

SIXTY-SECOND DAY

Bismarck, November 17, 1981

The House convened at 9:00 a.m., with Speaker Peterson presiding. Prayer was offered by Rev. Charles Williams, Seventh Day Adventist Church, Bismarck, North Dakota. Roll was called and all members were present except Reps. Gerl and Unhjem. A quorum was declared by the Speaker.

Mr. Speaker Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixty-first Day and finds the same to be correct.

Bismarck Reed Chairman

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

MOTION

Rep. D. Olsen moved that House Bill No. 1668 be returned to the House from the Joint Committee on Reapportionment for the purpose of withdrawal, which motion prevailed.

Rep. D. Olsen requested permission to withdraw House Bill No. 1668, which request was granted.

ANNOUNCEMENT

Speaker Peterson announced that House Bill No. 1668 was withdrawn.

MOTION

Rep. Strinden moved that the House stand at recess until 1:30 p.m., which motion prevailed.

The House reconvened pursuant to recess taken, with Speaker Peterson presiding.

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on Appropriations to whom was referred HOUSE Bill No. 1670, has had the same under consideration and recommends, by a vote of Ayes, 19; Nays, 0; Absent, 0, that the same

- do pass. do not pass. be placed on calendar without recommendation. be amended as follows:

\_\_\_\_\_  
Chairman

Rep. Vernon E. Wagner

HOUSE Bill No. 1670 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on Appropriations to whom was referred HCR \_\_\_\_\_

HRK No. 3085, has had the same under consideration and recommends, by a vote of

Ayes, 18; Nays, 0; Absent, 1, that the same

do pass.       do not pass.       be placed on calendar without recommendation.

be amended as follows:

\_\_\_\_\_  
Chairman

Rep. Vernon E. Wagner

HOUSE CONCURRENT RESOLUTION Bill No. 3085 was placed on the 11th order of business on the calendar for the succeeding legislative day.

MOTION

Rep. Striden moved that the rules be suspended and that House Bill No. 1670 and House Concurrent Resolution No. 3085 be placed on the eleventh order for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1670. — A Bill for an Act to appropriate money for the expenses of the legislative branch of government for the reconvened forty-seventh legislative assembly; 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, 98; nays, 0; absent and not voting, 2.

NORTH DAKOTA HOUSE OF REPRESENTATIVES								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C #7			• MORGAN			• MEYER		• THOMPSON
• ANDERSON, R #38			• MOUMANN			• MOORE		• TIMM
• BACKES			• HUGHES			• MOUM		• UNHJEM
• BERG			• MURPHY			• MURPHY		• VANDER VORST
• BERGER			• MURPHY			• MUSHIK		• VIG
• BLACK			• JACOBSEN, R			• NAGEL		• WAGNER
• BOYUM			• JACOBSON, I			• NICHOLAS		• WALD
• BROKAW			• KELLY			• OLAFSON		• WENTZ
• CONMY			• KENT			• OLSEN		• WHALEN
• CRABTREE			• KINGSBURY			• OLSEN, A #11		• ZIMBLEMAN
• DICK			• KLOUBEC			• OLSON, D #13		
• DIETZ			• KNUDSON			• OPEDAHL		• MR SPEAKER
• DOTZENROD			• KOLAND			• PELTIER		
• DUBORD			• KOSKI			• PETERSON		
• EAGLES			• KRETSCHMAR			• POMEROY, E #24		
• FARBORG			• KUCHERA			• POMEROY, G #42		
• GATES			• LANG			• REED		
• GERL			• LARSON, B #12			• REITEN		
• GOETZ			• LARSON, G #29			• RETZER		
• GORDER			• LARSON, H #7			• RICE		
• GUNDERSON			• LIPSIEA			• RICHARD		
• GUNTSCH			• MARDSEN			• RICHIE		
• HANSON, L #48			• MARTIN			• RIEHL		
• HANSON, O #3			• MARTINSON			• ROMFO		
• HAUGLAND			• MATCHIE			• RUED		
• HAUSAUER, A #49			• MATHENY			• SCHINDLER		
• HAUSAUER, R #25			• MATTSON			• SOLBERG		
			• MEIERS					

• HEDSTROM	• MELBY	• SORUM
• HILL	• MERTENS	• STRINDEN
• HOFFNER	• METZ	• SWIONTEK

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

SECOND READING OF  
HOUSE CONCURRENT RESOLUTION

**House Concurrent Resolution No. 3085.** — A concurrent resolution authorizing the Budget Section of the Legislative Council to hold required legislative hearings on state plans for the receipt and expenditure of block grants under the Omnibus Budget Reconciliation Act of 1981 as passed by Congress in July 1981.

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, 97; nays, 0; absent and not voting 3.

REGULAR SESSION			ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C #1			• HORGAN			• MEYER		• THOMPSON
• ANDERSON, R #36			• HOUMANN			• MOORE		• TIMM
• BACKES			• HUGHES			• MOORE		• VANJEM
• BERG			• HUIE			• MURPHY		• VANDER VORST
• BERGER			• JACOBSEN, R			• MUSHIK		• VIG
• BLACK			• JACOBSON, I			• NAGEL		• WAGNER
• BOYUM			• KELLY			• NICHOLAS		• WALD
• BROKAW			• KENT			• OLAFSON		• WENTZ
• CONWY			• KINGSBURY			• OLSEN		• WHALEN
• CRABTREE			• KLOUBEC			• OLSON, A #11		• ZIMBLEMAN
• DICK			• KNUDSON			• OLSON, D #13		
• DIETZ			• KOLAND			• OPEDAHL		• MR SPEAKER
• DOTZENROD			• KOSKI			• PELTIER		
• DUBORD			• KRETSCHMAR			• PETERSON		
• EAGLES			• KUCHERA			• POWEROY, E #24		
• FREDBERG			• LANG			• POWEROY, G #42		
• GATES			• LARSON, B #12			• REED		
• GERL			• LARSON, G #29			• REITEN		
• GOETZ			• LARSON, H #7			• RETZER		
• GORDER			• LIPSIEA			• RICE		
• GUNDERSON			• MARSDEN			• RICHARD		
• GUNSCH			• MARTIN			• RICHIE		
• HANSON, L #48			• MARTINSON			• RIEHL		
• HANSON, O #3			• MATCHIE			• ROMPO		
• HAUGLAND			• MATHENY			• RUED		
• HAUSAUER, A #49			• MATTSON			• SCHINDLER		
• HAUSAUER, R #25			• MEIERS			• SOLBERG		
• HEDSTROM			• MELBY			• SORUM		
• HILL			• MERTENS			• STRINDEN		
• HOFFNER			• METZ			• SWIONTEK		

So House Concurrent Resolution No. 3085 was declared adopted.

