, amended, 767  
Amendments lost, 798  
Second reading, 826  
Passed, 827  
Returned to House, 871  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1239**

**House Bill No. 1239.** A Bill for an Act to amend and reenact sections 53-06-01 and 53-06-08 of the North Dakota Century Code, relating to the licensing of dance halls, and halls owned privately and used for public purposes.

To Senate, 401  
 First reading, 414  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, do pass, 837, amended, 1229  
 Amendments adopted, 1229  
 Second reading, 883, 1229  
 Passed, 883, 1229  
 Returned to House, 938, amended, 1267  
 House concurs, 1318  
 Senate requests return, 1116  
 Reconsidered, 1229  
 Received from House, 1126, 1691  
 Signed by President, 1693  
 Returned to House, 1694

#### House Bill No. 1240

**House Bill No. 1240.** A Bill for an Act to provide for the impanelling, powers, duties, composition and function of a state grand jury, and authorizing the attorney general to request that a state grand jury be impanelled in certain cases.

To Senate, 679  
 First reading, 722  
 Referred to Committee on Judiciary  
 Reported back, do pass, 900, amended, 1073  
 Rereferred, Appropriations, 900  
 Amendments adopted, 1092  
 Second reading, 1156  
 Clincher motion, 1156  
 Passed, 1156  
 Returned to House, amended, 1206  
 House concurs, 1273  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

#### House Bill No. 1241

**House Bill No. 1241.** A Bill for an Act to create and enact chapter 49-10.1 of the North Dakota Century Code relating to the regulation of railroads by the public service commission; to amend and reenact section 49-04-09 of the North Dakota Century Code, relating to long and short haul rates; and to repeal chapters 49-12, 49-13, 49-14, 49-15 and 49-17, and sections 49-16-01, 49-16-06, 49-16-07, 49-16-09 and 49-16-10 of the North Dakota Century Code relating generally to railroads.

To Senate, 446  
 First reading, 460  
 Referred to Committee on Industry, Business & Labor  
 Report back, do pass, 793  
 Second reading, 827  
 Passed, 827  
 Returned to House, 871  
 Received from House, 1062

Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1242**

**House Bill No. 1242.** A Bill for an Act to amend and reenact section 5-02-06 of the NDCC, relating to permitting a person under twenty-one years of age to remain on the licensed premises while alcoholic beverages are being sold or displayed.

To Senate, 315  
First reading, 328  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 793, amended, 1229  
Amendments adopted, 1230  
Second reading, 827, 1230  
Passed, 828, 1230  
Returned to House, 871, amended, 1267  
House concurs, 1318  
Senate requests return, 1116  
Reconsidered, 1229  
Received from House, 1126, 1691  
Signed by President, 1693  
Returned to House, 1694

**House Bill No. 1243**

**House Bill No. 1243.** A Bill for an Act to create and enact a new section to chapter 12-55 of the North Dakota Century Code, relating to confidentiality of pardon board records and disclosure to certain persons and under certain conditions.

To Senate, 315  
First reading, 328  
Referred to Committee on Judiciary  
Reported back, do pass, 862  
Second reading, 890  
Passed, 890  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180  
Returned to House, 1181

**House Bill No. 1245**

**House Bill No. 1245.** A Bill for an Act to amend and reenact section 39-20-14 of the North Dakota Century Code, relating to chemical screening tests.

To Senate, 315  
First reading, 328  
Referred to Committee on Transportation  
Reported back, amended, 945  
Amendments adopted, 965  
Second reading, 996  
Passed, 997

Returned to House, amended, 1061  
 Conference Committee, 1123, 1087  
 Conference Committee Report, 1341  
 Senate adopts, 1342  
 House adopts, 1353  
 House does not concur, 1087  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1694

#### House Bill No. 1248

**House Bill No. 1248.** A Bill for an Act to amend and reenact section 57-15-19.2 of the North Dakota Century Code, relating to township special road funds.

To Senate, 280  
 First reading, 290  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 818  
 Second reading, 849  
 Passed, 850  
 Returned to House, 896  
 Received from House, 1062  
 Signed by President, 1063  
 Returned to House, 1065

#### House Bill No. 1249

**House Bill No. 1249.** A Bill for an Act to amend and reenact section 15-53.1-06 of the North Dakota Century Code, relating to the annexation of school districts.

To Senate, 339  
 First reading, 350  
 Referred to Committee on Education  
 Reported back, do pass, 628  
 Second reading, 807  
 Passed, 807  
 Returned to House, 852  
 Received from House, 1062  
 Signed by President, 1063  
 Returned to House, 1065

#### House Bill No. 1251

**House Bill No. 1251.** A Bill for an Act to amend and reenact section 27-06-02 of the North Dakota Century Code, relating to salary and expenses of court reporter.

To Senate, 229  
 First reading, 244  
 Referred to Committee on Judiciary  
 Reported back, do pass, 876  
 Second reading, 912  
 Passed, 912

Returned to House, 963  
 Received from House, 1237  
 Signed by President, 1242  
 Returned to House, 1243

**House Bill No. 1252**

**House Bill No. 1252.** A Bill for an Act to provide an appropriation to the state penitentiary for the purpose of pheasant propagation.

To Senate, 339  
 First reading, 351  
 Referred to Committee on Appropriations  
 Reported back, amended, 900  
 Amendments adopted, 926  
 Second reading, 950, 1585  
 Passed, 950  
 Lost, 1585  
 Returned to House, amended, 1013  
 Conference Committee, 1058, 1037, 1066, 1493, 1512, 1512  
 Conference Committee report, 1483, 1558  
 Senate adopts, 1585  
 House adopts, 1393, 1551  
 House does not concur, 1037

**House Bill No. 1253**

**House Bill No. 1253.** A Bill for an Act to provide an appropriation to the national guard to indemnify E. P. Price for the loss of turkeys and property due to activities of the North Dakota national guard.

To Senate, 401  
 First reading, 414  
 Referred to Committee on Appropriations  
 Reported back, amended, 793  
 Amendments adopted, 819  
 Second reading, 850  
 Passed, 850  
 Returned to House, amended, 896  
 House concurs, 941  
 Received from House, 1148  
 Signed by President, 1180  
 Returned to House, 1181

**House Bill No. 1254**

**House Bill No. 1254.** A Bill for an Act to create and enact a new subsection to section 39-04-19 of the North Dakota Century Code, relating to the use of farm vehicles for custom combine operations.

To Senate, 376  
 First reading, 388  
 Referred to Committee on Agriculture  
 Reported back, do pass, 945  
 Second reading, 976  
 Passed, 976  
 Returned to House, 1035  
 Received from House, 1289

Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1255**

**House Bill No. 1255.** A Bill for an Act to amend and reenact section 27-11-17 of the North Dakota Century Code, relating to fees for admission to the bar upon examination, and for admission to the bar upon motion.

To Senate, 359  
First reading, 366  
Referred to Committee on Judiciary  
Reported back, amended, 862  
Amendments adopted, 875  
Second reading, 913  
Passed, 913  
Returned to House, amended, 963  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1256**

**House Bill No. 1256.** A Bill for an Act authorizing an easement over certain property of the state of North Dakota to the city of Bismarck for the construction and maintenance of a street and the reversion thereof in the event of nonuse.

To Senate, 315  
First reading, 328  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 837  
Second reading, 883  
Passed, 883  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1180  
Returned to House, 1181

**House Bill No. 1257**

**House Bill No. 1257.** A Bill for an Act to amend and reenact subsection 2 of section 27-20-05 of the North Dakota Century Code, relating to the salary of juvenile supervisors.

To Senate, 359  
First reading, 366  
Referred to Committee on Judiciary  
Reported back, do pass, 862  
Second reading, 890, 950  
Lost, 891, 950  
Returned to House, 1013  
Reconsidered, 925  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1258**

**House Bill No. 1258.** A Bill for an Act to provide for a local governmental services tax, to provide procedures for the imposition, collection, and administration of such tax, and to provide for the allocation of revenues to local governmental units, to provide for an inflation credit against income taxes payable by individuals; to amend and reenact sections 57-35.2-02, 57-35.2-04, subdivision f of subsection 1 of section 57-38-01.2, and subdivision d of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the imposition and disposition of privilege taxes on banks, trust companies, and building and loan associations and adjustments to taxable income for individuals, fiduciaries, and corporations; to repeal section 57-38-66 and chapter 57-58 of the North Dakota Century Code and sections 1 and 3 of House Bill No. 1004 as approved by the forty-fifth legislative assembly providing for a business and corporation privilege tax, personal property tax allocations, and the appropriation for the replacement of personal property taxes; to provide an appropriation; and to provide effective dates.

To Senate, 832

First reading, 853

Referred to Committee on Finance & Taxation

Reported back, indefinitely postponed, 1018

Second reading, 1081

Lost, 1082

Returned to House, 1145

**House Bill No. 1259**

**House Bill No. 1259.** A Bill for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the membership of the state board of higher education and providing for an advisory student representative; and providing an appropriation.

To Senate, 376

First reading, 388

Referred to Committee on Education

Reported back, amended, 966

Indefinitely postponed, 628

Rereferred Education, 883

Amendments adopted, 985

Second reading, 808, 1031

Lost, 808

Passed, 1031

Returned to House, amended, 1086

House concurs, 1184

Reconsidered, 822

Received from House, 1606

Signed by President, 1608

Returned to House, 1609

**House Bill No. 1260**

**House Bill No. 1260.** A Bill for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to membership of the state board of higher education, providing for an advisory faculty representative; and providing an appropriation.

To Senate, 376  
 First reading, 388  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 628  
 Second reading, 808  
 Lost, 808  
 Returned to House, 852

#### House Bill No. 1261

**House Bill No. 1261.** A Bill for an Act to amend and reenact section 15-38-17 of the North Dakota Century Code, to assure that members of the commission shall not lose their regular salary or commission compensation while serving on official business of the teachers' professional practices commission.

To Senate, 520  
 First reading, 537  
 Referred to Committee on Education  
 Reported back, amended, 793  
 Rereferred Appropriations, 819  
 Amendments adopted, 819  
 Second reading, 850  
 Passed, 851  
 Returned to House, amended, 896  
 House concurs, 941  
 Received from House, 1148  
 Signed by President, 1180  
 Returned to House, 1181

#### House Bill No. 1262

**House Bill No. 1262.** A Bill for an Act to provide for a severance tax upon all coal mined; to provide procedures for the imposition, collection, and administration of such tax; to provide for the allocation of moneys collected; to provide an impact program for impacted school districts, cities, counties, and other taxing districts; to provide for the establishment of a coal impact office in the office of the governor; to provide for impact loans to be administered by the board of university and school lands; to provide a penalty; and to provide that the provisions of this Act shall be temporary.

To Senate, 811  
 First reading, 833  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 1135  
 Floor amendments, 1396, 1401  
 Amendments adopted, 1402  
 Second reading, 1396, 1402, 1674  
 Clincher motion, 1402  
 Passed, 1402, 1674  
 Returned to House, amended, 1415  
 Conference Committee, 1466, 1478, 1596, 1610 (2), 1623 (2), 1660, 1661, 1669 (2) (2), 1671 (2) (2), 1672  
 Conference Committee report, 1670, 1673  
 Senate does not adopt, 1670  
 Senate adopts, 1674  
 House adopts, 1578, 1670, 1673



House does not adopt, 1610, 1623, 1660, 1669 (2), 1671, 1672  
 House does not concur, 1466  
 House requests return, 815  
 Request denied, 816  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1694

#### House Bill No. 1264

**House Bill No. 1264.** A Bill for an Act to allow nonprofit veterans, charitable, educational, religious, and fraternal organizations, civic and service clubs, and public-spirited organizations to conduct games of chance; and providing for definitions, licensure by the attorney general, city and county approval in certain instances, restrictions on the conduct of games of chance, bookkeeping requirements, expense requirements, examination of books and records, licensure of distributors, a tax based on expenses, an expiration date, and a criminal penalty for violation of this Act; to amend and reenact sections 12.1-28-01 and 12.1-28-02 of the North Dakota Century Code, relating to gambling definitions and classification of gambling offenses; and declaring an emergency.

To Senate, 679  
 First reading, 722  
 Referred to Committee on Judiciary  
 Reported back, amended, 945  
 Floor amendments, 1008  
 Amendments adopted, 965, 1008  
 Second reading, 997, 1593  
 Passed, 1009, 1594  
 Emergency carried, 1009, 1594  
 Returned to House, amended, 1061  
 Conference Committee, 1165, 1147, 1492, 1497, 1530, 1542  
 Conference Committee report, 1517, 1591  
 Not adopted, 1519  
 Senate adopts, 1593  
 House adopts, 1516, 1578  
 House does not concur, 1147  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

#### House Bill No. 1265

**House Bill No. 1265.** A Bill for an Act to create and enact a new section to chapter 27-08 of the North Dakota Century Code, requiring judges of county courts having increased jurisdiction to be learned in the law; and declaring an emergency.

To Senate, 446  
 First reading, 460  
 Referred to Committee on Judiciary  
 Reported back, do pass, 794  
 Second reading, 828  
 Passed, 828  
 Emergency carried, 828  
 Returned to House, 871

Received from House, 1012  
Signed by President, 1035  
Returned to House, 1035

**House Bill No. 1266**

**House Bill No. 1266.** A Bill for an Act to repeal section 27-15-07 of the North Dakota Century Code, relating to the duties of the judicial council to gather information relating to crime and criminal and civil litigation and to the preparation of a semi-annual report of district court case activity.

To Senate, 446  
First reading, 460  
Referred to Committee on Judiciary  
Reported back, do pass, 863  
Second reading, 891  
Passed, 891  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1181  
Returned to House, 1181

**House Bill No. 1273**

**House Bill No. 1273.** A Bill for an Act to amend and reenact section 54-03-20.1 of the North Dakota Century Code, relating to compensation for attending legislators; and declaring an emergency.

To Senate, 470  
First reading, 476  
Referred to Committee on State & Federal Government  
Reported back, amended, 794, 947  
Rereferred Appropriations, 819  
Amendments adopted, 819, 965  
Second reading, 1009  
Passed, 1009  
Emergency carried, 1009  
Returned to House, amended, 1061  
House concurs, 1147  
Received from House, 1480  
Signed by President, 1486  
Returned to House, 1486

**House Bill No. 1274**

**House Bill No. 1274.** A Bill for an Act to authorize the board of higher education to deed property to the city of Wahpeton for use as a fire station.

To Senate, 315  
First reading, 328  
Referred to Committee on State & Federal Government  
Reported back, do pass, 768  
Second reading, 808  
Passed, 809  
Returned to House, 852  
Received from House, 1062

Signed by President, 1063  
 Returned to House, 1065

#### House Bill No. 1280

**House Bill No. 1280.** A Bill for an Act to provide an appropriation for the construction, additions to, remodeling, and equipping of buildings at state agencies, departments, and institutions and to repeal sections 1 and 4 of chapter 23 of the 1975 Session Laws of the state of North Dakota.

To Senate, 679  
 First reading, 723  
 Referred to Committee on Appropriations  
 Reported back, amended, 1178  
 Floor amendments, 1260, 1263  
 Amendments adopted, 1225, 1260, 1264  
 Second reading, 1260, 1264, 1674  
 Passed, 1264, 1675  
 Returned to House, amended, 1290  
 Conference Committee, 1346, 1355, 1530, 1541  
 Conference Committee report, 1519, 1563  
 Reconsidered, 1586, 1610  
 Not adopted, 1519  
 Senate adopts, 1565, 1586, 1611, 1674  
 House adopts, 1516, 1562  
 House does not concur, 1355  
 Reconsidered, 1627  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1694

#### House Bill No. 1281

**House Bill No. 1281.** A Bill for an Act to provide for the payment of school aid for any high school student on active duty while a member of the North Dakota national guard.

To Senate, 425  
 First reading, 435  
 Referred to Committee on Education  
 Reported back, do pass, 628  
 Second reading, 809  
 Passed, 809  
 Returned to House, 852  
 Received from House, 1062  
 Signed by President, 1063  
 Returned to House, 1065

#### House Bill No. 1284

**House Bill No. 1284.** A Bill for an Act to create and enact a new subsection to section 57-02-08.1 of the North Dakota Century Code, to exclude medical expenses in determining income for eligibility under the homestead credit law; and providing an appropriation.

To Senate, 811  
 First reading, 833

Referred to Committee on Finance & Taxation  
Reported back, amended, 966, 1098  
Rereferred Appropriations  
Amendments adopted, 985, 1127  
Second reading, 1157  
Clincher motion, 1157  
Passed, 1157  
Returned to House, amended, 1206  
House concurs, 1273  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

**House Bill No. 1286**

**House Bill No. 1286.** A Bill for an Act to amend and reenact sections 15-10-28 and 15-10-28.1 of the North Dakota Century Code, relating to agreements with other states' institutions of higher learning and notes from veterinary medicine, optometry, or dental students.