MOTION

Rep. Strinden moved that the rules be suspended and that House Bill No. 1670 and House Concurrent Resolution No. 3085 be messaged to the Senate immediately, which motion prevailed.

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 Bill No. 1670

House Concurrent Resolution No. 3085

ROY GILBREATH, Chief Clerk

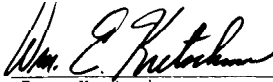
REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1660 \_\_\_\_\_, has had the same under consideration and recommends, by a vote of  
Ayes, 4 \_\_\_\_\_; Nays, 2 \_\_\_\_\_; Absent, 1 \_\_\_\_\_, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.



Co-Chairman

Rep. Kretschmar

HOUSE Bill No. 1660 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1661 \_\_\_\_\_, has had the same under consideration and recommends, by a vote of  
Ayes, 4 \_\_\_\_\_; Nays, 2 \_\_\_\_\_; Absent, 1 \_\_\_\_\_, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.



Co-Chairman

Rep. Kretschmar

HOUSE Bill No. 1661 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1662 \_\_\_\_\_, has had the same under consideration and recommends, by a vote of  
Ayes, 4 \_\_\_\_\_; Nays, 2 \_\_\_\_\_; Absent, 1 \_\_\_\_\_, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.



Co-Chairman

Rep. Kretschmar

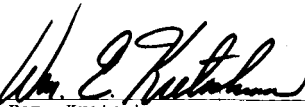
HOUSE Bill No. 1662 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1664 \_\_\_\_\_, has had the same under consideration and recommends, by a vote of  
Ayes, 4 \_\_\_\_\_; Nays, 2 \_\_\_\_\_; Absent, 1 \_\_\_\_\_, that the same

do pass.  do not pass.  be placed on calendar  
without recommendation.



Co-Chairman

Rep. Kretschmar

HOUSE Bill No. 1664 was placed on the 11th  
order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1665, has had the same under consideration and recommends, by a vote of

Ayes, 5; Nays, 2; Absent, 0, that the same

do pass. [X] do not pass. be placed on calendar without recommendation.

Handwritten signature of Wm. E. Kretschmar

Rep. Kretschmar

Co-Chairman

HOUSE Bill No. 1665 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1666, has had the same under consideration and recommends, by a vote of

Ayes, 4; Nays, 2; Absent, 1, that the same

do pass. [X] do not pass. be placed on calendar without recommendation.

Handwritten signature of Wm. E. Kretschmar

Rep. Kretschmar

Co-Chairman

HOUSE Bill No. 1666 was placed on the 11th order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE

Bill No. 1667, has had the same under consideration and recommends, by a vote of

Ayes, 5; Nays, 2; Absent, 0, that the same

do pass. [XX] do not pass. be placed on calendar without recommendation.

Handwritten signature of Wm. E. Kretschmar

Rep. Kretschmar

Co-Chairman

HOUSE Bill No. 1667 was placed on the 11th order of business on the calendar for the succeeding legislative day.

MOTION

Rep. Strinden moved that the rules be suspended and that House Bills Nos. 1660, 1661, 1662, 1664, 1665, 1666, and 1667 be placed on the eleventh order for second reading and final passage, which motion prevailed.

Rep. Kretschmar moved that we dispense with the reading of the title to House Bill No. 1660, which motion prevailed.

SECOND READING OF HOUSE BILL

House Bill No. 1660. — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and

legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 27; nays, 72; absent and not voting, 1.

NORTH DAKOTA HOUSE OF REPRESENTATIVES								
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
		●	●					
ANDERSON, C. #7		●	HORGAN			MEYER		THOMPSON
ANDERSON, R. #24		●	MUIMANN			MOORE		TIMM
● BACKES			HUGHES			MOUM		UNHJEM
● BERG			HUWE			MURPHY		VANDER VORST
● BERGER			JACOBSEN, R.			MUSHIK		VIG
● BLACK			● JACOBSEN, I.			NAGEL		WAGNER
● BOYUM			KELLY			NICHOLAS		WALD
● BROKAW			KENT			OLAFSON		WENTZ
● CONNY			KINGSBURY			OLSEN		WHALEN
● CRABTREE			KLOUBEC			OLSON, A. #11		ZIMBLEMAN
● DICK			● KNUDSON			OLSON, D. #13		
● DIETZ			KULAND			● OPEDAH		MR. SPEAKER
● DOTENROD			KOSKI			● PELTIER		
● DUBORD			KRETSCHMAR			PETERSON		
● EAGLES			KUCHERA			● POMEROY, E. #24		
● FREDBERG			● LANG			● POMEROY, G. #42		
● GATES			● LARSON, B. #12			● REED		
● GERL			LARSON, G. #29			● REITEN		
● GOETZ			LARSON, H. #7			● RETZER		
● GORDER			LIPSIEA			● RICE		
● GUNDERSON			MARSDEN			● RICHARD		
● GUNSCH			MARTIN			● RICHIE		
● HANSON, L. #48			MARTINSON			● RIEHL		
● HANSON, O. #3			● MATCHIE			● ROMFO		
● HAUGLAND			MATHENY			● RUED		
● HAUSAUER, A. #49			MATTSON			● SCHINDLER		
● HAUSAUER, R. #25			● MEIERS			● SOLBERG		
● HEDSTROM			MELBY			● SORUM		
● HILL			● MERTENS			STRINDEN		
● HOFFNER			METZ			SWONTEK		

So the bill was declared lost.

MOTION

Rep. Marsden moved that the House waive the reading of the title to House Bill No. 1661, which motion prevailed.

SECOND READING OF HOUSE BILL

**House Bill No. 1661.** — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 26; nays, 73; absent and not voting, 1.

NORTH DAKOTA HOUSE OF REPRESENTATIVES								
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
		●	●					
ANDERSON, C. #7		●	HORGAN			MEYER		THOMPSON
ANDERSON, R. #24		●	MUIMANN			MOORE		TIMM
● BACKES			HUGHES			MOUM		UNHJEM

• BERG	HUWE	• MURPHY	• VANDER VORST
• BERGER	JACOBSEN, R.	• MUSHIK	VIG
BLACK	JACOBSON, I.	NAGEL	WAGNER
BOYUM	KELLY	NICHOLAS	WALD
• BROKAW	KENT	OLAFSON	WENTZ
CONNY	KINGSBURY	OLSEN	WHALEN
CRABTREE	KLOUBEC	OLSON, A #11	ZIMBLEMAN
DICK	KNUDSON	OLSON, D #13	
DIETZ	KOLAND	• OPEDAHL	MR SPEAKER
• DOTZENROD	KOSKI	• PELTIER	
• DUBORD	KRETSCHMAR	PETERSON	
EAGLES	KUCHERA	• POMEROY, E #24	
FREBORG	LANG	• POMEROY, G #42	
GATES	LARSON, B #12	REED	
• GERL	LARSON, G #29	REITEN	
GOETZ	LARSON, H #7	RETZER	
GORDER	LIPSE	RICE	
GUNDERSON	MARSDEN	• RICHARD	
GUNSCH	MARTIN	RICHIE	
• HANSON, L #68	MARTINSON	• RIEHL	
HANSON, O #3	• MATCHIE	• ROWFO	
HAUGLAND	MATHENY	RUED	
HAUSAUER, A #49	MATTSON	• SCHINDLER	
HAUSAUER, R #25	• MEIERS	• SOLBERG	
HEDSTROM	MELBY	SORUM	
HILL	• MERTENS	STRINDEN	
• HOFFNER	METZ	SWIONTEK	

So the bill was declared lost.

### REQUEST

Rep. Matchie requested that his remarks be printed in the Journal, which request was granted.

“Mr. Speaker and Members of the Assembly:

“I would like to state for the record that HB 1661 is an effort on my part to return Districts 45 and 44 to their original states. The Korsmo plan for North Fargo (part of HB 1669) shatters District 45 into 3 parts, destroys its historical continuity as a university district, and unnecessarily strings the district out from 12th Avenue North and I-29 to the Edgewood Golf Course. This plan thus violates the guidelines of the Reapportionment Committee to keep district compact, historical and as close as possible, structurally, to their original boundaries.

“As a result of Korsmo’s part of the Republican plan (HB 1669), District 45 will be gerrymandered in such a way as to gravely inconvenience voters and disenfranchise students. I strongly protest what the Republicans have done to District 45 in Fargo as a violation - since they have disregarded their own guidelines and voted consistently in committee along party lines - of the process of good government.”

### MOTION

Rep. Kretschmar moved that the House waive the reading of the title to House Bill No. 1662, which motion prevailed.

### SECOND READING OF HOUSE BILL

**House Bill No. 1662.** — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 26; nays, 74; absent and not voting, 0.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ANDERSON, C. #7	•		HORGAN			MEYER			THOMPSON		•
ANDERSON, R. #36	•		HOUWMANN			MOORE			TIMM		•
BACKES			HUGHES			MOUM			UNHJEM		•
BERG			HUWE			MURPHY			VANDER VORST		•
BERGER			JACOBSEN, R.			MUSHIK			VIG		•
BLACK			JACOBSON, I.			NAGEL			WAGNER		•
BOYUM			KELLY			NICHOLAS			WALD		•
BROKAW			KENT			OLAFSON			WENTZ		•
CONMY			KINGSBURY			OLSEN			WHALEN		•
CRABTREE			KLOUBEC			OLSON, A. #11			ZIMBLEMAN		•
DICK			KNUDSON			OLSON, D. #13					
DIETZ			KOLAND			OPEDAHL			MR. SPEAKER		•
DOTZENROD			KOSKI			PELTIER					
DUBORD			KRETSCHMAR			PETERSON					
EAGLES			KUCHERA			POMEROY, E. #24					
FREBORG			LANG			POMEROY, G. #42					
GATES			LARSON, B. #12			REED					
GERL			LARSON, G. #29			REITEN					
GOETZ			LARSON, H. #7			RETZER					
GORDER			LIPSEA			RICE					
GUNDERSON			MARSDEN			RICHARD					
GUNSCH			MARTIN			RICHIE					
HANSON, L. #48			MARTINSON			RIEHL					
HANSON, O. #3			MATCHIE			ROMFO					
HAUGLAND			MATHENY			RUED					
HAUSAUER, A. #49			MATTSON			SCHINDLER					
HAUSAUER, R. #23			MEIERS			SOLBERG					
HEDSTROM			MELBY			SORUM					
HILL			MERTENS			STRINDEN					
HOFFNER			METZ			SWIONTEK					

So the bill was declared lost.

MOTION

Rep. A. Hausauer moved that the House waive the reading of the title to House Bill No. 1664, which motion prevailed.