To Senate, 446  
First reading, 461  
Referred to Committee on Education  
Reported back, do pass, 671  
Second reading, 809  
Passed, 809  
Returned to House, 852  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1287**

**House Bill No. 1287.** A Bill for an Act to allow school districts to levy for the cost of district-owned buses.

To Senate, 679  
First reading, 723  
Referred to Committee on Education  
Reported back, do pass, 863  
Second reading, 891  
Passed, 891  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1181  
Returned to House, 1181

**House Bill No. 1291**

To Senate, 554  
First reading, 583  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, amended, 966  
Amendments adopted, 985  
Second reading, 1031

Passed, 1031  
Returned to House, amended, 1086  
House concurs, 1184  
Received from House, 1606  
Signed by President, 1608  
Returned to House, 1609

**House Bill No. 1294**

**House Bill No. 1294.** A Bill for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, requiring the game and fish department to plant trees for wildlife purposes on not less than five percent of each one hundred sixty acre or larger tract of land owned by the department.

To Senate, 811  
First reading, 833  
Referred to Committee on Natural Resources  
Reported back, indefinitely postponed, 1042  
Second reading, 1203  
Lost, 1203  
Returned to House, 1286

**House Bill No. 1295**

**House Bill No. 1295.** A Bill for an Act to amend and reenact section 43-34-05 of the North Dakota Century Code, relating to license fees for nursing home administrators.

To Senate, 425  
First reading, 435  
Referred to Committee on State & Federal Government  
Reported back, amended, 768  
Amendments adopted, 798  
Second reading, 828  
Passed, 828  
Returned to House, amended, 872  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1296**

**House Bill No. 1296.** A Bill for an Act to enact the Uniform Disclaimer of Transfers under Nontestamentary Instruments Act relating to the disclaimer of interests under a nontestamentary instrument, contract, or power of appointment.

To Senate, 425  
First reading, 435  
Referred to Committee on Judiciary  
Reported back, do pass, 967  
Second reading, 1009  
Passed, 1010  
Returned to House, 1061

Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1297**

**House Bill No. 1297.** A Bill for an Act to amend and reenact section 14-03-02 of the North Dakota Century Code, relating to the lawful age for marriage.

To Senate, 376  
First reading, 388  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 837  
Second reading, 883  
Passed, 884  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1181  
Returned to House, 1181

**House Bill No. 1298**

**House Bill No. 1298.** A Bill for an Act to amend and reenact subsection 7 of section 27-23-03 of the North Dakota Century Code, and to amend and reenact section 27-23-12 of the North Dakota Century Code, relating to the power, authority, and responsibility of the commission on judicial qualifications and providing for administrative services by the administrator of the supreme court to such commission.

To Senate, 446  
First reading, 461  
Referred to Committee on Judiciary  
Reported back, do pass, 967  
Second reading, 1010  
Passed, 1010  
Returned to House, 1061  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1299**

**House Bill No. 1299.** A Bill for an Act to create and enact a new chapter to title 43, a new section to chapter 43-12, and a new subsection to section 43-12-31 of the North Dakota Century Code, relating to the regulation of nursing, the provision for a state board of nursing, and the definition of powers and duties of the board, including licensure of practitioners of nursing, establishment of standards for educational programs preparing for nursing practice, and definitions and collection procedures for nursing scholarship loans; and to repeal sections 43-12-01 through 43-12-26 and chapter 43-21 of the North Dakota Century Code, relating to professional nurses and practical nurses; and to provide a penalty.

To Senate, 720

First reading, 723  
Referred to Committee on State & Federal Government  
Reported back, amended, 967  
Floor amendments, 1032  
Amendments adopted, 985, 1032  
Second reading, 1031  
Passed, 1032  
Returned to House, amended, 1086  
House concurs, 1184  
Received from House, 1606  
Signed by President, 1608  
Returned to House, 1609

**House Bill No. 1302**

**House Bill No. 1302.** A Bill for an Act to amend and reenact section 31-01-11 of the North Dakota Century Code, relating to the right to subpoena an interpreter for a witness.

To Senate, 446  
First Reading, 461  
Referred to Committee on Judiciary  
Reported back, amended, 768  
Amendments adopted, 798  
Second reading, 828  
Passed, 829  
Returned to House, amended, 872  
House concurs, 886  
Received from House, 1148  
Signed by President, 1181  
Returned to House, 1181

**House Bill No. 1303**

**House Bill No. 1303.** A Bill for an Act to amend and reenact section 29-10.1-10 of the North Dakota Century Code, relating to challenge of selection of grand jurors.

To Senate, 470  
First reading, 476  
Referred to Committee on Judiciary  
Reported back, do pass, 768  
Second reading, 809  
Passed, 810  
Returned to House, 852  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1306**

**House Bill No. 1306.** A Bill for an Act to provide for a mill levy for the rental of buildings, property or classroom space by school districts.

To Senate, 554

First reading, 584  
 Referred to Committee on Education  
 Reported back, do pass, 794  
 Second reading, 829  
 Passed, 829  
 Returned to House, 871  
 Received from House, 1062  
 Signed by President, 1063  
 Returned to House, 1065

#### House Bill No. 1307

**House Bill No. 1307.** A Bill for an Act to amend and reenact sections 36-11-07 and 36-11-10 of the North Dakota Century Code, to prevent the owner or possessor of livestock in a grazing area from being liable for property damage or trespass caused by such livestock, to provide establishment of a grazing area by petition to the board of county commissioners, to provide for release of wrongfully distrained livestock in grazing areas and for damages; and to repeal section 36-11-08 of the North Dakota Century Code.

To Senate, 554  
 First reading, 584  
 Referred to Committee on Agriculture  
 Reported back, do pass, 923  
 Second reading, 951  
 Passed, 951  
 Returned to House, 1013  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

#### House Bill No. 1308

**House Bill No. 1308.** A Bill for an Act relating to the promotion, advertising, research and development of edible beans, creating a state edible bean council and prescribing its powers, duties, and authority, prescribing a tax on edible bean production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

To Senate, 783  
 First reading, 812  
 Referred to Committee on Agriculture  
 Reported back, do pass, 947, amended, 1073  
 Floor amendments, 1247  
 Rereferred Appropriations, 947  
 Amendments adopted, 1092, 1247  
 Second reading, 1247  
 Clincher motion, 1248  
 Passed, 1248  
 Emergency carried, 1248  
 Returned to House, amended, 1267  
 House concurs, 1318  
 Received from House, 1691



Signed by President, 1693  
 Returned to House, 1694

**House Bill No. 1310**

**House Bill No. 1310.** A Bill for an Act to create and enact section 44-08-04.3 of the North Dakota Century Code, relating to allowances for moving expenses.

To Senate, 470  
 First reading, 476  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 794, 1018  
 Rereferred, Appropriations, 819  
 Amendments adopted, 819, 1039  
 Second reading, 1140  
 Clincher motion, 1140  
 Passed, 1140  
 Returned to House, amended, 1182  
 House concurs, 1237  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

**House Bill No. 1313**

**House Bill No. 1313.** A Bill for an Act to amend and reenact section 15-10-19 of the North Dakota Century Code, relating to the definition of a nonresident student for tuition purposes at institutions under the board of higher education, and reducing the age from twenty-one to eighteen.

To Senate, 1465  
 First reading, 1491  
 Referred to Committee on Appropriations  
 Reported back, do pass, 1504  
 Second reading, 1530  
 Passed, 1530  
 Returned to House, 1541  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1314**

**House Bill No. 1314.** A Bill for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for sales to certain nonprofit meal delivery organizations.

To Senate, 783  
 First reading, 812  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 877  
 Second reading, 913  
 Passed, 913

Returned to House, 963  
Received from House, 1237  
Signed by President, 1242  
Returned to House, 1243

#### House Bill No. 1315

**House Bill No. 1315.** A Bill for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to the closing or limiting of hunting in counties by the action of the board of county commissioners.

To Senate, 783  
First reading, 812  
Referred to Committee on Natural Resources  
Reported back, indefinitely postponed, 1042  
Second reading, 1203  
Lost, 1203  
Returned to House, 1286

#### House Bill No. 1317

**House Bill No. 1317.** A Bill for an Act relating to adverse possession of severed mineral interests which have not been developed or are not subject to a lease.

To Senate, 720  
First reading, 723  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 1042  
Second reading, 1203  
Lost, 1204  
Returned to House, 1287

#### House Bill No. 1320

**House Bill No. 1320.** A Bill for an Act to provide for landlord and tenant obligations to maintain residential dwelling units; and to repeal section 47-16-12 of the North Dakota Century Code, relating to the obligations of a lessor to repair dwelling units.

To Senate, 815  
First reading, 853  
Referred to Committee on Judiciary  
Reported back, amended, 1135  
Amendments adopted, 1174  
Second reading, 1199, 1556  
Clincher motion, 1200  
Passed, 1200, 1556  
Returned to House, amended, 1238  
Conference Committee, 1307, 1273  
Conference Committee Report, 1549  
Senate adopts, 1556  
House adopts, 1542

House does not concur, 1273  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1693

#### House Bill No. 1321

**House Bill No. 1321.** A Bill for an Act to create and enact a new section to chapter 30.1-04, a new subsection to section 30.1-05-02, and a new subsection to section 30.1-14-01 of the North Dakota Century Code, relating to persons related to decedent through two lines, bona fide purchaser, and applicant's submission to jurisdiction; to amend and reenact sections 30.1-04-09 and 30.1-05-02, subsection 1 of section 30.1-05-05, section 30.1-05-06, subsection 1 of section 30.1-05-07, sections 30.1-08-04, 30.1-09-08, 30.1-09-11, 30.1-10-01, subsection 2 of section 30.1-10-02, sections 30.1-12-06, 30.1-14-01, 30.1-15-07, 30.1-19-02, 30.1-19-14, 30.1-20-10, 30.1-21-04, 30.1-31-04, and 30.1-31-06 of the North Dakota Century Code, to provide amendments to the Uniform Probate Code and relating to meaning of child, augmented estate, proceeding for elective share, effect of election on benefits by will or statute, charging spouse with gifts received, self-proved will, nonademption of specific devises in certain cases, construction of generic terms to accord with relationships as defined for intestate succession, renunciation of succession, definition of surviving spouse, proceedings within the exclusive jurisdiction of court, informal probate or appointment proceedings, formal testacy proceedings, statute of limitations, encumbered assets, purchasers from distributees protected, liability of distributees to claimants, right of survivorship, and accounts and transfers nontestamentary.

To Senate, 491  
 First reading, 503  
 Referred to Committee on Judiciary  
 Reported back, do pass, 863, floor amendments, 892  
 Amendments adopted, 892  
 Second reading, 891  
 Passed, 893  
 Returned to House, amended, 938  
 House concurs, 1037  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

#### House Bill No. 1323

**House Bill No. 1323.** A Bill for an Act to amend and reenact section 24-05-04.1 of the North Dakota Century Code, relating to the rental fee charged by counties for use of their equipment.

To Senate, 376  
 First reading, 388  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 923  
 Second reading, 951  
 Passed, 952  
 Returned to House, 1013

Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

#### House Bill No. 1324

**House Bill No. 1324.** A Bill for an Act to provide for partial waiver of tuition fees for all members of the national guard in any post secondary educational program; and to provide an appropriation.

To Senate, 645  
First reading, 650  
Referred to Committee on Education  
Reported back, do pass, 863, 991  
Rereferred, Appropriations, 863  
Second reading, 1032  
Passed, 1032  
Returned to House, 1086  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

#### House Bill No. 1325

**House Bill No. 1325.** A Bill for an Act to amend and reenact section 11-14-16 of the North Dakota Century Code, relating to when treasurer shall pay over the funds collected.

To Senate, 376  
First reading, 388  
Referred to Committee on State & Federal Government  
Reported back, amended, 794  
Amendments adopted, 819  
Second reading, 851, 1412  
Passed, 851, 1413  
Returned to House, amended, 896  
Conference Committee, 1059, 1037, 1066  
Conference Committee Report, 1374  
Senate adopts, 1412  
House adopts, 1385  
House does not concur, 1037  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

#### House Bill No. 1326

**House Bill No. 1326.** A Bill for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to the care required in operating a motor vehicle, and providing a penalty.

To Senate, 376  
First reading, 388  
Referred to Committee on Transportation  
Reported back, no recommendation, 838

Second reading, 884  
Lost, 884  
Returned to House, 939

**House Bill No. 1327**

**House Bill No. 1327.** A Bill for an Act to create and enact a new subsection to section 41-02-81 of the North Dakota Century Code, relating to seller's remedies on discovery of buyer's insolvency.

To Senate, 720  
First reading, 723  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 877  
Second reading, 913  
Passed, 914  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1328**

**House Bill No. 1328.** A Bill for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to the authority of municipalities to control noise pollution.

To Senate, 376  
First reading, 388  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 923  
Second reading, 952  
Lost, 952  
Returned to House, 1013

**House Bill No. 1330**

**House Bill No. 1330.** A Bill for an Act to create and enact a new section to chapter 25-07 of the North Dakota Century Code, relating to a home intervention program for hearing impaired preschoolers.

To Senate, 783  
First reading, 812  
Referred to Committee on Education  
Reported back, do pass, 1019  
Second reading, 1082  
Passed, 1082  
Returned to House, 1144  
Received from House, 1480  
Signed by President, 1486  
Returned to House, 1486

**House Bill No. 1331**

**House Bill No. 1331.** A Bill for an Act to amend and reenact section 43-31-14 of the North Dakota Century Code, relating to examination and license fees for detection of deception examiners.

To Senate, 339  
First reading, 351  
Referred to Committee on State & Federal Government  
Reported back, amended, 877  
Amendments adopted, 903  
Second reading, 930  
Passed, 930  
Returned to House, amended, 981  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1332**

**House Bill No. 1332.** A Bill for an Act to create and enact subsection 4 to section 43-33-07 of the North Dakota Century Code, commonly relating to establishing a fee for examination to determine qualifications for license as a hearing aid dealer and fitter.

To Senate, 339  
First reading, 351  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 795  
Second reading, 829  
Passed, 830  
Returned to House, 872  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1333**

**House Bill No. 1333.** A Bill for an Act to amend and reenact section 43-30-11 of the North Dakota Century Code, relating to the renewal date and grace period for private detective and private detective agency licenses; and providing for expiration date of existing licenses.

To Senate, 359  
First reading, 366  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 795, amended, 1230  
Amendments adopted, 1230  
Second reading, 830, 1230  
Passed, 830, 1231  
Returned to House, 872, amended, 1267  
House concurs, 1318  
Senate requests return, 1116  
Reconsidered, 1230  
Received from House, 1126, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1335**

**House Bill No. 1335.** A Bill for an Act to amend and reenact sections 16-22-02 and 16-22-05 of the North Dakota Century Code, relating to the disclosure of financial interests by candidates for office, or, in the alternative, to amend and reenact sections 16.1-09-02 and 16.1-09-05 of the North Dakota Century Code as created by section 8 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the disclosure of financial interests of candidates for office.

To Senate, 645

First reading, 650

Referred to Committee on Judiciary

Reported back, indefinitely postponed, 877

Second reading, 914

Lost, 914

Returned to House, 962

**House Bill No. 1337**

**House Bill No. 1337.** A Bill for an Act to amend and reenact section 15-62.2-01 of the North Dakota Century Code, relating to the North Dakota student financial assistance program, and providing assistance to persons who are attending postsecondary institutions out of state due to a physical or mental handicap and the lack of special services and facilities necessary for the handicapped students within North Dakota.

To Senate, 720

First reading, 723

Referred to Committee on Education

Reported back, amended, 900

Rereferred Appropriations

Amendments adopted, 926

Second reading, 952

Passed, 952

Returned to House, amended, 1013

House concurs, 1067

Received from House, 1443

Signed by President, 1459

Returned to House, 1462

**House Bill No. 1338**

**House Bill No. 1338.** A Bill for an Act to provide for payroll deduction for dues to teacher representative organization.

To Senate, 446

First reading, 461

Referred to Committee on Education

Reported back, indefinitely postponed, 671

Second reading, 865, 952

Passed, 865, 953

Returned to House, 1013

Reconsidered, 905

Received from House, 1289

Signed by President, 1290

Returned to House, 1291

**House Bill No. 1340**

**House Bill No. 1340.** A Bill for an Act to amend and reenact sections 40-46-04, 40-46-06, 40-46-09, 40-46-13, 40-46-20, and 40-46-27 of the North Dakota Century Code, relating to employees' pension plans in cities.

To Senate, 425  
First reading, 435  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 968  
Second reading, 1010, 1046  
Lost, 1010  
Passed, 1046  
Returned to House, 1111  
Reconsidered, 1046  
Received from House, 1480  
Signed by President, 1486  
Returned to House, 1486

**House Bill No. 1341**

**House Bill No. 1341.** A Bill for an Act to create and enact a new subsection to section 39-10-46 of the North Dakota Century Code, relating to the authority of school bus drivers to turn on flashing lights within city limits.

To Senate, 491  
First reading, 503  
Referred to Committee on Transportation  
Reported back, indefinitely postponed, 924  
Second reading, 954  
Lost, 954  
Returned to House, 1013

**House Bill No. 1342**

**House Bill No. 1342.** A Bill for an Act to create and enact a new subsection to section 12.1-30-02 and a new subsection to section 12.1-30-03 of the North Dakota Century Code, relating to the sale of horses on Sunday.

To Senate, 554  
First reading, 584  
Referred to Committee on Agriculture  
Reported back, amended, 1043  
Floor amendments, 1157  
Amendments adopted, 1077, 1157  
Second reading, 1157  
Lost, 1158  
Returned to House, 1287

**House Bill No. 1343**

**House Bill No. 1343.** A Bill for an Act to amend and reenact section 39-03A-09, 39-03A-12 and 39-03A-14 of the North Dakota Century Code, relating to the North Dakota highway patrolmen's retirement system.



To Senate, 401  
 First reading, 414  
 Referred to Committee on Transportation  
 Reported back, do pass, 838  
 Second reading, 884  
 Passed, 885  
 Returned to House, 938  
 Received from House, 1148  
 Signed by President, 1181  
 Returned to House, 1181

#### House Bill No. 1344

**House Bill No. 1344.** A Bill for an Act to provide a state matching program for county and city senior citizen programs and activities; and to provide an appropriation.

To Senate, 832  
 First reading, 854  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 1043, indefinitely postponed, 1136  
 Floor amendments, 1312  
 Rereferred Appropriations, 1078  
 Amendments adopted, 1078, 1313  
 Second reading, 1312, 1607  
 Clincher motion, 1313  
 Passed, 1313  
 Lost, 1608  
 Returned to House, amended, 1386  
 Conference Committee, 1415, 1460  
 Conference Committee Report, 1574  
 Senate adopts, 1585  
 House adopts, 1562

#### House Bill No. 1345

**House Bill No. 1345.** A Bill for an Act to amend and reenact subsection 2 of section 57-39.2-12 and subsection 4 of section 57-40.2-07 of the North Dakota Century Code, to provide a discount on the amount of sales and use taxes remitted to compensate retailers for keeping tax records, filing reports, and remitting taxes.

To Senate, 815  
 First reading, 854  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 991  
 Second reading, 1082  
 Lost, 1082  
 Returned to House, 1145

#### House Bill No. 1346

**House Bill No. 1346.** A Bill for an Act to allow the construction superintendent to adopt a uniform standards code for energy conservation in new building construction.

To Senate, 811  
 First reading, 833  
 Referred to Committee on Industry, Business & Labor  
 Reported back, Floor amendments, 1103, indefinitely  
 postponed, 1019  
 Amendments adopted, 1103  
 Second reading, 1083, 1103  
 Lost, 1083  
 Passed, 1104  
 Returned to House, amended, 1183  
 House concurs, 1237  
 Reconsidered, 1103  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

#### House Bill No. 1348

**House Bill No. 1348.** A Bill for an Act to authorize the construction of a medical research and educational center at Fargo using federal funds, providing for use of the center by the university of North Dakota school of medicine, providing for construction on land owned by the United States of America under the jurisdiction of the United States Veterans Administration, and providing for a ninety-nine year lease to the state of North Dakota doing business as the university of North Dakota; providing an appropriation; and declaring an emergency.

To Senate, 401  
 First reading, 414  
 Referred to Committee on Appropriations  
 Reported back, do pass, 795  
 Second reading, 830  
 Passed, 830  
 Emergency carried, 830  
 Returned to House, 872  
 Received from House, 1012  
 Signed by President, 1035  
 Returned to House, 1035

#### House Bill No. 1349

**House Bill No. 1349.** A Bill for an Act to create and enact section 57-15-27.2 of the North Dakota Century Code, relating to authorizing a mill levy by counties for the maintenance of abandoned cemeteries; and to amend and reenact section 23-06-30 of the North Dakota Century Code, relating to the duty of counties to maintain abandoned cemeteries.

To Senate, 401  
 First Reading, 414  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 924  
 Second reading, 954  
 Passed, 954  
 Returned to House, 1013  
 Received from House, 1289

Signed by President, 1290  
 Returned to House, 1291

**House Bill No. 1350**

**House Bill No. 1350.** A Bill for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the authorization of special alcoholic beverage permits; and to amend and reenact sections 53-02-05 and 53-02-09 of the North Dakota Century Code, relating to applications for permits and the refusal and revocation of permits for cause; and declaring an emergency.

To Senate, 554  
 First reading, 384  
 Referred to Committee on Political Subdivisions  
 Reported back, do pass, 924  
 Second reading, 954, 1503, 1532  
 Passed, 955  
 Lost, 1504  
 Passed, 1532  
 Emergency carried, 955  
 Returned to House, 1013, (lost over veto, 1509), (over veto, 1540)  
 Senate requests return, 1524, 1525  
 Returned, 1525  
 Reconsidered, 1532  
 Received from House, 1289, over Governor veto, 1503, 1621  
 Signed by President, 1290, over veto, 1621  
 Returned to House, 1291  
 Passed, 1621

**House Bill No. 1351**

**House Bill No. 1351.** A Bill for an Act to provide for the confidentiality of records maintained on individuals obtaining mental health counseling.

To Senate, 720  
 First reading, 723  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 901  
 Second reading, 931  
 Lost, 931  
 Returned to House, 981

**House Bill No. 1355**

**House Bill No. 1355.** A Bill for an Act to amend and reenact subsection 2 of section 52-04-07 of the North Dakota Century Code, relating to when unemployment compensation benefits paid are not chargeable to accounts of base-period employers.

To Senate, 645  
 First reading, 650  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 877  
 Amendments adopted, 903  
 Second reading, 931

Passed, 931  
Returned to House, amended, 981  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1357**

**House Bill No. 1357.** A Bill for an Act to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to the power of the highway commissioner to suspend a driver's license for failing to appear in court after signing a promise to do so and for failing to pay a fine or serve a sentence ordered by a court.

To Senate, 491  
First reading, 503  
Referred to Committee on Transportation  
Reported back, amended, 838  
Amendments adopted, 861  
Second reading, 893  
Passed, 893  
Returned to House, amended, 938  
House concurs, 1037  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1359**

**House Bill No. 1359.** A Bill for an Act to create and enact a new section to chapter 26-21 of the North Dakota Century Code and to create and enact subsection 6 to section 26-21-09 of the North Dakota Century Code, relating to the handling of claims against and the assets of insolvent insurance companies.

To Senate, 554  
First reading, 584  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 863  
Second reading, 893  
Passed, 894  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1181  
Returned to House, 1181

**House Bill No. 1360**

**House Bill No. 1360.** A Bill for an Act to provide for a severance tax for the privilege of severing coal from the earth; to provide procedures for the imposition, collection, and administration of such tax; to provide for the deposit of the proceeds of such tax in the state treasury and for the allocation thereof to the state and its political subdivisions; to provide for a coal development impact office in the office of the governor; and to

provide for a coal development impact commission to approve or disapprove impact grants.

To Senate, 645  
 First reading, 650  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 795  
 Second reading, 843  
 Lost, 845  
 Returned to House, 896

**House Bill No. 1361**

**House Bill No. 1361.** A Bill for an Act to create and enact a new subsection to section 15-65-03 of the North Dakota Century Code, relating to the authority of the North Dakota educational broadcasting council to contract with noncommercial public television.

To Senate, 679  
 First reading, 724  
 Referred to Committee on Education  
 Reported back, amended, 1098  
 Amendments adopted, 1127  
 Second reading, 1158  
 Clincher motion, 1158  
 Passed, 1158  
 Returned to House, amended, 1206  
 House concurs, 1273  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

**House Bill No. 1363**

**House Bill No. 1363.** A Bill for an Act to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating to the registration of lobbyists.

To Senate, 491  
 First reading, 503  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 877  
 Amendments adopted, 903  
 Second reading, 931, 979  
 Lost, 932  
 Lost, 980  
 Returned to House, 1036  
 Reconsidered, 957

**House Bill No. 1364**

**House Bill No. 1364.** A Bill for an Act to amend and reenact sections 12-53-11 and 12-53-15 of the North Dakota Century Code, relating to probation and costs incurred in proceedings for revocation; providing an appropriation; and declaring an emergency.

To Senate, 645  
First reading, 651  
Referred to Committee on Judiciary  
Reported back, do pass, 878, indefinitely postponed, 1136  
Rereferred Appropriations, 878  
Second reading, 1204  
Lost, 1204  
Returned to House, 1287

**House Bill No. 1365**

**House Bill No. 1365.** A Bill for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for constructing revenue-producing buildings at the university of North Dakota; to make an appropriation; and to declare an emergency.

To Senate, 811  
First reading, 833  
Referred to Committee on Education  
Reported back, do pass, 1019  
Second reading, 1083  
Passed, 1084  
Emergency carried, 1084  
Returned to House, 1145  
Received from House, 1480  
Signed by President, 1486  
Returned to House, 1486

**House Bill No. 1367**

**House Bill No. 1367.** A Bill for an Act to create and enact a new section to chapter 28-14 of the North Dakota Century Code, relating to the size of juries in civil cases.

To Senate, 470  
First reading, 476  
Referred to Committee on Judiciary  
Reported back, do pass, 795  
Second reading, 838  
Passed, 839  
Returned to House, 896  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1368**

**House Bill No. 1368.** A Bill for an Act to amend and reenact sections 57-02.2-01, 57-02.2-02, and 57-02.2-03 of the North Dakota Century Code, to provide for the exemption of improvements to residential buildings.

To Senate, 815  
First reading, 854  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 991  
Second reading, 1033

Passed, 1033  
Returned to House, 1086  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

#### House Bill No. 1369

**House Bill No. 1369.** A Bill for an Act to authorize the State Board of Higher Education to sell and convey certain land owned by the State of North Dakota.

To Senate, 720  
First reading, 724  
Referred to Committee on Education  
Reported back, do pass, 901  
Second reading, 932  
Passed, 932  
Returned to House, 981  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

#### House Bill No. 1370

**House Bill No. 1370.** A Bill for an Act to amend and reenact section 29-17-12 of the North Dakota Century Code, relating to the size of juries in criminal cases.

To Senate, 470  
First reading, 476  
Referred to Committee on Judiciary  
Reported back, do pass, 795  
Second reading, 839  
Passed, 839  
Returned to House, 896  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

#### House Bill No. 1372

**House Bill No. 1372.** A Bill for an Act to amend and reenact section 6-03-05.1 of the North Dakota Century Code, relating to the authority of mortgagees to advance funds to protect liens.

To Senate, 470  
First reading, 476  
Referred to Committee on Industry, Business & Labor  
Reported back, amended, 1019  
Amendments adopted, 1039  
Second reading, 1140  
Clincher motion, 1141  
Passed, 1141  
Returned to House, amended, 1182  
House concurs, 1237

**House Bill No. 1375**

**House Bill No. 1375.** A Bill for an Act to create and enact the Uniform Marriage and Divorce Act, providing procedures for the solemnization and registration of marriage, promoting the amicable settlement of disputes between parties to a marriage, providing for the invalidation of certain marriages and for the dissolution of others, providing for the division of property of the parties, and making reasonable provision for the spouse and minor children during and after litigation, making irretrievable breakdown of the marriage relationship the sole basis for dissolution; to repeal sections 14-03-01, 14-03-02, 14-03-03, 14-03-06, 14-03-07, 14-03-08, 14-03-09, 14-03-17, 14-03-18, 14-03-19, 14-03-21, 14-03-22, 14-06-05, and chapters 14-04, 14-05, 14-06, and 27-05.1 of the North Dakota Century Code, relating to the marital relationship and family court; providing a penalty; and providing an effective date.

To Senate, 554

First reading, 384

Referred to Committee on Judiciary

Reported back, indefinitely postponed, 1019

Second reading, 1085

Lost, 1085

Returned to House, 1145

**House Bill No. 1376**

**House Bill No. 1376.** A Bill for an Act to amend and reenact sections 49-05-05, 49-05-06, and 49-06-07 of the North Dakota Century Code, relating to notice to the public service commission of proposed rate changes, public service commission hearings on proposed public utility rates, and temporary rates prescribed by the commission.

To Senate, 492

First reading, 503

Referred to Committee on Industry, Business & Labor

Reported back, indefinitely postponed, 768

Second reading, 839

Lost, 839

Returned to House, 896

**House Bill No. 1380**

**House Bill No. 1380.** A Bill for an Act to amend and reenact section 24-09-08.1 of the North Dakota Century Code, relating to the apportionment of grade crossing safety devices.

To Senate, 720

First reading, 724

Referred to Committee on Transportation

Reported back, do pass, 947

Second reading, 976

Passed, 977

Returned to House, 1036

Received from House, 1289

Signed by President, 1290

Returned to House, 1291



**House Bill No. 1381**

**House Bill No. 1381.** A Bill for an Act to amend and reenact sections 54-03-20 and 54-03-20.1 of the North Dakota Century Code, relating to the allowance for living and other expenses for members of the legislative assembly, and round trips allowed during the session; and declaring an emergency.

To Senate, 815

First reading, 854

Referred to Committee on State & Federal Government

Reported back, amended, 992, indefinitely postponed, 1074

Rereferred Appropriations, 1023

Amendments adopted, 1023

Second reading, 1204

Lost, 1205

Returned to House, 1387

**House Bill No. 1383**

**House Bill No. 1383.** A Bill for an Act to create and enact subsection 8 to section 40-61-08 of the North Dakota Century Code, relating to the issuance of revenue bonds by municipal parking authorities for parking projects; to amend and reenact section 40-57-02, subsection 3 of section 40-57-03, and section 40-61-10 of the North Dakota Century Code, relating to the financing of health care, parking and pollution control projects used or useful in connection with revenue-producing enterprises by the issuance of municipal revenue bonds; and declaring an emergency.

To Senate, 720

First reading, 724

Referred to Committee on Political Subdivisions

Reported back, amended, 1099

Amendments adopted, 1127

Second reading, 1158

Clincher motion, 1159

Passed, 1159

Emergency carried, 1159

Returned to House, amended, 1206

House concurs, 1273

Received from House, 1666

Signed by President, 1668

Returned to House, 1668

**House Bill No. 1384**

**House Bill No. 1384.** A Bill for an Act to amend and reenact subsections 2, 4 and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

To Senate, 721

First reading, 724

Referred to Committee on Political Subdivisions

Reported back, amended, 1136

Amendments adopted, 1174

Second reading, 1200, 1557

Clincher motion, 1201  
Passed, 1200, 1557  
Returned to House, amended, 1238  
Conference Committee, 1307, 1273, 1492, 1507  
Conference Committee Report, 1439, 1549  
Motion lost, 1476  
Senate adopts, 1557  
House adopts, 1426, 1543  
House does not concur, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

#### House Bill No. 1387

**House Bill No. 1387.** A Bill for an Act to amend and reenact subsections 1, 2, 3, 9, and 14 of section 38-14-05, and subsection 1 of section 38-14-05.1 of the North Dakota Century Code, relating to duties of surface mine operators to reclaim surface mined land in a manner that the gentlest topography of the land consistent with other lands is obtained, save and segregate at least five feet of suitable plant growth material by layer, establish natural drainage compatible with the topography on all reclaimed land, and revegetate reclaimed land according to certain criteria, to protect the domestic or livestock water supply of the surface owner or adjoining surface owners, to provide for recovery of damages by the surface owner for contamination or interruption of the water supply, to prohibit surface mining in certain areas based on certain special, exceptional, critical, or unique characteristics such as biological productivity, ecological fragility, ecological importance, and scenic, historic, archaeological, ethnologic, cultural, or recreational significance and to require the public service commission to delete those areas from surface mining.

To Senate, 783  
First reading, 812  
Referred to Committee on Natural Resources  
Reported back, indefinitely postponed, 1043  
Second reading, 1205  
Lost, 1205  
Returned to House, 1387

#### House Bill No. 1388

**House Bill No. 1388.** A Bill for an Act to create and enact a new section to chapter 40-31 of the North Dakota Century Code, requiring cities to provide ramped curbing at intersections for wheelchair traffic upon undertaking extensive curb and gutter repair or installation.

To Senate, 679  
First reading, 724  
Referred to Committee on Transportation  
Reported back, amended, 947  
Floor amendments, 1011  
Amendments adopted, 966, 1011  
Second reading, 1010, 1342

Passed, 1011, 1342  
Returned to House, amended, 1061  
Conference Committee, 1123, 1087  
Conference Committee report, 1342  
Senate adopts, 1342  
House adopts, 1353  
House does not concur, 1087  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1389**

**House Bill No. 1389.** A Bill for an Act to amend and reenact sections 40-44-01 and 40-44-07 of the North Dakota Century Code, relating to the population requirement of cities which may adopt a civil service system, and eliminating such population requirement.

To Senate, 492  
First reading, 504  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 924  
Second reading, 955  
Lost, 955  
Returned to House, 1013

**House Bill No. 1392**

**House Bill No. 1392.** A Bill for an Act to amend and reenact subsection 8 of section 57-37.1-01 and section 57-37.1-04 of the North Dakota Century Code, relating to estate tax definitions and providing that the rate of the estate tax shall equal the maximum federal estate tax credit for state death taxes; and providing an effective date.

To Senate, 811  
First reading 833  
Referred to Committee on Finance & Taxation  
Reported back, indefinitely postponed, 1137  
Second reading, 1248  
Lost 1249  
Returned to House, 1387

**House Bill No. 1393**

**House Bill No. 1393.** A Bill for an Act to amend and reenact section 4-22-04 of the North Dakota Century Code, relating to state soil conservation committee meetings and compensation, and providing for additional meetings as called by the chairman, for special meetings upon written request, and increasing daily compensation from twenty-five to forty-five dollars.

To Senate, 721  
First reading 724  
Referred to Committee on Agriculture  
Reported back, do pass, 1043  
Second reading, 1249

Passed, 1249  
Returned to House, 1267  
Received from House, 1606  
Signed by President, 1608  
Returned to House, 1609

**House Bill No. 1397**

**House Bill No. 1397.** A Bill for an Act to repeal subsection 5 of section 38-18-06 of the North Dakota Century Code, relating to district court actions when a surface owner does not consent to strip mining by an owner of a severed mineral interest.