SECOND READING OF HOUSE BILL

**House Bill No. 1664.** — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 27; nays, 72; absent and not voting, 1.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ANDERSON, C. #7	•		HORGAN			MEYER			THOMPSON		•
ANDERSON, R. #36	•		HOUWMANN			MOORE			TIMM		•
BACKES			HUGHES			MOUM			UNHJEM		•
BERG			HUWE			MURPHY			VANDER VORST		•
BERGER			JACOBSEN, R.			MUSHIK			VIG		•
BLACK			JACOBSON, I.			NAGEL			WAGNER		•
BOYUM			KELLY			NICHOLAS			WALD		•
BROKAW			KENT			OLAFSON			WENTZ		•
CONMY			KINGSBURY			OLSEN			WHALEN		•
CRABTREE			KLOUBEC			OLSON, A. #11			ZIMBLEMAN		•
DICK			KNUDSON			OLSON, D. #13					
DIETZ			KOLAND			OPEDAHL			MR. SPEAKER		•
DOTZENROD			KOSKI			PELTIER					
DUBORD			KRETSCHMAR			PETERSON					
EAGLES			KUCHERA			POMEROY, E. #24					
FREBORG			LANG			POMEROY, G. #42					
GATES			LARSON, B. #12			REED					
GERL			LARSON, G. #29			REITEN					



GOETZ	●	LARSON, H. #7	●	RETZER	●
GORDER	●	LIPSIEA	●	RICE	●
GUNDERSON	●	MARSDEN	●	RICHARD	●
GUNSCH	●	MARTIN	●	RICHIE	●
● HANSON, L. #48	●	MARTINSON	●	RIEHL	●
HANSON, O. #3	●	● MATCHIE	●	● ROMFO	●
HAUGLAND	●	MATHEHY	●	RUED	●
HAUSAUER, A. #49	●	MATTSON	●	SCHINDLER	●
HAUSAUER, R. #25	●	● MEIERS	●	● SOLBERG	●
HEDSTROM	●	MELBY	●	SORUM	●
HILL	●	● WERTENS	●	STRINDEK	●
● HOFFNER	●	METZ	●	SWIONTEK	●

So the bill was declared lost.

MOTION

Rep. A. Hausauer moved that the House waive the reading of the title to House Bill No. 1665, which motion prevailed.

SECOND READING OF HOUSE BILL

**House Bill No. 1665.** — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 26; nays, 70; absent and not voting, 4.

NORTH DAKOTA HOUSE OF REPRESENTATIVES												
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE						
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	
ANDERSON, C. #7	●		● HORGAN			● MEYER					● THOMPSON	●
ANDERSON, R. #24	●		● HOUMANN			● MODRE			●		● TIMM	●
● BACKES			● HUGHES		●	● MOUM			●		● UNHJEM	●
● BERG			● HUME			● MURPHY			●		● VANDER VORST	●
● BERGER			● JACOBSON, R.			● MUSHIK			●		● VIG	●
● BLACK			● JACOBSON, I.			● NAGEL			●		● WAGNER	●
● BOYUM	●		● KELLY			● NICHOLAS			●		● WALD	●
● BROKAW			● KENT		●	● OLAFSON			●		● WENTZ	●
● COMAY			● KINGSBURY			● OLSEN			●		● WHALEN	●
● CRABTREE			● KLOUBEC			● OLSON, A. #11			●		● ZIMBLEMAN	●
● DICK			● KNUDSON			● OLSON, D. #13			●			
● DIETZ			● KOLAND			● OPEDAHL			●		MR SPEAKER	●
● DOTZENROD			● KOSKI			● PELTIER						
● DUBORD			● KRETSCHMAR			● PETERSON						
● EAGLES			● KUCHERA			● POMEROY, E. #24						
● FREDBERG			● LANG			● POMEROY, G. #42						
● GATES			● LARSON, B. #12			● REED			●			
● GERL			● LARSON, G. #29			● REITEN			●			
● GOETZ			● LARSON, H. #7			● RETZER			●			
● GORDER			● LIPSIEA			● RICE			●			
● GUNDERSON			● MARSDEN			● RICHARD			●			
● GUNSCH			● MARTIN			● RICHIE			●			
● HANSON, L. #48			● MARTINSON			● RIEHL			●			
HANSON, O. #3			● MATCHIE			● ROMFO			●			
HAUGLAND			● MATHEHY			● RUED			●			
HAUSAUER, A. #49			● MATTSON			● SCHINDLER			●			
HAUSAUER, R. #25			● MEIERS			● SOLBERG			●			
HEDSTROM			● MELBY			● SORUM			●			
HILL			● WERTENS			● STRINDEK			●			
● HOFFNER			● METZ			● SWIONTEK			●			

So the bill was declared lost.

RECOGNITION

Speaker Peterson announced that a former Rep. was in the chambers, and requested that the House recognize former Rep. Bernie Anderson, and Rep. Anderson was thereupon introduced to the House.

MOTION

Rep. R. Anderson moved that the House waive the reading of the title to House Bill No. 1666, which motion prevailed.

SECOND READING OF HOUSE BILL

**House Bill No. 1666.** — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 40; nays, 57; absent and not voting, 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ANDERSON, C #7		●	●	MORGAN		●	MEYER		●	THOMPSON	●
ANDERSON, R #26	●		●	HOUMANN		●	MOORE		●	TIMM	●
●	BACKES		●	HUGHES		●	MOUM		●	UNHJEM	●
●	BERG		●	HUWE		●	MURPHY		●	VANDER VORST	●
●	BERGER		●	JACOBSEN, R		●	MURSHK		●	VIG	●
●	BLACK		●	JACOBSON, I.		●	NAGES		●	WAGNER	●
●	BOYUM		●	KELLY		●	NICHOLAS		●	WALD	●
●	BROKAW		●	KENT		●	OLAFSON		●	WENTZ	●
●	CONMY		●	KINGSBURY		●	OLSEN		●	WHALEN	●
●	CRABTREE		●	KLOUBEC		●	OLSON, A #11		●	ZIMBLEMAN	●
●	DICK		●	KNUDSON		●	OLSON, D #13		●		
●	DIETZ		●	KOLAND		●	OPEDAHL		●	MR. SPEAKER	●
●	DOTZENROD		●	KOSKI		●	PELTIER		●		
●	DUBORD		●	KRETSCHMAR		●	PETERSON		●		
●	EAGLES		●	KUCHERA		●	POWEROY, E #24		●		
●	FREDBORG		●	LANG		●	POWEROY, G #42		●		
●	GATES		●	LARSON, B #12		●	REED		●		
●	GERL		●	LARSON, G #29		●	REITEN		●		
●	GOETZ		●	LARSON, H #7		●	RETZER		●		
●	GORDER		●	LIPSIEA		●	RICE		●		
●	GUNDERSON		●	MARSDEN		●	RICHARD		●		
●	GUNSCH		●	MARTIN		●	RICHIE		●		
●	HANSON, L #48		●	MARTINSON		●	RIEHL		●		
●	HANSON, O #3		●	MATCHEE		●	ROMFO		●		
●	HAUGLAND		●	MATHEHY		●	RUED		●		
●	HAUSAUER, A #49		●	MATTSON		●	SCHINDLER		●		
●	HAUSAUER, R #25		●	MEIERS		●	SOLBERG		●		
●	HEDSTROM		●	MELBY		●	SORUM		●		
●	HILL		●	MERTENS		●	STRINDEEN		●		
●	HOFFNER		●	METZ		●	SWIONTEK		●		

So the bill was declared lost.