To Senate, 760  
First reading, 784  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 1099  
Second reading, 1257  
Lost, 1257  
Returned to House, 1387

**House Bill No. 1401**

**House Bill No. 1401.** A Bill for an Act to amend and reenact subsection 6 of section 57-02-11 of the North Dakota Century Code, relating to the frequency of assessment of real property by cities and counties.

To Senate, 492  
First reading, 504  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 924  
Second reading, 955  
Passed, 956  
Returned to House, 1013  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1403**

**House Bill No. 1403.** A Bill for an Act to amend and reenact section 24-08-01 of the North Dakota Century Code, relating to the construction of bridges by the board of county commissioners pursuant to the request of township freeholders, and its effect upon the construction of culverts on township roads.

To Senate, 721  
First reading, 724  
Referred to Committee on Transportation  
Reported back, do pass, 947  
Second reading, 977  
Passed, 977  
Returned to House, 1036  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1404**

**House Bill No. 1404.** A Bill for an Act to provide state assistance for airports served by commercial air carriers and to provide procedures for the distribution of funds to such airports; and to provide an appropriation.

To Senate, 811  
 First reading, 834  
 Referred to Committee on Transportation  
 Reported back, do pass, 948  
 Indefinitely postponed, 1043  
 Rereferred Appropriations, 948  
 Second reading, 1280  
 Lost, 1280  
 Returned to House, 1387

**House Bill No. 1405**

**House Bill No. 1405.** A Bill for an Act making an appropriation for the extinguishing of coal vein fires that were ignited by prairie fires in western North Dakota during the fall of 1976; and declaring an emergency.

To Senate, 811  
 First Reading, 834  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 1043, 1074  
 Rereferred Appropriations, 1043  
 Second reading, 1280  
 Clincher motion, 1281  
 Passed, 1281  
 Emergency carried, 1281  
 Returned to House, 1314  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

**House Bill No. 1408**

**House Bill No. 1408.** A Bill for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to contractual agreements for collection of sales and use tax by the tax commissioner in behalf of incorporated home rule cities.

To Senate, 492  
 First reading, 504  
 Referred to Committee on Political Subdivisions  
 Reported back, indefinitely postponed, 1099  
 Floor amendments, 1376  
 Amendments adopted, 1376  
 Second reading, 1376, 1557  
 Clincher motion, 1377  
 Passed, 1377, 1558  
 Returned to House, amended, 1415  
 Conference Committee, 1466, 1479  
 Conference Committee report, 1550

Senate adopts, 1557  
 House adopts, 1543  
 House does not concur, 1466  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

#### House Bill No. 1409

**House Bill No. 1409.** A Bill for an Act to create and enact section 6-08-16.2 of the North Dakota Century Code, relating to the issuance of checks without an account or with insufficient funds and providing a penalty.

To Senate, 645  
 First reading, 651  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 878  
 Second reading, 914  
 Passed, 914  
 Returned to House, 963  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

#### House Bill No. 1410

**House Bill No. 1410.** A Bill for an Act to amend and reenact subsection 1 of section 43-05-01 of the North Dakota Century Code, relating to the definition of podiatrist.

To Senate, 645  
 First reading, 651  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 968  
 Second reading, 1011  
 Passed, 1011  
 Returned to House, 1061  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1462

#### House Bill No. 1411

**House Bill No. 1411.** A Bill for an Act to create and enact a new section to chapter 54-18 of the North Dakota Century Code, exempting the North Dakota mill and elevator association from the securities act when it acts in the performance of its marketing functions.

To Senate, 425  
 First reading, 435  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 878  
 Amendments adopted, 903  
 Second reading, 932  
 Passed, 932  
 Returned to House, amended, 981  
 House concurs, 1067

Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1412**

**House Bill No. 1412.** A Bill for an Act to amend and reenact subsection 3 of section 57-40.3-04 of the North Dakota Century Code, relating to exemption from the motor vehicle excise tax.

To Senate, 721  
First reading, 725  
Referred to Committee on Transportation  
Reported back, do pass, 1074  
Second reading, 1281  
Clincher motion, 1281  
Passed, 1281  
Returned to House, 1314  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

**House Bill No. 1414**

**House Bill No. 1414.** A Bill for an Act to create and enact a new section to the North Dakota Century Code, relating to the requirement that generic or brand names of drugs or medicines be printed on prescription labels.

To Senate, 554  
First reading, 584  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, do pass, 948  
Second reading, 977  
Passed, 978  
Returned to House, 1036  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1416**

**House Bill No. 1416.** A Bill for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to the powers of township electors, and authorizing expenditure of funds for membership in county, state, and national associations of township government.

To Senate, 554  
First reading, 585  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 924  
Second reading, 956  
Passed, 956  
Returned to House, 1013  
Received from House, 1289

Signed by President, 1290  
 Returned to House, 1291

#### House Bill No. 1418

**House Bill No. 1418.** A Bill for an Act to create and enact section 16-18-14.1 of the North Dakota Century Code, relating to special county election boards; to amend and reenact sections 16-18-02, 16-18-07, 16-18-09, and 16-18-14 of the North Dakota Century Code, relating to delivery of application blanks and absent voter's ballots, and the canvassing of absent voter's ballots; or, in the alternative, to create and enact section 16.1-07-09.1 of the North Dakota Century Code as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to special county election boards; to amend and reenact sections 16.1-07-02, 16.1-07-07, 16.1-07-08, and 16.1-07-09 of the North Dakota Century Code, as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the delivery of applications and absent voter's ballots and the canvassing of absent voter's ballots; to repeal sections 16-18-15, 16-18-16, 16-18-17, and 16-18-20 of the North Dakota Century Code, relating to the care, custody, voting, and rejecting of absent voter's ballots and registration of absent voter's ballots on voting machines; or, in the alternative, to repeal sections 16.1-07-10, 16.1-07-11, 16.1-07-12, and 16.1-07-13 of the North Dakota Century Code, as created by section 6 of House Bill No. 1049, as approved by the forty-fifth legislative assembly, relating to the care, custody, and voting of absent voter's ballots and the registration of absent voter's ballots on voting machines.

To Senate, 815  
 First reading, 854  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 1099  
 Second reading, 1281  
 Lost, 1282  
 Returned to House, 1387

#### House Bill No. 1419

**House Bill No. 1419.** A Bill for an Act to authorize the legislative council, through any of its programs, projects, or committees, to oversee and monitor methanol research; and providing an appropriation.

To Senate, 721  
 First reading, 725  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 901, amended, 1020  
 Rereferred Appropriations, 933  
 Amendments adopted, 1039  
 Second reading, 932, 1141  
 Clincher motion, 1141  
 Passed, 1141  
 Returned to House, amended, 1182  
 Conference Committee, 1251, 1207  
 Conference Committee report, 1423  
 Senate adopts, 1476  
 House adopts, 1413



House does not concur, 1207  
 Received from House 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1420**

**House Bill No. 1420.** A Bill for an Act to provide for cancellation of easements acquired by a public utility through unfair tactics; to create and enact a new subsection to section 49-22-20 of the North Dakota Century Code relating to revocation of a transmission facility route permit to provide for a penalty and to declare an emergency.

To Senate, 645  
 First reading, 651  
 Referred to Committee on Industry, Business & Labor  
 Reported back, amended, 1044  
 Amendments adopted, 1078  
 Second reading, 1143  
 Clincher motion, 1144  
 Passed, 1144  
 Emergency carried, 1144  
 Returned to House, amended, 1182  
 House concurs, 1237  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

**House Bill No. 1421**

**House Bill No. 1421.** A Bill for an Act to amend and reenact section 12-53-18 of the North Dakota Century Code, relating to records on discharge from probation.

To Senate, 645  
 First reading, 651  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 878  
 Second reading, 914  
 Lost, 915  
 Returned to House, 963

**House Bill No. 1423**

**House Bill No. 1423.** A Bill for an Act relating to the promotion, advertising, research, and development of sunflowers, creating a state sunflower council and prescribing its powers, duties, and authority, prescribing a tax on sunflower production, providing for its collection, and providing penalties for the violation of the Act; providing an appropriation; and declaring an emergency.

To Senate, 811  
 First reading, 834  
 Referred to Committee on Agriculture  
 Reported back, do pass, 1074, amended, 1137  
 Referred Appropriations, 1074

Amendments adopted, 1174  
Second reading, 1201  
Passed, 1201  
Emergency carried, 1201  
Returned to House, amended, 1238  
House concurs, 1273  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

#### House Bill No. 1424

**House Bill No. 1424.** A Bill for an Act to amend and reenact section 60-02-09 of the North Dakota Century Code, relating to a track buyer and warehouseman's bond, and requiring annual approval to enter deferred payment contracts, a separate account for deferred payment proceeds, and necessary records available for inspection.

To Senate, 815  
First reading, 854  
Referred to Committee on Agriculture  
Reported back, indefinitely postponed, 1045  
Second reading, 1282  
Lost, 1282  
Returned to House, 1387

#### House Bill No. 1426

**House Bill No. 1426.** A Bill for an Act to amend and reenact sections 30.1-19-01, 30.1-19-02, and 30.1-19-03, and subsection 1 of section 30.1-19-07 of the North Dakota Century Code, relating to notice to creditors, statutes of limitation, limitations on presentation of claims, and payment of claims.

To Senate, 492  
First reading, 504  
Referred to Committee on Judiciary  
Reported back, amended, 878  
Amendments adopted, 903  
Second reading, 933  
Passed, 933  
Returned to House, amended, 981  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

#### House Bill No. 1428

**House Bill No. 1428.** A Bill for an Act to amend and reenact sections 58-03-05, 58-03-10, 58-04-01, 58-04-03, 58-04-19, and 58-07-01 of the North Dakota Century Code, relating to the posting of certain meeting notices by township clerks and to provide instead for publication; and to repeal section 58-03-09 of the North Dakota Century Code, relating to township electors annually designating public places for posting notices.

To Senate, 554  
 First reading, 585  
 Referred to Committee on Judiciary  
 Reported back, do pass, 768  
 Second reading, 810  
 Passed, 810  
 Returned to House, 852  
 Received from House, 1062  
 Signed by President, 1063  
 Returned to House, 1065

**House Bill No. 1429**

**House Bill No. 1429.** A Bill for an Act to provide accountability for quality education.

To Senate, 815  
 First reading, 855  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 1099  
 Second reading, 1282  
 Lost, 1283  
 Returned to House, 1387

**House Bill No. 1430**

**House Bill No. 1430.** A Bill for an Act to require a feasibility study on energy conservation and the use of alternative energy sources in the construction or renovation of state-owned buildings.

To Senate, 783  
 First reading, 813  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 901  
 No recommendation, 1020  
 Rereferred Appropriations, 943  
 Amendments adopted, 926  
 Second reading, 1109  
 Lost, 1110  
 Returned to House, 1183

**House Bill No. 1431**

**House Bill No. 1431.** A Bill for an Act to establish a state housing finance agency.

To Senate, 811  
 First reading, 834  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 1137, indefinitely postponed, 1228  
 Rereferred Political Subdivisions, 869  
 Amendments adopted, 1228  
 Second reading, 1245  
 Lost, 1245  
 Returned to House, 1387

**House Bill No. 1433**

**House Bill No. 1433.** A Bill for an Act to amend and reenact section 52-04-06 of the North Dakota Century Code, relating to unemployment compensation contribution rates, to provide an effective date, and to declare an emergency.

To Senate, 425  
First reading, 435  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 968  
Second reading, 1011  
Passed, 1012  
Emergency carried, 1012  
Returned to House, 1061  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1462

**House Bill No. 1435**

**House Bill No. 1435.** A Bill for an Act to amend and reenact subsection 1 of section 15-40.2-05 of the North Dakota Century Code, relating to application of parent or guardian for payment of tuition by district.

To Senate, 645  
First reading, 651  
Referred to Committee on Education  
Reported back, indefinitely postponed, 863  
Second reading, 894  
Lost, 894  
Returned to House, 939

**House Bill No. 1436**

**House Bill No. 1436.** A Bill for an Act to create and enact a new subsection to section 31-01-06 of the North Dakota Century Code, relating to confidential communications to psychologists.

To Senate, 721, first reading, 725  
Referred to Committee on Social Welfare & Veterans Affairs  
Reported back, indefinitely postponed, 1045  
Second reading, 1283  
Lost, 1283  
Returned to House, 1387

**House Bill No. 1437**

**House Bill No. 1437.** A Bill for an Act to amend and reenact sections 32-21-01 and 32-21-05 of the North Dakota Century Code, relating to when action for death by wrongful act maintainable and action not abated by death.

To Senate, 554  
First reading, 585  
Referred to Committee on Judiciary  
Reported back, do pass, 863

Second reading, 894  
 Passed, 895  
 Returned to House, 938  
 Received from House, 1148  
 Signed by President, 1181  
 Returned to House, 1181

**House Bill No. 1438**

**House Bill No. 1438.** A Bill for an Act to amend and reenact subsection 24 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for all sales to boarding homes for the aged and infirm licensed by the state social service board.

To Senate, 721  
 First reading, 725  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 863  
 Second reading, 895  
 Passed, 895  
 Returned to House, 938  
 Received from House, 1148  
 Signed by President, 1181  
 Returned to House, 1181

**House Bill No. 1440**

**House Bill No. 1440.** A Bill for an Act to create and enact a new section to Chapter 6-09 of the North Dakota Century Code, relating to the Bank of North Dakota making bank stock loans.

To Senate, 554  
 First reading, 585  
 Referred to Committee on State & Federal Government  
 Reported back, amended, 795  
 Amendments adopted, 819-820  
 Second reading, 865  
 Passed, 866  
 Returned to House, amended, 917  
 House concurs, 1067  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1463

**House Bill No. 1441**

**House Bill No. 1441.** A Bill for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to joint water management district boards; and to amend and reenact section 61-16-05, subsection 9 of section 61-16-11, and sections 61-16-12, 61-16-19.1, 61-16-48, and 61-16-50 of the North Dakota Century Code, relating to the powers and duties of a water management district board of commissioners, consolidation or adjustment of districts, and tax levy limitations.

To Senate, 761  
 First reading, 784

Referred to Committee on Agriculture  
Reported back, amended, 1074  
Amendments adopted, 1092  
Second reading, 1159  
Clincher motion, 1159  
Passed, 1159  
Returned to House, amended, 1206  
House concurs, 1273  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

#### House Bill No. 1442

**House Bill No. 1442.** A Bill for an Act to create and enact five new paragraphs to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessment of points on driving records for various motorcycle offenses; to amend and reenact section 39-06.1-09, subsection 1 of section 39-10.2-06, and section 39-10.2-07 of the North Dakota Century Code, relating to defining motorcycle offenses as moving violations, clarifying the use of motorcycle helmets, and clarifying penalties; and providing penalties.

To Senate, 554  
First reading, 585  
Referred to Committee on Transportation  
Reported back, amended, 1075  
Amendments adopted, 1092  
Second reading, 1160  
Clincher motion, 1160  
Passed, 1160  
Returned to House, amended, 1206  
House concurs, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

#### House Bill No. 1443

**House Bill No. 1443.** A Bill for an Act to permit the state of North Dakota to accept transfer from the federal government of the Nekoma ABM site and to empower the budget section to reconvey the site to the federal government.

To Senate, 815  
First reading, 855  
Referred to Committee on Appropriations  
Reported back, amended, 1099  
Amendments adopted, 1127  
Second reading, 1587  
Passed, 1587  
Returned to House, amended, 1598  
House concurs, 1603  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1446**

**House Bill No. 1446.** A Bill for an Act to amend and reenact sections 57-23-05 and 57-23-06 of the North Dakota Century Code, relating to applications for abatement or refund and to hearings on abatement proceedings.

To Senate, 721  
First reading, 725  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 1045  
Second reading, 1284  
Clincher motion, 1284  
Passed, 1284  
Returned to House, 1314  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

**House Bill No. 1448**

**House Bill No. 1448.** A Bill for an Act to create and enact chapter 16.1-03, and sections 16.1-11-18, 16.1-14-18, 16.1-14-19, 16.1-14-20, 16.1-14-21, 16.1-14-22, 16.1-14-23, 16.1-14-24, 16.1-14-25, 16.1-14-26, 16.1-14-27, and 16.1-14-28 of the North Dakota Century Code, relating to political party organization from precinct caucuses through district and state committees, to the form of the consolidated primary election ballot, and to voting for presidential electors by persons not meeting the residency requirements for voting in the state; and to repeal sections 16-04-15.1, 16-16-17, 16-16-17.1, 16-16-18, 16-16-19, 16-16-20, 16-16-21, 16-16-22, 16-16-23, 16-16-24, 16-16-26, 16-16-27, and 16-16-28, and chapter 16-17 of the North Dakota Century Code, relating to the primary election ballot, political party organization, and voting for presidential electors by persons unqualified to vote at state elections.

To Senate, 760  
First reading, 784  
Referred to Committee on Judiciary  
Reported back, amended, 1100  
Amendments adopted, 1127  
Second reading, 1160  
Lost, 1161  
Returned to House, 1387

**House Bill No. 1455**

**House Bill No. 1455.** A Bill for an Act to amend and reenact section 27-06-08 of the North Dakota Century Code, relating to fees for transcripts.