MOTION

Rep. Marsden moved that the House waive the reading of the title to House Bill No. 1667, which motion prevailed.

SECOND READING OF HOUSE BILL

**House Bill No. 1667.** — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 28; nays, 72; absent and not voting, 0.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION						ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ANDERSON, C. #7			HORGAN			MEYER			THOMPSON		
ANDERSON, R. #24			HUHMANN			MOORE			TIMM		
BACKES			HUGHES			MOUM			UNHJEM		
BERG			HUWE			MURPHY			VANDER VORST		
BERGER			JACOBSEN, R.			MUSHIK			VIG		
BLACK			JACOBSEN, I.			NAGEL			WAGNER		
BOYUM			KELLY			NICHOLAS			WALD		
BROKAW			KENT			OLAFSON			WENTZ		
CONMY			KINGSBURY			OLSEN			WHALEN		
CRABTREE			KLOUBEC			OLSON, A. #11			ZIMBLEMAN		
DICK			KNUDSON			OLSON, D. #13					
DIETZ			KOLAND			OPEDAWL					
DOTZENROD			KOSKI			PELTIER			MR SPEAKER		
DUBORD			KRETSCHMAR			PETERSON					
EAGLES			KUCHERA			POMEROY, E. #24					
FREBERG			LANG			POMEROY, G. #42					
GATES			LARSON, B. #12			REED					
GERL			LARSON, G. #29			REITEN					
GOETZ			LARSON, H. #7			RETZER					
GORDER			LIPSIEA			RICE					
GUNDERSON			MARSDEN			RICHARD					
GUNSCH			MARTIN			RICHIE					
HANSON, L. #48			MARTINSON			RIEHL					
HANSON, O. #2			MATCHE			ROMFO					
HAUGLAND			MATHEWY			RUED					
HAUSAUER, A. #89			MATTSON			SCHINDLER					
HAUSAUER, R. #25			WEIERS			SOLBERG					
HEDSTROM			MELBY			SORUM					
HILL			WERTENS			STRINDEN					
HOFFNER			METZ			SWIONTEK					

So the bill was declared lost.

FIRST READING OF HOUSE BILL

Reps. Koski and Conmy introduced:

**House Bill No. 1675.** — A Bill for an Act to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to disclosure of the sponsor of certain political advertisements; and to declare an emergency.

Was read the first time and referred to the committee on Delayed Bills.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Rep. Timm and Senator Erickson introduced:

**House Concurrent Resolution No. 3086.** — A concurrent resolution expressing to Congress the concern of the Forty-seventh Legislative Assembly over the abandonment of railroad branchlines in North Dakota by the Burlington Northern Railroad Company and urging Congress to restrict the abandonment of railroad branchlines to only those lines which place a clear and substantial burden on the railroad.

Was read the first time and referred to the committee on Delayed Bills.

FIRST READING OF A HOUSE RESOLUTION

Reps. Knudson and Martin introduced:


**House Resolution No. 1.** — A resolution wishing Janna Tjaden a speedy recovery from her illness.

Was read the first time and referred to the committee on Delayed Bills.

JOURNAL OF THE HOUSE  
**REPORT OF PROCEDURAL COMMITTEE**

Mr. Speaker .....: Your Procedural Committee on Delayed Bills

recommends that House Bill No. 1675, House Concurrent Resolution No. 3086 and House Resolution No. 1 be introduced.

 Chairman

Rep. Strinden

Rep. Kretschmar ..... moved that the report be adopted, which motion prevailed and the report was adopted.

ANNOUNCEMENTS

Speaker Peterson announced that House Bill No. 1675 was rereferred to the Committee on Judiciary.

Speaker Peterson announced that House Concurrent Resolution No. 3086 was rereferred to the Committee on Transportation.

MOTIONS

Rep. Strinden moved that the rules be suspended and that House Resolution No. 1 not be printed as a bill, but be printed in the Journal, be read in its entirety and placed on second reading and final passage, which motion prevailed.

HOUSE RESOLUTION NO. 1  
 (Knudson, Martin)

A resolution wishing Janna Tjaden a speedy recovery from her illness.

WHEREAS, Janna Tjaden served the Forty-seventh Legislative Assembly, prior to its reconvening in continued session, as Bill Clerk, and performed her duties faithfully and well; and

WHEREAS, Janna also served as a Desk Page in 1979 and as Enrolling and Engrossing Clerk in 1977 and 1975; and

WHEREAS, the members of the House of Representatives of the Forty-seventh Legislative Assembly appreciated her services, and miss them during the continued session of the Forty-seventh Legislative Assembly; and

WHEREAS, Janna has been struggling with illness for a good part of the time since the close of the first portion of the Forty-seventh Legislative Assembly; and

WHEREAS, Janna is presently hospitalized at the University of Minnesota Hospital in Minneapolis;

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

That all members of the House of Representatives wish Janna Tjaden a speedy and complete recovery; and also wish to take this opportunity to say that they miss her; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the House send an enrolled copy of this resolution to Janna Tjaden.

SECOND READING OF HOUSE RESOLUTION

**House Resolution No. 1.** — A resolution wishing Janna Tjaden a speedy recovery from her illness.

Was read the second time.

The question being on the final adoption of the resolution, the roll was called and House Resolution No. 1 was declared adopted on a voice vote.

Rep. Strinden moved that the House stand at recess until 5:00 p.m., which motion prevailed.

The House reconvened pursuant to recess taken, with Speaker Peterson presiding.

DIVIDED REPORT OF STANDING COMMITTEE

Mr. Speaker: A Majority of your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE Bill No. 1669, has had the same under consideration and recommends that the same

do pass. do not pass. be placed on calendar without recommendation.

XX be amended as follows:

On page 4, after line 33, insert the following new section:

"SECTION 3. ESTABLISHING TIMETABLE FOR 1982 ELECTIONS. The secretary of state shall, in carrying out the provisions of section 16.1-03-17 for the 1982 elections, establish the timetable for reorganization of the political parties so that the reorganization is completed by February 1, 1982."

On page 9, delete lines 25 through 35

On page 10, delete line 1 and insert in lieu thereof the following:

"United States highway two intersects the centerline of forty-second street, thence west on United States highway two until its intersection with the Grand Forks city limits (Grand Forks international airport boundary), thence north and west following the city limit boundary until its intersection with the centerline of the burlington northern railway right of way, thence southeast on the burlington northern railway right of way until its intersection with the centerline of twenty-seventh avenue north, thence east on twenty-seventh avenue north until its intersection with the Grand Forks city limits, thence north following the city limit boundary until its"

On page 10, delete lines 5 through 10 and insert in lieu thereof the following: "thence west following the township boundary until its intersection with the centerline of washington street, thence north on washington street until its intersection"

On page 15, delete line 2 and insert in lieu thereof the following:

"on a line following section lines until its intersection with the north boundary of section twenty-eight of township 140-96, thence east on a line following section lines until its intersection with the east boundary of section twenty-seven of township 140-96, thence south on a line following section lines until its intersection with the city limits, thence east following a line along the city limits to the point of"

On page 23, delete lines 20 and 21 and insert in lieu thereof the following: "two thousand, shall be elected"

On page 23, line 23, delete the word and comma "twenty-eight,"

On page 24, delete lines 23 through 27 and insert in lieu thereof the following: "unless there is substantial population (over two thousand persons) in areas added. Districts two, eighteen, twenty-four, thirty-eight, forty-four, forty-six, and fifty-two are the only districts reflecting such increases in population."

And renumber the lines and pages accordingly

And when so amended recommends the same do pass. For the Majority:

Signature of R. Anderson

Rep. R. Anderson

Signature of Bernhard Haugland

Rep. Haugland

Signature of A. Hausauer

Rep. A. Hausauer

Signature of L. Kretschmar

Rep. L. Kretschmar

Signature of Wm. E. Kretschmar

Rep. Kretschmar

Signature of Wm. E. Kretschmar

Rep. Kretschmar, Co-Chairman

## DIVIDED REPORT OF STANDING COMMITTEE

Mr. Speaker: A Minority of your JOINT STANDING COMMITTEE ON REAPPORTIONMENT

to whom was referred HOUSE Bill No. 1669, has had the same under consideration and recommends that the same

do pass.

do not pass.

be placed on calendar without recommendation.

be amended as follows:

On page 17, delete lines 13 through 35

On page 18, delete lines 1 through 34 and insert in lieu thereof the following:

"44. The forty-fourth legislative district shall consist of that part of the city of Fargo in Cass County bound by a line commencing at the intersection of the extended centerline of road twenty-three with the centerline of the Red River, thence south on the Red River until its intersection with the extended centerline of ninth avenue north, thence west on ninth avenue north until its intersection with the centerline of oak street, thence south on oak street until its intersection with the centerline of seventh avenue north, thence west on seventh avenue north until its intersection with the centerline of Broadway, thence north on Broadway until it becomes road twenty-three, thence north on road twenty-three to the point of beginning.

45. The forty-fifth legislative district shall consist of the city of North River, that part of the city of Fargo, Fargo township, and that part of Reed township in Cass County bound by a line commencing at the intersection of the extended centerline of road twenty-three with the centerline of the Red River, thence south on road twenty-three until it becomes Broadway, thence south on Broadway until its intersection with the centerline of the Burlington northern railway right of way, thence west on the Burlington northern railway right of way until its intersection with the centerline of University Drive north, thence north on University north until its intersection with the centerline of eleventh avenue north, thence west on an extended line of eleventh avenue north until its intersection with the centerline of the Burlington northern railway right of way, thence northwesterly on the Burlington northern railway right of way until its intersection with the centerline of twelfth avenue north, thence west on twelfth avenue north until its intersection with the centerline of Interstate Highway twenty-nine, thence north on Interstate Highway twenty-nine until its intersection with the north line of Reed township, thence east on the north line of Reed township until its intersection with the centerline of the Red River, thence southerly on the Red River to the point of beginning."

On page 23, delete lines 20 and 21 and insert in lieu thereof the following: "fifteen hundred, shall be elected"

On page 23, line 23, after the word and comma "eighteen," insert the word and comma "twenty-two,"

On page 24, delete lines 23 through 27 and insert in lieu thereof the following: "unless there is substantial population (over fifteen hundred persons) in areas added. Districts two, eighteen, twenty-two, twenty-four, twenty-eight, thirty-eight, forty-four, forty-six, and fifty-two are the only districts reflecting such increases in population."

And renumber the lines and pages accordingly

And when so amended recommends the same do pass.

FOR THE MINORITY:

  
 \_\_\_\_\_  
 Rep. B. Larson

  
 \_\_\_\_\_  
 Rep. Jacobson

  
 \_\_\_\_\_  
 Rep. Kretschmar, Co-Chairman Chairman

The Reports of the Majority and the Minority were placed on the 6th order of business on the calendar for the succeeding legislative day.

## MOTIONS

Rep. Strinden moved that the rules be suspended and that the amendments as presented by the Divided Report on House Bill No. 1669 be placed on the sixth order of business immediately, which motion prevailed.

Rep. Kretschmar moved that all debate on House Bill No. 1669 be printed in the Journal, which motion prevailed.

## SIXTH ORDER OF BUSINESS

Rep. Kretschmar moved that the amendments to House Bill No. 1669 as recommended by the Majority of the Joint Committee on Reapportionment be adopted, which motion prevailed.