To Senate, 721  
First reading, 725  
Referred to Committee on Judiciary  
Reported back, do pass, 1100  
Second reading, 1284  
Clincher motion, 1284  
Passed, 1284

Returned to House, 1314  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

**House Bill No. 1457**

**House Bill No. 1457.** A Bill for an Act to amend and reenact subsection 2 of section 39-06-07 and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to identification as a donor pursuant to the Uniform Anatomical Gift Act on motor vehicle operator's applications and licenses.

To Senate, 492  
First reading, 504  
Referred to Committee on Transportation  
Reported back, do pass, 948  
Second reading, 978  
Passed, 978  
Returned to House, 1036  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1458**

**House Bill No. 1458.** A Bill for an Act to provide for instruction by the state game and fish commissioner on the safe use of firearms and hunter responsibilities; and to provide an effective date.

To Senate, 760  
First reading, 785  
Referred to Committee on Natural Resources  
Reported back, do pass, 948  
Second reading, 978  
Passed, 978  
Returned to House, 1036  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1459**

**House Bill No. 1459.** A Bill for an Act to amend and reenact subsection 6 of section 57-39.2-01 of the North Dakota Century Code, relating to sales taxes on items sold at auction.

To Senate, 783  
First reading, 813  
Referred to Committee on Finance & Taxation  
Reported back, do pass, 863  
Second reading, 895  
Passed, 895  
Returned to House, 938  
Received from House, 1148  
Signed by President, 1181



Returned to House, 1181

**House Bill No. 1461**

**House Bill No. 1461.** A Bill for an Act to provide for continuous insurance coverage of an insured juvenile whose legal custody has been given by the court to any state institution or agency.

To Senate, 760  
First reading, 785  
Referred to Committee on Judiciary  
Reported back, do pass, 968  
Second reading, 1025  
Passed, 1025  
Returned to House, 1086  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

**House Bill No. 1462**

**House Bill No. 1462.** A Bill for an Act to amend and reenact section 54-05.1-02 of the North Dakota Century Code, relating to persons subject to legislative lobbyist regulation.

To Senate, 811  
First reading, 834  
Referred to Committee on State & Federal Government  
Reported back, do pass, 992  
Second reading, 1033  
Passed, 1034  
Returned to House, 1086  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

**House Bill No. 1463**

**House Bill No. 1463.** A Bill for an Act to amend and reenact subsection 2 of section 10-15-25 of the North Dakota Century Code, relating to the number of directors of cooperative associations.

To Senate, 492  
First reading, 504  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 878  
Second reading, 915  
Passed, 915  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1464**

**House Bill No. 1464.** A Bill for an Act to amend and reenact sections 28-

01-16 and 28-01-17 of the North Dakota Century Code, relating to the time for commencing a cause of action for a mechanic's lien.

To Senate, 721  
 First reading, 761  
 Referred to Committee on Judiciary  
 Reported back, do pass, 879  
 Second reading, 915  
 Passed, 916  
 Returned to House, 963  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

#### House Bill No. 1468

**House Bill No. 1468.** A Bill for an Act to create and enact section 5-02-05.1 of the North Dakota Century Code, providing for a special Sunday convention alcoholic beverage permit which may be issued by the governing body of a city to a private club, lodge, motel, or hotel serving as a state convention headquarters; and to amend and reenact section 5-02-05, subsection 11 of section 12.1-30-02, and subsection 29 of section 12.1-30-03 of the North Dakota Century Code, relating to prohibited liquor disposal on certain days, to personal property sales allowable on Sunday, and to businesses allowed to operate on Sunday.

To Senate, 783  
 First reading, 813  
 Referred to Committee on Social Welfare & Veterans Affairs  
 Reported back, amended, 948  
 Amendments adopted, 966  
 Second reading, 1025  
 Passed, 1026  
 Returned to House, amended, 1086  
 House concurs, 1184  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

#### House Bill No. 1469

**House Bill No. 1469.** A Bill for an Act to amend and reenact sections 12.1-20-02, 12.1-20-03, 12.1-20-04, 12.1-20-05, and 12.1-20-07 of the North Dakota Century Code, relating to the definition of sexual act, and the offenses of gross sexual imposition, sexual imposition, corruption of minors, and sexual assault.

To Senate, 721, first reading, 761  
 Referred to Committee on Judiciary  
 Reported back, do pass, 901  
 Second reading, 933  
 Passed, 933  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1470**

**House Bill No. 1470.** A Bill for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to the furnishing of abstracts of driving records and the contents of such records.

To Senate, 815  
 First reading, 855  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 992  
 Second reading, 1034, 1284  
 Clincher motion, 1284  
 Lost, 1034  
 Passed, 1284  
 Returned to House, 1314  
 Reconsidered, 1046  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

**House Bill No. 1472**

**House Bill No. 1472.** A Bill for an Act to amend and reenact section 43-09-04 of the North Dakota Century Code, relating to the compensation of members of the state electrical board.

To Senate, 446  
 First reading, 461  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 795  
 Second reading, 840  
 Passed, 840  
 Returned to House, 896  
 Received from House, 1062  
 Signed by President, 1063  
 Returned to House, 1065

**House Bill No. 1473**

**House Bill No. 1473.** A Bill for an Act to create and enact a new section to chapter 40-05 of the North Dakota Century Code, relating to the application of city traffic ordinances to streets located within certain mobile home parks; and to amend and reenact subsection 21 of section 39-01-01 of the North Dakota Century Code, relating to the definition of highway as applicable to motor vehicle operation and regulation.

To Senate, 721  
 First reading, 761  
 Referred to Committee on Transportation  
 Reported back, do pass, 924  
 Second reading, 956  
 Passed, 956  
 Returned to House, 1013  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

**House Bill No. 1474**

**House Bill No. 1474.** A Bill for an Act to provide for the deferral of certain payments received for crop disasters and proceeds from livestock sold because of drought and to provide for the reporting of net operating losses for income tax purposes; to provide an effective date; and declaring an emergency.

To Senate, 554  
First reading, 585  
Referred to Committee on Agriculture  
Reported back, amended, 818  
Amendments adopted, 838  
Second reading, 885  
Passed, 885  
Emergency carried, 885  
Returned to House, amended, 938  
House concurs, 1037  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1475**

**House Bill No. 1475.** A Bill for an Act to create and enact a new section to chapter 15-53.1 of the North Dakota Century Code, relating to teacher negotiations in recently reorganized districts and termination of teachers in such districts; and to amend and reenact sections 15-53.1-22, 15-53.1-26, and 15-53.1-28 of the North Dakota Century Code, relating to dates for voting on reorganization plans and to the effective date of reorganization plans.

To Senate, 815  
First reading, 855  
Referred to Committee on Education  
Reported back, do pass, 1100  
Second reading, 1285  
Clincher motion, 1285  
Passed, 1285  
Returned to House, 1314  
Received from House, 1666  
Signed by President, 1668  
Returned to House, 1668

**House Bill No. 1476**

**House Bill No. 1476.** A Bill for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

To Senate, 492  
First reading, 504  
Referred to Committee on Political Subdivisions  
Reported back, amended, 924  
Amendments adopted, 943  
Second reading, 978, 1413

Passed, 979, 1413  
 Returned to House, amended, 1035  
 Conference Committee, 1124, 1067  
 Conference Committee Report, 1375  
 Senate adopts, 1413  
 House adopts, 1353  
 House does not concur, 1067  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1477**

**House Bill No. 1477.** A Bill for an Act to provide a county mill levy for planning purposes.

To Senate, 815  
 First reading, 855  
 Referred to Committee on Finance & Taxation  
 Reported back, no recommendation, 1101  
 Floor amendments, 1286, 1456  
 Rereferred Political Subdivision, 868  
 Amendments adopted, 1286, 1456  
 Amendment reconsidered, 1456  
 Amendment lost, 1456  
 Second reading, 1456  
 Passed, 1456  
 Returned to House, amended, 1510  
 House concurs, 1543  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1478**

**House Bill No. 1478.** Bill for an Act to create and enact section 19-20.1-03.1 and 19-20.1-03.2 of the North Dakota Century Code, relating to the licensing of fertilizer dealers and proof of product effectiveness; to amend and reenact section 19-20.1-02, 19-20.1-03, 19-20.1-04, 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, and 19-20.1-18 of the North Dakota Century Code relating to definitions, registration, labeling of fertilizer and soil amendments, inspection fees, tonnage reports, sampling and analysis, false statements, publications, short weight, cancellation of licenses and registration, "stop sale" orders, seizure, and providing a penalty; and to repeal sections 19-20.1-05 and 19-20.1-09 of the North Dakota Century Code relating to labeling soil conditioners and minimum plant food content.

To Senate, 783  
 First reading, 813  
 Referred to Committee on Agriculture  
 Reported back, amended, 1101  
 Amendments adopted, 1127  
 Second reading, 1167

Clincher motion, 1167  
Passed, 1167  
Returned to House, amended, 1206  
Conference Committee, 1307, 1273  
Conference Committee report, 1440  
Senate adopts, 1476  
House adopts, 1426  
House does not concur, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

#### House Bill No. 1479

**House Bill No. 1479.** A Bill for an Act to provide an income tax credit for the installation of solar or wind energy devices.

To Senate, 492, first reading, 504  
Referred to Committee on Finance & Taxation  
Reported back, amended, 864  
Amendments adopted, 875  
Second reading, 916  
Passed, 916  
Returned to House, amended, 963  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

#### House Bill No. 1480

**House Bill No. 1480.** A Bill for an Act to amend and reenact section 57-15-50 of the North Dakota Century Code, relating to the county levy for ambulance service; and declaring an emergency.

To Senate, 721  
First reading, 762  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 968  
Second reading, 1026  
Passed, 1026  
Emergency carried, 1026  
Returned to House, 1086  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

#### House Bill No. 1481

**House Bill No. 1481.** A Bill for an Act to amend and reenact sections 15-53.1-06 and 15-53.1-18 of the North Dakota Century Code, relating to county committees for annexation and plans of reorganization of school districts in more than one county.

To Senate, 761  
First Reading, 785

Referred to Committee on Education  
 Reported back, do pass, 864  
 Second reading, 903  
 Passed, 903  
 Returned to House, 963  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

#### House Bill No. 1482

**House Bill No. 1482.** A Bill for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the assignment of points against the driving record of unlicensed operators; to amend and reenact subsection 1 of section 39-06-01 of the North Dakota Century Code, relating to decriminalizing the offense of driving without a license; to repeal subsection 9 of section 39-06.1-05 of the North Dakota Century Code, relating to excepting the offense of driving without a license from the noncriminal disposition of traffic offenses; and to provide a penalty.

To Senate, 492  
 First reading, 504  
 Referred to Committee on Transportation  
 Reported back, do pass, 838  
 Second reading, 885  
 Passed, 885  
 Returned to House, 938  
 Received from House, 1148  
 Signed by President, 1181  
 Returned to House, 1181

#### House Bill No. 1484

**House Bill No. 1484.** A Bill for an Act to create and enact a new section to chapter 39-06.1 and two new sections to chapter 39-07 of the North Dakota Century Code, relating to the notification of parents or guardians of juvenile traffic offenders and of the necessity of their notification prior to any fines being paid by the juveniles, and restrictions on the interrogating of juveniles by law enforcement officers.

To Senate, 783  
 First reading, 813  
 Referred to Committee on Judiciary  
 Reported back, amended, 992  
 Amendments adopted, 1023  
 Second reading, 1110  
 Passed, 1110  
 Returned to House, amended, 1184  
 House concurs, 1237  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

**House Bill No. 1490**

**House Bill No. 1490.** A Bill for an Act to amend and reenact section 23-25-10 of the North Dakota Century Code, relating to abating air pollution violations as public nuisances.

To Senate, 815  
First reading, 855  
Referred to Committee on Judiciary  
Reported back, do pass, 993  
Second reading, 1034  
Lost, 1034  
Returned to House, 1086

**House Bill No. 1493**

**House Bill No. 1493.** A Bill for an Act to amend and reenact sections 44-08-04 and 54-06-10 of the North Dakota Century Code, relating to persons exempt from in-state travel limitations and the necessity of authorization of out-of-state travel.

To Senate, 446  
First reading, 461  
Referred to Committee on State & Federal Government  
Reported back, do pass, 796  
Second reading, 841  
Passed, 841  
Returned to House, 896  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Bill No. 1497**

**House Bill No. 1497.** A Bill for an Act to reduce the danger of rangeland and cropland fire during dry conditions by regulating, restricting, and prohibiting certain activities in certain areas by proclamation; and providing penalties.

To Senate, 581  
First reading, 599  
Referred to Committee on Agriculture  
Reported back, indefinitely postponed, 1075  
Second reading, 1286  
Lost, 1286  
Returned to House, 1387

**House Bill No. 1500**

**House Bill No. 1500.** A Bill for an Act to provide for the automatic termination, review, continuation, or reestablishment of all state boards, agencies, departments, divisions, councils, committees, subcommittees, stations, commissions, offices, panels, task forces, directorates, and similar state governmental entities or functional groups; providing a schedule for the termination and review process; providing for performance reviews of these agencies by the legislative budget analyst and



auditor; providing for consideration of these performance reviews and the holding of hearings and the preparing of reports and recommendations on these reviews by the legislative audit and fiscal review committee; providing for legislative review of all such entities scheduled for termination; providing for the mechanics of termination under this Act, including a year's phaseout period; and to amend section 54-35-02.2, relating to the powers and duties of the legislative audit and fiscal review committee, and to amend section 54-35-14 of the North Dakota Century Code, relating to the powers and duties of the legislative budget analyst and auditor; and providing an appropriation.

To Senate, 832

First reading, 855

Referred to Committee on State & Federal Government

Reported back, indefinitely postponed, 968

Second reading, 1026

Lost, 1027

Returned to House, 1086

#### House Bill No. 1501

**House Bill No. 1501.** A Bill for an Act to require a sixty-day notice prior to evicting a mobile home owner from a mobile home park, to prohibit any more than one rent increase in any twelve-month period, and to require a thirty-day notice of lot rent increase in mobile home parks.

To Senate, 783

First reading, 813

Referred to Committee on State & Federal Government

Reported back, amended, 901, indefinitely postponed, 927

Amendments adopted, 927

Second reading, 979

Lost, 979

Returned to House, 1036

#### House Bill No. 1503

**House Bill No. 1503.** A Bill for an Act to amend and reenact sections 11-11-18 and 24-05-04 of the North Dakota Century Code, relating to lease-purchase agreements for the purchase of county road machinery and voting by the electorate on extraordinary outlays of money by a county; and declaring an emergency.

To Senate, 581

First reading, 599

Referred to Committee on Political Subdivisions

Reported back, amended, 968

Amendments adopted, 985

Second reading, 1046

Passed, 1047

Emergency carried, 1047

Returned to House, amended, 1111

House concurs, 1184

Received from House, 1606

Signed by President, 1608

Returned to House, 1609

**House Bill No. 1507**

**House Bill No. 1507.** A Bill for an Act to establish a revolving fund for the purpose of making low interest loans for the installation of alternative energy devices; and providing for the administration of the loan program by the Bank of North Dakota.

To Senate, 832

First reading, 856

Referred to Committee on Industry, Business & Labor

Reported back, indefinitely postponed, 993

Second reading, 1048

Lost, 1049

Returned to House, 1111

**House Bill No. 1508**

**House Bill No. 1508.** A Bill for an Act to amend and reenact sections 54-52.1-06 and 54-52.1-07 of the North Dakota Century Code, relating to the state contribution to the uniform group insurance program and optional coverage for employee's family; and providing an appropriation.

To Senate, 815

First reading, 856

Referred to Committee on State & Federal Government

Reported back, do pass, 968, indefinitely postponed, 1139

Rereferred Appropriations, 969

Second reading, 1286

Lost, 1286

Returned to House, 1387

**House Bill No. 1509**

**House Bill No. 1509.** A Bill for an Act to require banking institutions, building and loan associations, and other similar financial institutions to pay interest on certain escrow and unaccrued contingent accounts.

To Senate, 783

First reading, 814

Referred to Committee on Industry, Business & Labor

Reported back, indefinitely postponed, 969

Second reading, 1027

Lost, 1027

Returned to House, 1086

**House Bill No. 1510**

**House Bill No. 1510.** A Bill for an Act to amend and reenact subsection 3 of section 26-41-10 of the North Dakota Century Code, relating to the coordination of insurance benefits between no-fault insurers and other insurers.

To Senate, 761

First reading, 785

Referred to Committee on Industry, Business & Labor

Reported back, do pass, 864

Second reading, 903

Passed, 904  
 Returned to House, 963  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1514**

**House Bill No. 1514.** A Bill for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to additional juvenile supervisors and providing for a mill levy for county juvenile supervisors.

To Senate, 721  
 First reading, 762  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 969  
 Second reading, 1027  
 Passed, 1027  
 Returned to House, 1086  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1463

**House Bill No. 1515**

**House Bill No. 1515.** A Bill for an Act to create and enact a new subsection to section 54-52.1-01 of the North Dakota Century Code, defining "dental benefits coverage"; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to the uniform group insurance program.

To Senate, 721  
 First reading, 762  
 Referred to Committee on Industry, Business & Labor  
 Reported back, indefinitely postponed, 864, 969  
 Rereferred Industry, Business & Labor, 904  
 Second reading, 1028  
 Lost, 1028  
 Returned to House, 1086

**House Bill No. 1516**

**House Bill No. 1516.** A Bill for an Act to create and enact section 10-06-07 of the North Dakota Century Code, relating to a civil penalty for violating the corporate farming law.

To Senate, 783  
 First reading, 814  
 Referred to Committee on Judiciary  
 Reported back, indefinitely postponed, 993  
 Second reading, 1049  
 Lost, 1049  
 Returned to House, 1111

**House Bill No. 1517**

**House Bill No. 1517.** A Bill for an Act to amend and reenact subsection 2 of section 38-14-05 of the 1975 Supplement to the North Dakota Century Code relating to the duties of mine operators to save suitable plant growth material within the permit area.

To Senate, 761  
 First reading, 785  
 Referred to Committee on Natural Resources  
 Reported back, indefinitely postponed, 1045  
 Second reading, 1287  
 Lost, 1287  
 Returned to House, 1387

**House Bill No. 1518**

**House Bill No. 1518.** A Bill for an Act to provide an appropriation to the public service commission to research utility pricing policies.

To Senate, 721  
 First reading, 762  
 Referred to Committee on Appropriations  
 Reported back, indefinitely postponed, 902  
 Second reading, 934  
 Lost, 934  
 Returned to House, 981

**House Bill No. 1519**

**House Bill No. 1519.** A Bill for an Act to amend and reenact section 24-05-01 of the North Dakota Century Code, to provide that the allocation of the county road tax shall not apply to oil and gas tax distributions and other intergovernmental transfers.

To Senate, 811  
 First reading, 834  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 879  
 Second reading, 937  
 Passed, 937  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1520**

**House Bill No. 1520.** A Bill for an Act to amend and reenact section 27-09.1-14 of the North Dakota Century Code, relating to juror compensation and mileage; and providing for an increase from twenty to twenty-five dollars per day compensation for district and county court jurors and an increase from eight to ten dollars per day for justice court and coroner's inquest jurors.

To Senate, 721  
 First reading, 762  
 Referred to Committee on Judiciary

Reported back, amended, 969  
Amendments adopted, 985  
Second reading, 1049  
Passed, 1049  
Returned to House, amended, 1111  
House concurs, 1184  
Received from House, 1606  
Signed by President, 1608  
Returned to House, 1609

**House Bill No. 1523**

**House Bill No. 1523.** A Bill for an Act to create and enact one new section to chapter 27-01 of the North Dakota Century Code, relating to the waiver of fees in civil actions.

To Senate, 761  
First reading, 785  
Referred to Committee on Judiciary  
Reported back, amended, 993  
Amendments adopted, 1023  
Second reading, 1110  
Passed, 1111  
Returned to House, amended, 1183  
House concurs, 1237  
Received from House, 1606  
Signed by President, 1608  
Returned to House, 1609

**House Bill No. 1525**

**House Bill No. 1525.** A Bill for an Act to create and enact a new subsection to section 27-05-06 of the North Dakota Century Code, relating to jurisdiction of district courts; and to amend and reenact sections 20.1-10-01 and 27-07-02 of the North Dakota Century Code, relating to confiscation of material by game and fish officials and jurisdiction of county courts.

To Senate, 581  
First reading, 599  
Referred to Committee on Natural Resources  
Reported back, do pass, 948, amended, 1075  
Rereferred Natural Resources, 979  
Amendments adopted, 1092  
Second reading, 1167  
Clincher motion, 1168  
Passed, 1168  
Returned to House, amended, 1206  
Conference Committee, 1307, 1274  
Conference Committee report, 1440  
Senate adopts, 1476  
House adopts, 1426  
House does not concur, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1526**

**House Bill No. 1526.** A Bill for an Act to create and enact one new subsection to section 32-09-02 of the North Dakota Century Code, relating to the restriction on garnishment of earnings.

To Senate, 446  
First reading, 461  
Referred to Committee on Industry, Business & Labor  
Reported back, indefinitely postponed, 796  
Second reading, 841  
Lost, 841  
Returned to House, 896

**House Bill No. 1527**

**House Bill No. 1527.** A Bill for an Act to amend and reenact subsections 2 and 10 of section 27-20-02 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court over certain traffic offenses.

To Senate, 721  
First reading, 762  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 902  
Second reading, 934, 958  
Lost, 934  
Passed, 959  
Returned to House, 1013  
Reconsidered, 943  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Bill No. 1528**

**House Bill No. 1528.** A Bill for an Act to establish a central North Dakota beef cattle experiment station; to provide for determining its location; and to provide an appropriation.

To Senate, 815  
First reading, 856  
Referred to Committee on Agriculture  
Reported back, no recommendation, 1139, do pass, 1045  
Floor Amendment, 1287  
Rereferred Appropriations, 1045  
Amendments adopted, 1288  
Second reading, 1287  
Passed, 1288  
Returned to House, amended, 1314  
House concurs, 1353  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1529**

**House Bill No. 1529.** A Bill for an Act to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to the referral of DWI defendants to a treatment facility prior to sentencing.

To Senate, 721  
 First reading, 762  
 Referred to Committee on Judiciary  
 Reported back, do pass, 902  
 Second reading, 934  
 Passed, 935  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1530**

**House Bill No. 1530.** A Bill for an Act to repeal sections 12-46-23, 12-47-10, and 37-01-15 of the North Dakota Century Code, relating to exempting from jury service officers and employees of the state industrial school and penitentiary, and members of the national guard.

To Senate, 721  
 First reading, 762  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 879  
 Second reading, 927  
 Passed, 928  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1531**

**House Bill No. 1531.** A Bill for an Act to require reports to law enforcement officers by physicians and others of injuries caused by a knife, gun, or pistol or other criminal conduct, and providing a penalty.

To Senate, 721  
 First reading, 762  
 Referred to Committee on Judiciary  
 Reported back, amended, 902  
 Amendments adopted, 927  
 Second reading, 956, 1477  
 Passed, 957, 1477  
 Returned to House, amended, 1013  
 Conference Committee, 1059, 1037  
 Conference Committee Report, 1440  
 Senate adopts, 1476  
 House adopts, 1426  
 House does not concur, 1037  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1532**

**House Bill No. 1532.** A Bill for an Act to amend and reenact section 15-12-21 of the North Dakota Century Code, relating to the confidentiality of toxicological or chemical analysis by the office of state toxicologist under certain circumstances.

To Senate, 581  
 First reading, 600  
 Referred to Committee on Social Welfare & Veteran Affairs  
 Reported back, amended, 969  
 Floor Amendment, 1169  
 Amendments adopted, 985, 1169  
 Second reading, 1049, 1168  
 Clincher motion, 1169  
 Lost, 1050  
 Passed, 1169  
 Returned to House, amended, 1206  
 House concurs, 1273  
 Reconsidered, 1078  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

**House Bill No. 1534**

**House Bill No. 1534.** A Bill for an Act to provide for an actuarial study of the teachers' fund for retirement and to provide an appropriation for unfunded liability of the fund.

Reported back, do pass, 1139

**House Bill No. 1535**

**House Bill No. 1535.** A Bill for an Act to amend and reenact section 29-10.1-25 of the North Dakota Century Code, relating to the oath or affirmation administered to grand jury witnesses.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Judiciary  
 Reported back, do pass, 970  
 Second reading, 1028  
 Passed, 1029  
 Returned to House, 1086  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1463

**House Bill No. 1536**

**House Bill No. 1536.** A Bill for an Act to amend and reenact section 29-10.1-30 of the North Dakota Century Code, relating to grand jury secrecy under certain conditions.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Judiciary



Reported back, amended, 970  
 Amendments adopted, 985  
 Second reading, 1050  
 Passed, 1050  
 Returned to House, amended, 1111  
 House concurs, 1184  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

**House Bill No. 1537**

**House Bill No. 1537.** A Bill for an Act to provide a new subsection to section 15-38.1-14 of the North Dakota Century Code, pertaining to executive sessions under the Teachers' Representation and Negotiation Act; to provide an expiration date; and declaring an emergency.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Education  
 Reported back, indefinitely postponed, 902  
 Second reading, 935, 972, 1515  
 Lost, 935  
 Passed, 972  
 Lost, 1515  
 Emergency lost, 972  
 Returned to House, 1036  
 Reconsidered, 972  
 Received from House, 1289, over Governor's veto, 1503  
 Signed by President, 1290  
 Returned to House, 1291, lost, 1521

**House Bill No. 1538**

**House Bill No. 1538.** A Bill for an Act to amend and reenact Section 7-01-07 of the North Dakota Century Code, relating to obtaining a certificate of authority of building and loan associations.

To Senate, 470  
 First reading, 477  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 925  
 Second reading, 957  
 Passed, 957  
 Returned to House, 1013  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

**House Bill No. 1539**

**House Bill No. 1539.** A Bill for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to the definition of foster care for children, foster family home, group home, and residential child care facility; to amend and reenact section 50-11-01 of the North Dakota Century Code, relating to the licensing of facilities

providing foster care and enumerating those arrangements not requiring licensure.

To Senate, 492  
 First reading, 505  
 Referred to Committee on Social Welfare & Veteran Affairs  
 Reported back, do pass, 925  
 Second reading, 957  
 Passed, 958  
 Returned to House, 1013  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

#### House Bill No. 1541

**House Bill No. 1541.** A Bill for an Act to require inclusion of chiropractic service under group accident and health policies, hospital service contracts and medical service contracts.

To Senate, 832  
 First reading, 856  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 1020  
 Rereferred Industry, Business & Labor, 894  
 Second reading, 1111, 1172, 1231  
 Passed, 1111  
 Lost, 1173  
 Lost, 1231  
 Returned to House, 1367  
 Reconsidered, 1156, 1173

#### House Bill No. 1542

**House Bill No. 1542.** A Bill for an Act to amend and reenact subsection 14 of section 19-03.1-01 and sections 19-03.1-05, 19-03.1-07, 19-03.1-09 and 19-03.1-11 of the North Dakota Century Code, relating to the schedules of controlled substances under the uniform controlled substances act.

To Senate, 492  
 First reading, 505  
 Referred to Committee on Social Welfare & Veteran Affairs  
 Reported back, amended, 970  
 Amendments adopted, 986  
 Second reading, 1050  
 Passed, 1051  
 Returned to House, amended, 1111  
 House concurs, 1184  
 Received from House, 1606  
 Signed by President, 1608  
 Returned to House, 1609

#### House Bill No. 1545

**House Bill No. 1545.** A Bill for an Act to amend and reenact section 47-19-02 of the North Dakota Century Code, relating to instruments entitled to record without acknowledgment.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Judiciary  
 Reported back, do pass, 879  
 Second reading, 928  
 Passed, 928  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1546**

**House Bill No. 1546.** A Bill for an Act to amend and reenact subdivision c of subsection 1 of section 57-38-01.3 and section 57-38-29 of the North Dakota Century Code, relating to adjustments to taxable income for corporations and the rate of tax on individuals; and to provide for an effective date.

To Senate, 832  
 First reading, 856  
 Referred to Committee on Finance & Taxation  
 Reported back, indefinitely postponed, 1021  
 Second reading, 1308  
 Lost, 1310  
 Returned to House, 1387

**House Bill No. 1548**

**House Bill No. 1548.** A Bill for an Act to provide that cities and health units shall not assess for dairy inspection or issue licenses or permits; to amend and reenact section 4-29-04 of the North Dakota Century Code, relating to the powers and duties of the dairy commissioner and authorizing the dairy commissioner to contract for dairy farm inspection; and to provide an appropriation.

To Senate, 783  
 First reading, 814  
 Referred to Committee on Agriculture  
 Reported back, do pass, 925, amended, 1101  
 Rereferred Appropriations, 925  
 Amendments adopted, 1127  
 Second reading, 1169  
 Passed, 1170  
 Clincher motion, 1170  
 Returned to House, amended, 1206  
 Conference Committee, 1308, 1274  
 Conference Committee Report, 1424  
 Senate adopts, 1477  
 House adopts, 1413  
 House does not concur, 1273  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1551**

**House Bill No. 1551.** A Bill for an Act to amend and reenact section 47-18-18 of the North Dakota Century Code, relating to the execution and acknowledgment of a declaration of homestead.

To Senate, 811  
 First reading, 834  
 Referred to Committee on Agriculture  
 Reported back, do pass, 1075  
 Floor Amendment, 1589  
 Rereferred Appropriations, 1591  
 Amendments adopted, 1591  
 Second reading, 1310, 1589  
 Passed, 1310  
 Returned to House, 1386  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1553**

**House Bill No. 1553.** A Bill for an Act to amend and reenact section 15-63-05 of the North Dakota Century Code, relating to the amount of Indian scholarship payments.

To Senate, 783  
 First reading, 814  
 Referred to Committee on Education  
 Reported back, do pass, 1021  
 Second reading, 1310  
 Passed, 1310  
 Returned to House, 1386  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1555**

**House Bill No. 1555.** A Bill for an Act to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to administrative expenses of the civil air patrol.

To Senate, 721  
 First reading, 763  
 Referred to Committee on State & Federal Government  
 Reported back, do pass, 879  
 Second reading, 928  
 Passed, 928  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1557**

**House Bill No. 1557.** A Bill for an Act to implement an Indian education curriculum in elementary and secondary schools within existing minimum curriculum requirements.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Education  
 Reported back, do pass, 902  
 Second reading, 936  
 Passed, 936  
 Returned to House, 981  
 Received from House, 1237  
 Signed by President, 1243  
 Returned to House, 1243

**House Bill No. 1559**

**House Bill No. 1559.** A Bill for an Act to create and enact three new sections to chapter 12.1-23 of the North Dakota Century Code, relating to altering identification marks; and to the possession of altered property and dealing in stolen property; to amend and reenact section 12.1-23-09 of the North Dakota Century Code, relating to defenses and proof as to theft and related offenses; and to create and enact two new subsections to section 12.1-23-10 of the North Dakota Century Code, relating to definitions of “dealer in property” and “traffic”.

To Senate, 815  
 First reading, 856  
 Referred to Committee on Judiciary  
 Reported back, amended, 1021  
 Amendments adopted, 1039  
 Second reading, 1141, 1555  
 Clincher motion, 1142  
 Passed, 1142, 1555  
 Returned to House, amended, 1183  
 Conference Committee, 1308, 1274  
 Conference Committee Report, 1535  
 Senate adopts, 1555  
 House adopts, 1516  
 House does not concur, 1273  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1563**

**House Bill No. 1563.** A Bill for an Act to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the application by persons fourteen to sixteen for a motorcycle learner’s permit and operator’s license.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Transportation  
 Reported back, amended, 1075  
 Amendments adopted, 1092  
 Second reading, 1170  
 Clincher motion, 1170  
 Passed, 1170

Returned to house, amended, 1206  
House concurs, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1565**

**House Bill No. 1565.** A Bill for an Act to amend and reenact section 61-01-22 of the North Dakota Century Code, relating to drainage.

To Senate, 761  
First reading, 785  
Referred to Committee on Agriculture  
Reported back, amended, 1076  
Floor Amendment, 1170  
Amendments adopted, 1092, 1170  
Second reading, 1170  
Passed, 1171  
Clincher motion, 1171  
Returned to House, amended, 1206  
Conference Committee, 1308, 1274  
Conference Committee report, 1424  
Senate adopts, 1477  
House adopts, 1413  
House does not concur, 1273  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1567**

**House Bill No. 1567.** A Bill for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to interest on security deposits for residential dwelling units, recovery by a lessee for wrongful withholding of security deposits, providing for transfer of security deposits upon a change of ownership, and binding the lessor holding the lease at the time of termination to return the security deposit.

To Senate, 761  
First reading, 785  
Referred to Committee on Industry, Business & Labor  
Reported back, amended, 1022  
Amendments adopted, 1039  
Second reading, 1142  
Passed, 1142  
Returned to House, amended, 1183  
Conference Committee, 1235, 1207, 1441, 1441  
House adopts, 1441, 1552  
House laid amendment on table, 1552  
House does not concur, 1207

**House Bill No. 1568**

**House Bill No. 1568.** A Bill for an Act relating to security deposits on

leased residential dwelling units, lessor obligations, and lessor access to the dwelling units during tenancy.

To Senate, 721  
 First reading, 763  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 1022  
 Second reading, 1537  
 Lost, 1537  
 Returned to House, 1542

**House Bill No. 1569**

**House Bill No. 1569.** A Bill for an Act to amend and reenact subsections 9 and 10 of section 38-18-05 of the North Dakota Century Code, relating to the definitions of surface estate and surface owner.

To Senate, 721  
 First reading, 563  
 Referred to Committee on Agriculture  
 Reported back, indefinitely postponed, 1101  
 Rereferred Judiciary, 819  
 Second reading, 1252  
 Lost, 1253  
 Returned to House, 1387

**House Bill No. 1571**

**House Bill No. 1571.** A Bill for an Act to create a consumer product safety code; to place enforcement responsibility in the state laboratories department; and providing a penalty.

To Senate, 783  
 First reading, 814  
 Referred to Committee on State & Federal Government  
 Reported back, indefinitely postponed, 993  
 Second reading, 1051  
 Lost, 1051  
 Returned to House, 1111

**House Bill No. 1573**

**House Bill No. 1573.** A Bill for an Act to amend and reenact section 54-27-19 of the North Dakota Century Code, relating to the highway tax distribution fund and to the apportionment and distribution of such fund to counties and cities.