## DEBATE ON MAJORITY AND MINORITY REPORT

Rep. Kretschmar: "Mr. Speaker and ladies and gentlemen of the House: The amendments before the House are on House Bill No. 1669, which is the principal reapportionment bill that was introduced into the House. I will try to briefly explain and try to answer any questions if there are any.

"The first amendment, which occurs on page four, is really just a technical amendment and establishes by statute a timetable or a deadline by which the district political party organizations should be reorganized in order to be ready for the 1982 elections. That date was placed at February 1, 1982, and in the statute the Secretary of State is the officer who will set the schedule; but he will set it so that the work of the reorganization is completed by February 1. That was done because next year the primary election occurs, I believe, on the 8th day of June and filing is required. The last day for filing for the primary election, I believe, is April 14th. At least one of the major political parties has its state convention next year in early March, so that the district organizations should be in place and operational by February 1st.

"The next amendment deals with an adjustment in the boundaries of some of the districts in the Grand Forks area. It takes some of the territory that was within the city districts in Grand Forks and places them in the rural district 19. And then on the northern end of the city, I believe, places some territory that was in the rural area into the city districts 17 and 18. The net change, I believe, is less than 100 people in the populations of those two districts, so it still stays well within the guidelines that the committee established.

"The next amendment deals with the Stark County area, Districts 37 and 38. The bill makes a slight change by adding something like a half section of territory that was in the rural district and places it within the city district. That territory is adjacent to the city, near the city limits, and is an area right now where there are undoubtedly less than

50 people living. I guess there are 13 houses, and it is an area that may grow as the city of Dickinson grows during the next decade. That change also does not affect any of the population variances that we have within the bill. Both of those districts are still well within the variance.

“The last amendment that the committee considered is found on page 2 of the amendments and established the criteria by which Senators who reside in even number districts, and who were elected in 1980, would be up for election in 1982, if their new district exceeded certain limitations. The committee has chosen the figure of 2,000 population. If a Senator has new population in his district that's 2,000 or more, then he would be required to run for election for a two-year term in 1982. The amendment also sets out those districts which fall into that category. There are 7 in number. Two of the 7 are districts which are new and have no incumbent Senator in them at the present time. The other 5 districts have incumbent Senators who were elected at the 1980 election and, I believe, of those, four are in the majority party and one is in the minority. The committee in its early deliberations was using a percentage figure of increase in population and they had numbers ranging from 15 to 25 to all over the line and it is kind of an arbitrary number. Mr. Hickok, the consultant from the University that we were using, suggested it would be just as easy to use a base figure of raw population and that was the thing the committee decided upon earlier today. A 2,000 base - 2,000 figure based upon the ideal district size in North Dakota, which is the 12,315 people, which we get by dividing the state population by 53. This figures out to be a population increase of 16.24%. And we, the committee, determined that that was well within the guidelines that we had been working with and that we believe that this would be well within the Constitutional guidelines and would be upheld by a court if that matter were challenged. Those, basically, Mr. Speaker, are the amendments that the majority of your Joint Committee on Reapportionment placed on the bill; and we would urge that the House adopt the Majority Report and approve those amendments.”

REQUEST

Rep. Backes requested a recorded roll call vote, which request was granted.

ROLL CALL

The question then was on the motion of Rep. Kretschmar to adopt the report of the Majority on House Bill No. 1669.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION				ROLL CALL				1981 LEGISLATURE			
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C #7			• HORGAN			• MEYER			• THOMPSON		•
• ANDERSON, R #36			• HOUIMANN			• MOORE			• TIMM		
• BACKES		•	• HUGHES			• MOUM			• UNHJEM		
• BERG			• HUWE			• MURPHY			• VANDER VORST		
• BERGER		•	• JACOBSEN, R.			• MUSHIK		•	• WIG		
• BLACK			• JACOBSON, I.			• NAGEL			• WAGNER		
• BOYUM			• KELLY		•	• NICHOLAS			• WALD		
• BROKAW			• KENT			• OLAFSON			• WENTZ		
• CONNY			• KINGSBURY			• OLSEN			• WHALEMAN		
• CRABTREE			• KLOUBEC			• OLSON, A #11			• ZIMBLEMAN		
• DICK			• KNUDSON			• OLSON, D #10					
• DIETZ			• KOLAND			• OPEDAHN		•	• MR. SPEAKER		
• DOTZENROD			• KOSKI		•	• PELTIER					
• DUBORD		•	• KRETCHMAR			• PETERSON					
• EAGLES			• KUCHERA			• POWEROY, E #24		•			
• FREBORG			• LANG			• POWEROY, G #42		•			
• GATES			• LARSON, B #12			• REED					
• GERL		•	• LARSON, G #29			• REITEN					
• GOETZ			• LARSON, H #7			• RETZER					



● GORDER	● LIPSIEA	● RICE
● GUNDERSON	● MARSDEN	● RICHARD
● GUNSCH	● MARTIN	● RICHIE
● HANSON, L #18	● MARTINSON	● RIEHL
● HANSON, O #13	● MATCHEY	● ROMFO
● HAUGLAND	● MATHENY	● RUED
● HAUSAUER, A #19	● MATTSOEN	● SCHINDLER
● HAUSAUER, R #25	● MEIERS	● SOLBERG
● HEDSTROM	● MELBY	● SORUM
● HILL	● MERTENS	● STRINDEN
● HOFFNER	● METZ	● SWIONTEK

The report of the Majority was declared adopted.

#### RULING OF SPEAKER

Speaker Peterson ruled, pursuant to House Rule 602, Subsection 4, that the effect of adoption of the amendments proposed by the Majority Report on the amendments proposed by the Minority Report is as follows:

1. That the amendment to pages 23 and 24 is rendered moot because it is irreconcilable with the amendments adopted.

2. That the amendment to pages 17 and 18 is reconcilable with the previous amendments and will be voted on at this time.

Rep. B. Larson moved that the amendments to House Bill No. 1669 as recommended by the Minority of the Joint Committee on Reapportionment ruled reconcilable by Speaker Peterson be adopted.