To Senate, 832  
 First reading, 856  
 Referred to Committee on Finance and Taxation  
 Reported back, indefinitely postponed, 1076  
 Rereferred Transportation, 868  
 Second reading, 1248  
 Clincher motion, 1248  
 Lost, 1248  
 Returned to House, 1387

**House Bill No. 1575**

**House Bill No. 1575.** A Bill for an Act to amend and reenact section 15-53.1-34 of the North Dakota Century Code, relating to the sale or removal of school buildings in reorganized districts.

To Senate, 721  
First reading, 763  
Referred to Committee on Education  
Reported back, do pass, 864  
Second reading, 904  
Passed, 904  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1578**

**House Bill No. 1578.** A Bill for an Act to amend and reenact section 28-20-30 of the North Dakota Century Code, relating to the procedure for cancellation of judgments against bankrupts.

To Senate, 721  
First reading, 764  
Referred to Committee on Judiciary  
Reported back, do pass, 879  
Second reading, 928  
Passed, 929  
Returned to House, 981  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1582**

**House Bill No. 1582.** A Bill for an Act to amend and reenact sections 40-47-01.1, 40-48-18, and 58-03-11 of the North Dakota Century Code, relating to the application of zoning and subdivision regulation authority to land lying outside the corporate limits of a city.

To Senate, 721  
First reading, 764  
Referred to Committee on Political Subdivisions  
Reported back, indefinitely postponed, 1101  
Second reading, 1537  
Lost, 1538  
Returned to House, 1542

**House Bill No. 1583**

**House Bill No. 1583.** A Bill for an Act to amend and reenact sections 11-19-19 and 11-19.1-06 of the North Dakota Century Code, relating to who shall be acting county coroner in the absence of the county coroner.

To Senate, 721  
First reading, 764



Referred to Committee on Political Subdivisions  
 Reported back, amended, 1045  
 Amendments adopted, 1078  
 Second reading, 1171  
 Clincher motion, 1171  
 Passed, 1171  
 Returned to House, amended, 1206  
 House concurs, 1273  
 Received from House, 1666  
 Signed by President, 1668  
 Returned to House, 1668

**House Bill No. 1584**

**House Bill No. 1584.** A Bill for an Act to create and enact a new section in chapter 49-02 of the North Dakota Century Code relating to commission regulation of nonessential or wasteful consumption of gas furnished by gas utilities.

To Senate, 721  
 First reading, 764  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 864  
 Second reading, 904  
 Lost, 905  
 Returned to House, 963

**House Bill No. 1587**

**House Bill No. 1587.** A Bill for an Act to amend and reenact section 57-60-14 and 57-60-15 of the North Dakota Century Code, relating to the allocation of revenue formulas for the privilege tax on coal conversion facilities.

To Senate, 832  
 First reading, 856  
 Referred to Committee on Finance & Taxation  
 Reported back, amended, 1102  
 Floor amendments, 1588  
 Amendments, lost, 1127  
 Adopted, 1589  
 Second reading, 1588, 1599, 1633  
 Passed, 1599, 1634  
 Returned to House, amended, 1600  
 Conference Committee, 1621(2)  
 Conference Committee Report, 1626  
 Senate adopts, 1633  
 House adopts, 1623  
 House does not concur, 1621  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Bill No. 1588**

**House Bill No. 1588.** A Bill for an Act to establish a family farm security program to encourage and guarantee loans to beginning farmers for the purchase of farmlands; and transferring Bank of North Dakota profits to a special fund for such purposes.

To Senate, 832  
First Reading, 857  
Referred to Committee on Agriculture  
Reported back, indefinitely postponed, 1076  
Second reading, 1531  
Lost, 1531  
Returned to House, 1542

**House Bill No. 1591**

**House Bill No. 1591.** A Bill for an Act to amend and reenact sections 10-30-10, 10-30-12 and 10-30-14 of the North Dakota Century Code, relating to loans by and investments in a state development corporation.

To Senate, 760  
First reading, 785  
Referred to Committee on State & Federal Government  
Reported back, do pass, 879  
Second reading, 929  
Passed, 929  
Returned to House, 981  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1592**

**House Bill No. 1592.** A Bill for an Act to amend and reenact section 43-07-13 of the North Dakota Century Code, relating to contractor registrar disposing of inactive licenses.

To Senate, 761  
First reading, 785  
Referred to Committee on State & Federal Government  
Reported back, amended, 879  
Amendments adopted, 903  
Second reading, 936  
Passed, 937  
Returned to House, amended, 981  
House concurs, 1067  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

**House Bill No. 1594**

**House Bill No. 1594.** A Bill for an Act to provide for the inception and expiration times of insurance policies.

To Senate, 761  
First reading, 786

Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 864  
Second reading, 909  
Passed, 909  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Bill No. 1597**

**House Bill No. 1597.** A Bill for an Act to create and enact a new section to section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for travel trailers sold to residents of other stated.

To Senate, 761  
First reading, 786  
Referred to Committee on Transportation  
Reported back, amended, 1076  
Amendments adopted, 1092  
Second reading, 1172  
Clincher motion, 1172  
Passed, 1172  
Returned to House, amended, 1206  
House concurs, 1273  
Received from House, 1667  
Signed by President, 1668  
Returned to House, 1668

**House Bill No. 1598**

**House Bill No. 1598.** A Bill for an Act to provide for reporting statistical data regarding legal malpractice claims, settlements and final judgments.

To Senate, 761  
First reading, 786  
Referred to Committee on Judiciary  
Reported back, indefinitely postponed, 1103  
Second reading, 1531  
Passed, 1531  
Returned to House, 1541  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1599**

**House Bill No. 1599.** A Bill for an Act to amend and reenact section 2-07-11.1 of the North Dakota Century Code, relating to county appropriations for weather modification.

To Senate, 1353  
First reading, 1391  
Referred to Committee on Political Subdivisions  
Reported back, do pass, 1425  
Second reading, 1531

Passed, 1532  
Returned to House, 1541  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Bill No. 1601**

**House Bill No. 1601.** A Bill for an Act to provide an appropriation to the legislative council for the expenses of the Garrison diversion overview committee; and declaring an emergency.

To Senate, 1541  
First reading, 1541  
Referred to Committee on Appropriations  
Reported back, amended, 1547  
Amendments adopted, 1547  
Second reading, 1547  
Clincher motion, 1548  
Passed, 1548  
Emergency carried, 1548  
Returned to House, amended, 1551  
House concurs, 1552  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

## House Concurrent Resolutions

### House Concurrent Resolution No. 3004

**House Concurrent Resolution No. 3004.** A concurrent resolution to repeal articles 59, 65, 87, and 88 of the amendments to the Constitution of the State of North Dakota, relating to bonds for bonuses to veterans of World War II, the Korean conflict and the Vietnam conflict, and to the calling of a constitutional convention.

To Senate, 1544  
First Reading, 1551  
Second reading, 1575  
Adopted, 1575  
Returned to House, 1599  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

### House Concurrent Resolution No. 3006

**House Concurrent Resolution No. 3006.** A concurrent resolution to repeal sections 132, 133, 137, 138, 140, 141, 143, 144, and 145 of the Constitution of the State of North Dakota, relating to the charters of corporations in existence at the time the Constitution took effect, the authorized business of a corporation, the issuance of stocks and bonds by a corporation, the operating conditions for railroad corporations, the definition of a corporation, and notes and bills circulated by banks.

To Senate, 1544  
First reading, 1551  
Second reading, 1576  
Adopted, 1576  
Returned to House, 1599  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

### House Concurrent Resolution No. 3014

**House Concurrent Resolution No. 3014.** A concurrent resolution creating a new Article V of the North Dakota Constitution, relating to the elective franchise, and to repeal Article V, consisting of sections 121 through 129 of the North Dakota Constitution, relating to the elective franchise, and articles 36 and 40 of the amendments to the North Dakota Constitution, relating to residency for voting purposes.

To Senate, 1544  
First reading, 1551  
Second reading, 1576  
Adopted, 1577  
Returned to House, 1599  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Concurrent Resolution No. 3015**

**House Concurrent Resolution No. 3015.** A concurrent resolution for the amendment of section 84 of the North Dakota Constitution, relating to the salaries of public officers.

To Senate, 1544  
 First reading, 1551  
 Second reading, 1577  
 Adopted, 1577  
 Returned to House, 1599  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Concurrent Resolution No. 3017**

**House Concurrent Resolution No. 3017.** A concurrent resolution commending President Gerald R. Ford for his service to the nation.

To Senate, 126  
 First reading, 153  
 Referred to Committee on Rules Suspended  
 Second reading, 154  
 Adopted, 154  
 Returned to House 171  
 Received from House, 255  
 Signed by President, 255  
 Returned to House, 280

**House Concurrent Resolution No. 3018 — (Backes, Solbery, Strinden)**

**House Concurrent Resolution No. 3018.** A concurrent resolution congratulating President-elect Jimmy Carter and wishing him well as he begins his administration.

To Senate, 126  
 First reading, 154  
 Referred to Committee on Rules Suspended  
 Second reading, 155  
 Adopted, 155  
 Returned to House, 171  
 Received from House, 255  
 Signed by President, 255  
 Returned to House, 280

**House Concurrent Resolution No. 3019**

**House Concurrent Resolution No. 3019.** A concurrent resolution providing and designating House and Senate employees and fixing their compensation.

To Senate, 143  
 First reading, 155  
 Referred to Committee on Rules Suspended, not referred  
 Reported back, Floor amendment, 155, 163  
 Rereferred Employment, 163

Amendments adopted, 155  
 Second reading, 155, 177  
 Adopted, 156, 178  
 Returned to House, 210  
 Received from House, 255  
 Signed by President, 255  
 Returned to House, 280

**House Concurrent Resolution No. 3021**

**House Concurrent Resolution No. 3021.** A concurrent resolution urging the President and the Congress of the United States to expeditiously exact a long-range and comprehensive energy conservation and development program.

To Senate, 761  
 First Reading, 786  
 Referred to Committee on Natural Resources  
 Reported back, do pass, 1046  
 Second reading, 1311  
 Adopted, 1311  
 Returned to House, 1386  
 Received from House, 1691  
 Signed by President, 1693  
 Returned to House, 1695

**House Concurrent Resolution No. 3024**

**House Concurrent Resolution No. 3024.** A concurrent resolution directing the Legislative Council to conduct a study of the gambling law in operation.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, indefinitely postponed, 1526  
 Second reading, 1541  
 Lost, 1541  
 Returned to House, 1553

**House Concurrent Resolution No. 3025**

**House Concurrent Resolution No. 3025.** A concurrent resolution commending Miss North Dakota USA Universe.

To Senate, 187  
 First reading, 197  
 Referred to Committee on rules suspended  
 Second reading, 198  
 Adopted, 198  
 Returned to House, 228  
 Received from House, 865  
 Signed by President, 871  
 Returned to House, 872

**House Concurrent Resolution No. 3026**

**House Concurrent Resolution No. 3026.** A concurrent resolution commending Martin Gronvold for his work as executive director of the Employment Security Bureau upon his retirement.

To Senate, 210  
First reading, 217  
Referred to Committee on rules suspended  
Second reading, 218  
Adopted, 218  
Returned to House, 254  
Received from House, 865  
Signed by President, 871  
Returned to House, 872

**House Concurrent Resolution No. 3027**

**House Concurrent Resolution No. 3027.** A concurrent resolution directing a Legislative Council study of North Dakota's corrections system.

To Senate, 1520  
First reading, 1524  
Referred to Committee on LCRC  
Reported back, do pass, 1527  
Second reading, 1545  
Adopted, 1546  
Returned to House, 1553  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Concurrent Resolution No. 3028**

**House Concurrent Resolution No. 3028.** A concurrent resolution urging the President of the United States to seek an amendment to the Convention for the Protection of Migratory Birds and Mammals to allow the destruction of certain harmful blackbirds, grackles, and cowbirds.

To Senate, 761  
First reading, 786  
Referred to Committee on Natural Resources  
Reported back, do pass, 1046  
Second reading, 1311  
Adopted, 1311  
Returned to House, 1386  
Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

**House Concurrent Resolution No. 3030**

**House Concurrent Resolution No. 3030.** A concurrent resolution supporting the expeditious reconstruction of Locks and Dam 26 on the Mississippi River at Alton, Illinois.



To Senate, 761, first reading, 786  
Referred to Committee on Agriculture  
Reported back, do pass, 948  
Second reading, 979  
Adopted, 979  
Returned to House, 1036  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Concurrent Resolution No. 3032**

**House Concurrent Resolution No. 3032.** A concurrent resolution to create special Garrison diversion legislative oversight committee to review matters concerning Garrison diversion through the upcoming interim and to represent legislative interests in the Garrison diversion project, and asking that the Legislative Council budget be increased to cover any expenses this committee might incur.

To Senate, 315  
First reading, 328  
Referred to Committee on Natural Resources  
Second reading, 329  
Adopted, 329  
Returned to House, 341  
Received from House, 865  
Signed by President, 871  
Returned to House, 872

**House Concurrent Resolution No. 3033**

**House Concurrent Resolution No. 3033.** A concurrent resolution urging Congress to amend the Federal Occupational Safety and Health Act.

To Senate, 761  
First reading, 786  
Referred to Committee on Industry, Business & Labor  
Reported back, do pass, 864  
Second reading, 909  
Adopted, 909  
Returned to House, 963  
Received from House, 1237  
Signed by President, 1243  
Returned to House, 1243

**House Concurrent Resolution No. 3034**

**House Concurrent Resolution No. 3034.** A concurrent resolution urging Congress to retain Section 14(b) of the Taft-Hartley Act.

To Senate, 783  
First Reading, 814  
Referred to Committee on Industry, Business & Labor  
Second reading, 1311  
Adopted, 1311  
Returned to House, 1386

Received from House, 1691  
Signed by President, 1693  
Returned to House, 1695

#### **House Concurrent Resolution No. 3035**

**House Concurrent Resolution No. 3035.** A concurrent resolution designating an official North Dakota State High School Hockey Flag.

To Senate, 339  
First reading, 340  
Referred to Committee on rules suspended  
Second reading, 340  
Adopted, 340  
Returned to House, 359  
Received from House, 865  
Signed by President, 871  
Returned to House, 872

#### **House Concurrent Resolution No. 3037**

**House Concurrent Resolution No. 3037.** A concurrent resolution directing the Legislative Council to conduct a continuing study of financing of elementary and secondary schools, and of the effectiveness of such financing in reaching the goal of providing the best possible education for North Dakota's students.

To Senate, 1521  
First reading, 1524  
Referred to Committee on LCRC.  
Reported back, do pass, 1527  
Second reading, 1545  
Adopted, 1546  
Returned to House, 1553  
Received from House, 1692  
Signed by President, 1693  
Returned to House, 1695

#### **House Concurrent Resolution No. 3038**

**House Concurrent Resolution No. 3038.** A concurrent resolution asking Congress and federal agencies to require federal building projects to comply with local zoning ordinances, building codes, and similar health and safety regulations.

To Senate, 761  
First Reading, 786  
Referred to Committee on Industry, Business, & Labor  
Reported back, do pass, 925  
Second reading, 958  
Adopted, 958  
Returned to House, 1013  
Received from House, 1289  
Signed by President, 1290  
Returned to House, 1291

**House Concurrent Resolution No. 3039**

**House Concurrent Resolution No. 3039.** A concurrent resolution urging the President and Congress to permit the Soil Conservation Service to provide technical assistance to landowners in North Dakota on the drainage of land containing Class I and II wetlands, consistent with the North Dakota Century Code, without prior approval of the Fish and Wildlife Service.

To Senate, 761  
First reading, 786  
Referred to Committee on Agriculture  
Reported back, amended, 1076  
Amendments adopted, 1092  
Second reading, 1172  
Clincher motion, 1172  
Adopted, 1172  
Returned to House, amended, 1206  
House concurs, 1273  
Received from House, 1667  
Signed by President, 1668  
Returned to House, 1668

**House Concurrent Resolution No. 3040**

**House Concurrent Resolution No. 3040.** A concurrent resolution acknowledging the gift to the State of North Dakota of the antique collection and farmstead of Mr. and Mrs. Dale Hawk, and expressing gratitude for the gift to Mr. and Mrs. Hawk.

To Senate, 761  
First reading, 786  
Referred to Committee on State & Federal Government  
Reported back, do pass, 819  
Second reading, 866  
Adopted, 866  
Returned to House, 917  
Received from House, 1062  
Signed by President, 1063  
Returned to House, 1065

**House Concurrent Resolution No. 3041**

**House Concurrent Resolution No. 3041.** A concurrent resolution urging support for the adoption of a teachers' Indian education requirement for certification.

To Senate, 761  
First reading, 787  
Referred to Committee on Education  
Reported back, do pass, 902  
Second reading, 937  
Adopted, 937  
Returned to House, 981  
Received from House, 1237

Signed by President, 1243  
Returned to House, 1243

#### House Concurrent Resolution No. 3042

**House Concurrent Resolution No. 3042.** A concurrent resolution congratulating Randy Hedberg of Minot State College on being chosen North Dakota's 1976 College Athlete of the Year.

To Senate, 359  
First reading, 388  
Referred to Committee on rules suspended  
Second reading, 389  
Adopted, 389  
Returned to House, 425  
Received from House, 865  
Signed by President, 871  
Returned to House, 872

#### House Concurrent Resolution No. 3044

**House Concurrent Resolution No. 3044.** A concurrent resolution urging an awareness of the needs of older American Indian citizens in North Dakota and the creation and support of more adequate programs in their behalf.

To Senate, 359  
First reading, 389  
Referred to Committee on rules suspended  
Second reading, 389  
Adopted, 389  
Returned to House, 425  
Received from House, 865  
Signed by President, 871  
Returned to House, 872

#### House Concurrent Resolution No. 3048

**House Concurrent Resolution No. 3048.** A concurrent resolution commending the Mary College legislative guides program and urging the college to continue this program during future sessions.

To Senate, 359  
First reading, 389  
Referred to Committee on rules suspended  
Second reading, 389  
Adopted, 389  
Returned to House, 425  
Received from House, 865  
Signed by President, 871  
Returned to House, 872

#### House Concurrent Resolution No. 3049

**House Concurrent Resolution No. 3049.** A concurrent resolution urging the President of the United States to exercise his authority to limit the import of fresh, chilled, or frozen beef into the United States.

To Senate, 761  
 First reading, 787  
 Referred to Committee on Agriculture  
 Reported back, do pass, 1077  
 Second reading, 1311  
 Adopted, 1311  
 Returned to House, 1386  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

#### **House Concurrent Resolution No. 3051**

**House Concurrent Resolution No. 3051.** A concurrent resolution urging the United States Congress to provide impact funding for transportation-related impact resulting from coal development.

To Senate, 761  
 First reading, 787  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 1022  
 Second reading, 1311  
 Adopted, 1311  
 Returned to House, 1386  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

#### **House Concurrent Resolution No. 3052**

**House Concurrent Resolution No. 3052.** A concurrent resolution expressing the support of the North Dakota Legislative Assembly for the development of a regional system of veterinary education and directing Legislative Council consultation in the development of such a veterinary educational system.

To Senate, 761, 1521  
 First reading, 787, 1524  
 Referred to Committee on Agriculture, LCRC.  
 Reported back, do pass, 1077, 1527  
 Rereferred LCRC, 1232  
 Second reading, 1545  
 Adopted, 1546  
 Returned to House, 1377, 1553  
 Messaged to House, 1361  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

#### **House Concurrent Resolution No. 3054**

**House Concurrent Resolution No. 3054.** A concurrent resolution urging Congress to amend 16 U.S.C. 715s to provide that the National Wildlife Refuge System's land value readjustment period and annual in lieu of tax payments to state counties be the same as the state land value

assessment period and in lieu of tax payments made by the State Game and Fish Department.

To Senate, 761  
 First reading, 787  
 Referred to Committee on Finance & Taxation  
 Reported back, do pass, 865  
 Second reading, 909  
 Adopted, 909  
 Returned to House, 963  
 Received from House, 1238  
 Signed by President, 1243  
 Returned to House, 1243

**House Concurrent Resolution No. 3057**

**House Concurrent Resolution No. 3057.** A concurrent resolution urging Congress to reject legislation providing for the vertical and horizontal divestiture of American oil companies.

To Senate, 761  
 First reading, 787  
 Referred to Committee on Industry, Business & Labor  
 Reported back, do pass, 925  
 Second reading, 958  
 Adopted, 958  
 Returned to House, 1013  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

**House Concurrent Resolution No. 3058**

**House Concurrent Resolution No. 3058.** A concurrent resolution commending the North Dakota Conference of Churches for its sponsorship of the North Dakota Harvest for Hunger.

To Senate, 761  
 First reading, 787  
 Referred to Committee on Agriculture  
 Reported back, do pass, 1077  
 Second reading, 1311  
 Adopted, 1312  
 Returned to House, 1386  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

**House Concurrent Resolution No. 3059**

**House Concurrent Resolution No. 3059.** A concurrent resolution urging the Congress of the United States to authorize construction of the Horsehead Flats-Winona segment of the Apple Creek Unit of the Pick-Sloan Missouri River Basin program.

To Senate, 761  
 First reading, 787

Referred to Committee on Agriculture  
 Reported back, do pass, 1077  
 Second reading, 1312  
 Adopted, 1312  
 Returned to House, 1386  
 Received from House, 1667  
 Signed by President, 1668  
 Returned to House, 1668

#### **House Concurrent Resolution No. 3061**

**House Concurrent Resolution No. 3061.** A concurrent resolution urging the states of Minnesota, Wisconsin, Iowa, Illinois, and Missouri, through their elected officials, to institute the required action to adopt and enact the vehicle weight limitations as expressed by the United States Congress in Public Law 93-643, Section 106.

To Senate, 761  
 First reading, 787  
 Referred to Committee on Transportation  
 Reported back, do pass, 925  
 Second reading, 958  
 Adopted, 958  
 Returned to House, 1013  
 Received from House, 1289  
 Signed by President, 1290  
 Returned to House, 1291

#### **House Concurrent Resolution No. 3063**

**House Concurrent Resolution No. 3063.** A concurrent resolution directing a Legislative Council study of the organization and financing of special education.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, do pass, 1527  
 Second reading, 1545  
 Adopted, 1546  
 Returned to House, 1553  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

#### **House Concurrent Resolution No. 3068**

**House Concurrent Resolution No. 3068.** A concurrent resolution directing a study by the Legislative Council on driver licensing in North Dakota.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, do pass, 1527  
 Second reading, 1545

Adopted, 1546  
 Returned to House, 1553  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

**House Concurrent Resolution No. 3071**

**House Concurrent Resolution No. 3071.** A concurrent resolution for the amendment of sections 215 and 216 and subsection 1 and subdivision d of subsection 6 of article 54 of the amendments to the Constitution of the State of North Dakota, all relating to the listing of the state's public institutions; and providing an effective date.

To Senate, 1544  
 First reading, 1551  
 Second reading, 1577  
 Lost, 1577  
 Returned to House, 1599

**House Concurrent Resolution No. 3073**

**House Concurrent Resolution No. 3073.** A concurrent resolution directing the State Health Department to study economic incentives for the return, reuse, and recycling of packaging materials, to study controls for the amount and environmental quality of packaging, and to study systems of solid waste recycling and reuse.

To Senate, 1544  
 First reading, 1551  
 Second reading, 1600  
 Adopted, 1600  
 Returned to House, 1600  
 Received from House, 1692  
 Signed by President, 1693  
 Returned to House, 1695

**House Concurrent Resolution No. 3075**

**House Concurrent Resolution No. 3075.** A concurrent resolution directing the Legislative Council to conduct a study of coal severance taxes and the distribution of energy taxes.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, indefinitely postponed, 1526  
 Second reading, 1544  
 Lost, 1544  
 Returned to House, 1553

**House Concurrent Resolution No. 3078**

**House Concurrent Resolution No. 3078.** A concurrent resolution directing the Legislative Council to conduct a study relating to North Dakota senior citizens, emphasizing the areas of housing, nutrition,



transportation, education, work programs, and employment opportunities for senior citizens.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, indefinitely postponed, 1526  
 Second reading, 1544  
 Lost, 1544  
 Returned to House, 1553

**House Concurrent Resolution No. 3081**

**House Concurrent Resolution No. 3081.** A concurrent resolution directing the Legislative Council to study the licensing of and the rights of patients in nursing homes and residential care facilities.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, do pass, 1527  
 Second reading, 1545  
 Adopted, 1546  
 Returned to House, 1553  
 Received from House, 1692  
 Signed by President, 1694  
 Returned to House, 1695

**House Concurrent Resolution No. 3083**

**House Concurrent Resolution No. 3083.** A concurrent resolution directing a Legislative Council study of the State Department of Health, the State Hospital and its supervisory relationship with comprehensive mental health centers.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, do pass, 1527  
 Second reading, 1545  
 Adopted, 1546  
 Returned to House, 1553  
 Received from House, 1692  
 Signed by President, 1694  
 Returned to House, 1695

**House Concurrent Resolution No. 3084**

**House Concurrent Resolution No. 3084.** A concurrent resolution directing the Legislative Council to conduct a study of unit coal trains in North Dakota.

To Senate, 1520  
 First reading, 1524  
 Referred to Committee on LCRC  
 Reported back, indefinitely postponed, 1526  
 Second reading, 1545

Lost 1545  
Returned to House, 1553

#### **House Concurrent Resolution No. 3086**

**House Concurrent Resolution No. 3086.** A concurrent resolution directing the Legislative Council to study the membership, duties, and responsibilities of all statutory boards, councils, committees, and commissions, except occupational and professional licensing boards.

To Senate, 1520  
First reading, 1524  
Referred to Committee on LCRC  
Reported back, do pass, 1527  
Second reading, 1546  
Adopted, 1546  
Returned to House, 1553  
Received from House, 1692  
Signed by President, 1694  
Returned to House, 1695

#### **House Concurrent Resolution No. 3088**

**House Concurrent Resolution No. 3088.** A concurrent resolution for the creation of a new article to the Constitution of the State of North Dakota, relating to the power of initiative, referendum, and recall; to amend section 202 of the Constitution of the State of North Dakota, relating to constitutional amendment; and to repeal section 25 of the Constitution of the State of North Dakota, relating to legislative power and the powers of initiative and referendum, and article 33 of the amendments to the Constitution of the State of North Dakota, relating to recall; and providing an effective date.

To Senate, 1544  
First reading, 1552  
Second reading, 1577  
Adopted, 1578  
Returned to House, 1599  
Received from House, 1692  
Signed by President, 1694  
Returned to House, 1695

#### **House Concurrent Resolution No. 3090**

**House Concurrent Resolution No. 3090.** A concurrent resolution creating a new article III of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualifications, and compensation of executive officials, to executive branch organization, to the powers and duties of the governor, and to gubernatorial succession; to provide alternative choices regarding the lieutenant governor's duties; to repeal article III, consisting of sections 71 through 84, of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and providing an effective date.

To Senate, 1575  
First reading, 1581  
Second reading, 1600  
Lost, 1600  
Returned to House, 1600

**House Concurrent Resolution No. 3092**

**House Concurrent Resolution No. 3092.** A concurrent resolution directing an interim study by the Legislative Council to determine the numbers of displaced homemakers in North Dakota and to identify the programs and services provided by the state and its political subdivisions, and by voluntary, nonprofit organizations to this special category of women who have fulfilled the role of homemaker but suddenly find themselves displaced in their middle years due to widowhood, divorce, disabled spouse, or other loss of family income.

To Senate, 1520  
First reading, 1524  
Referred to Committee on LCRC  
Reported back, indefinitely postponed, 1526  
Second reading, 1545  
Lost, 1545  
Returned to House, 1553

**House Concurrent Resolution No. 3097**

**House Concurrent Resolution No. 3097.** A concurrent resolution requesting Senator Milton R. Young to negotiate with the General Services Administration regarding transfer of the Nekoma ABM site to state control.

To Senate, 1112  
Returned to House, 1126  
House requests return, 1126

**House Concurrent Resolution No. 3098**

**House Concurrent Resolution No. 3098.** A concurrent resolution commending the University of North Dakota-Williston Center and Williston High School basketball teams for their state championship victories.

To Senate, 1112  
First reading, 1323  
Referred to Committee on Rules Suspended  
Second reading, 1323  
Adopted, 1323  
Returned to House, 1386  
Received from House, 1443  
Signed by President, 1459  
Returned to House, 1463

**House Concurrent Resolution No. 3099**

**House Concurrent Resolution No. 3099.** A concurrent resolution recognizing the value of the legislative internship program and commending its participants.

To Senate, 983

First reading, 993  
 Referred to Committee on Rules Suspended  
 Second reading, 994  
 Adopted, 994  
 Returned to House, 1061  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1463

**House Concurrent Resolution No. 3100**

**House Concurrent Resolution No. 3100.** A concurrent resolution directing the Legislative Council to study legislative rules.

To Senate, 1520  
 First reading, 1525  
 Referred to Committee on LCRC  
 Reported back, do pass, 1527  
 Second reading, 1546  
 Adopted, 1546  
 Returned to House, 1553  
 Received from House, 1692  
 Signed by President, 1694  
 Returned to House, 1695

**House Concurrent Resolution No. 3101**

**House Concurrent Resolution No. 3101.** A concurrent resolution urging Congress to raise the national speed limit to 65 miles per hour.

To Senate, 939  
 First reading, 943  
 Referred to Committee on Transportation  
 Reported back, do pass, 1077  
 Second reading, 1312  
 Adopted, 1312  
 Returned to House, 1386  
 Received from House, 1692  
 Signed by President, 1694  
 Returned to House, 1695

**House Concurrent Resolution No. 3102**

**House Concurrent Resolution No. 3102.** A concurrent resolution directing the Legislative Council to study deferred payment grain contracts, the jurisdiction of the North Dakota Public Service Commission over such contracts, and the merits of providing bond protection for any person entering into deferred payment contracts with a public warehouseman; and to study grain marketing in North Dakota to determine whether methods can be found through which farmers can receive a more equitable return for their products.

To Senate, 1520  
 First reading, 1525  
 Referred to Committee on LCRC  
 Reported back, indefinitely postponed, 1526  
 Floor amendments, 1574  
 Amendments adopted, 1575  
 Second reading, 1545, 1574  
 Adopted, 1575

Returned to House, amended, 1598  
 House concurs, 1603  
 Received from House, 1692  
 Signed by President, 1694  
 Returned to House, 1695

**House Concurrent Resolution No. 3103**

**House Concurrent Resolution No. 3103.** A concurrent resolution citing the legislative interest of North Dakota, and her sister state South Dakota, in, and their support of, Missouri River development in the form of the Oahe and Garrison projects, and memorializing the President and the Congress of the United States not to withdraw federal support from these projects.

To Senate, 1014  
 First reading, 1024  
 Referred to Committee on Rules Suspended  
 Second reading, 1024  
 Adopted, 1024  
 Returned to House, 1086  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1463

**House Concurrent Resolution No. 3104**

**House Concurrent Resolution No. 3104.** A concurrent resolution congratulating the Mandan High School wrestling team and its coach, Dave Mellen, for winning the State Class A wrestling championship.

To Senate, 1014  
 First reading, 1025  
 Referred to Committee on Rules Suspended  
 Second reading, 1025  
 Adopted, 1025  
 Returned to House, 1086  
 Received from House, 1443  
 Signed by President, 1459  
 Returned to House, 1463

**House Concurrent Resolution No. 3105**

**House Concurrent Resolution No. 3105.** A concurrent resolution congratulating the University of North Dakota basketball team on its superlative season.

To Senate, 1184  
 First reading, 1323  
 Referred to Committee on Rules Suspended  
 Second reading, 1323  
 Adopted, 1323  
 Returned to House, 1386  
 Received from House, 1692  
 Signed by President, 1694  
 Returned to House, 1695

**House Concurrent Resolution No. 3106**

**House Concurrent Resolution No. 3106.** A concurrent resolution commending Mr. Steve Kilwein of Dickinson State College for his outstanding wrestling accomplishments.

To Senate, 1353

First reading, 1391

Referred to Committee on Rules Suspended

Second reading, 1392

Adopted, 1392

Returned to House, 1394

Received from House, 1692

Signed by President, 1694

Returned to House, 1695

**House Concurrent Resolution No. 3107**

**House Concurrent Resolution No. 3107.** A concurrent resolution directing the Legislative Council to study and review the economic and logistical effects of weight, size, speed, and other restrictions on the free use of highways in the state.

To Senate, 1521

First reading, 1525

Referred to Committee on LCRC

Reported back, do pass, 1527

Second reading, 1546

Adopted, 1546

Returned to House, 1553

Received from House, 1692

Signed by President, 1694

Returned to House, 1695

**House Concurrent Resolution No. 3108**

**House Concurrent Resolution No. 3108.** A concurrent resolution supporting legislation introduced in the United States Congress to restore the Fort Union fur trading post on the North Dakota-Montana border.

To Senate, 1353

First reading, 1392

Referred to Committee on Rules Suspended

Second reading, 1392

Adopted, 1392

Returned to House, 1394

Received from House, 1692

Signed by President, 1694

Returned to House, 1695

**House Concurrent Resolution No. 3109**

**House Concurrent Resolution No. 3109.** A concurrent resolution commending Mrs. Karen Hoffman upon being named North Dakota Sports-writer of the Year.

To Senate, 1385

First reading, 1392

Referred to Committee on Rules Suspended

Second reading, 1392

Adopted, 1392

Returned to House, 1394

Received from House, 1692

Signed by President, 1694  
Returned to House, 1696

**House Concurrent Resolution No. 3110**

**House Concurrent Resolution No. 3110.** A concurrent resolution expressing sorrow on the death of Mr. Edward Milligan, North Dakota's most widely recognized authority on the American Indian.

To Senate, 1551  
First reading, 1581  
Second reading, 1581  
Adopted, 1582  
Returned to House, 1599  
Received from House, 1692  
Signed by President, 1694  
Returned to House, 1696

**House Concurrent Resolution No. 3111**

**House Concurrent Resolution No. 3111.** A concurrent resolution authorizing the retention of certain employees of the House and Senate and providing supervisory authority, to allow for the completion of legislative work after the close of the Session.

To Senate, 1551  
First reading, 1582  
Second reading, 1582  
Adopted, 1582  
Returned to House, 1599  
Received from House, 1692  
Signed by President, 1694  
Returned to House, 1696