Rep. Irven Jacobson: "Mr. Speaker and members of the Assembly: I rise in support of the Minority Report. The amendment proposed in this report is no doubt the most reasonable amendment that the Joint Committee on Reapportionment considered. What it does - "And this effects only two Districts in Fargo - it returns approximately 5,000 people back to the District in which they now reside - 2482. Citizens from Precincts 23 and 26 would be returned to District 44 and 2468 citizens from Precincts 14 and 16 would be returned to District 45. Why this switch was made in the first place is hard to understand, and when asked, Mr. Korsmo, who presented the plan to the Committee, and which the Committee adopted. When he was asked the logic of this switch in precincts, he answered "An additional District was given Fargo so switches had to be made to compensate for that". Now it is obvious that the switches in the four Precincts in 44 and 45 no bearing on what happened in the rest of Fargo.

"Now, if we mean what we said when we wanted to keep as many District lines intact as possible, this is our chance to put these 5,000 citizens back in their present Districts — it would be fair, and it makes sense.

"I would hope this Body would see the fairness of this amendment and vote "Yes" for fairness sake."

Rep. Berg: "I was wondering why, when the reapportionment committee, they can take a 10% or less deviation figure, you know, as far as district boundaries, and accept a 10% figure there, and then, as far as Senators running in a district, you got a 2000 person change in a district, which comes up with a percentage figure of over 16%. Would you explain that some? I understood the courts on that part there, they got a ruling at the 10% figure applied there also."

Rep. Kretschmar: "Mr. Speaker and Rep. Berg. The committee, early in its deliberations in June, decided that it wanted to keep the population variance among the districts at a 10% or less figure. There are federal court cases which have upheld legislative plans that have been within that area. There are court cases which have upheld legislative plans which exceeded 10%. The thread of the cases seems to be that if a legislative plan that stays within 10% variation is

challenged in court, the burden of proof to attack the plan is upon those trying to attack it. If the variation gets over 10%, up to in the 15% range, then that burden seems to shift on the proponents of the plan. We as a legislature, have to set forth and prove that the plan falls within the constitutional guidelines. The basic constitutional guideline that we were following was the one-man one-vote rule. We were trying to keep the population variance among the districts at 10% or less. The plan with these amendments, that is before the assembly right now is within those variations. It comes out, I think, 9.93 or 9.94 on the population variance.

"The increase, that's one question, and the courts have given legislative bodies more leeway in devising plans than they have allowed themselves. The courts, at least the federal court here in North Dakota, was more strict on itself when it did the legislative reapportionment plan than the courts across the country have been in looking at and either approving or disapproving legislatively created plans. So we felt that we would be within constitutional guidelines, and, I believe we are, by staying within that 10%.

"The other matter, the figure on Senators who would be required to run, is, I believe, similar but very much a different question. We could have decided in the committee and we could, I think, decide as a legislature, to require all Senators to run in 1982 and then they could flip coins to see who had four year or two year terms. The committee determined that it was historically the tradition in North Dakota that the Senate was a continuing body and elected about one-half of its membership at each general election every two years. We thought that that tradition should be continued and that the Senate should remain, if at all possible, a continuing body and those Senators, or so many of them as could be determined, would serve out the four year terms to which they were elected in 1980. They would then come up for reelection in 1984. Under our present system, those Senators are presently in the even numbered districts. When the court ordered a plan for reapportionment in 1975 or 1976 - the last one, or the plan we have right now - it did mandate that if a Senator's district population changed up or down by 10%, that that Senator would have to run; and it named the districts in the 1976 election where Senators would have to run. There were five or six at that time, I believe. Here again, the Committee determined that the Legislature would have more leeway in making a determination than the courts would put on themselves, if they had to make the determination and not just review a plan. The figure finally decided upon was a raw number of 2,000 increase. That was very near the 15% that several of the House members on the committee wanted. It was far below the 25% that was originally in the interim committee bill that was approved by the Legislative Council and introduced into the Legislature. I think we are well within the guidelines with our 2,000 people, even though that percent is a higher number than we use on population deviation. I think 15% is certainly a reasonable figure and keeps a measure of continuity in the Senate, which I think also is important, and that basically is why the committee did that."

Rep. E. Pomeroy: "Mr. Speaker and Members of the Assembly: Before voting on this provision, I would like to call the members' attention to an alternative on the population figures when a Senator would have to run. The minority report filed contains a compromise position that the minority party favors, and that is that a Senator

would have to run upon having a population increase of 1500 voters rather than 2,000. I would urge that the majority amendments are rejected because, upon their approval, that will render that portion of the minority report moot and this assembly will not be given the opportunity to vote on the 1500 figure.

"Therefore, in order to approve the 1500 figure, you will have to reject the majority report until the minority report can be adopted in that respect. Having explained where we are procedurally, I would just like to say a word in favor of the 1500 figure. While Rep. Kretschmar has explained that historically only half the Senate runs, the more important consideration is that historically people vote for the Senators that represent them. Here, we're talking about having 1999 people that can conceivably be represented by an individual that they have never had the opportunity to vote for. This is not consistent with the system free elections and I don't think it's a principle that we should endorse this afternoon.

"The District Court in 1975 said 10%. The 1500 vote figure is higher than 10%, but we've struck that to try and be reasonable. I would therefore urge this Assembly, at this time, to reject the majority amendments so that we will have the opportunity to approve the 1500 vote figure that will force an incumbent senator to run for reelection again rather than the 2,000 vote figure which I assert is impermissibly high. Thank you."

Rep. Backes: "Mr. Speaker and House Members: I request that my statement be recorded in the House Journal. As Minority Leader, I would like a recorded vote on the percentage of population change needed for re-election purposes, as defined in the Minority Report.

"Since the rules of the House now prevent our obtaining such a vote, I have chosen to use the House Journal to accomplish the same end.

"The Minority Report to House Bill No. 1669 has virtually the entire support of the Democratic-NPL Minority in this Assembly. Our reason is quite simple. In devising the last reapportionment plan (the one we are now operating under), the Courts ordered that a Senator in a given District must run for election if there was over a ten percent shift in population.

"To operate in a different way now in order to protect incumbents, we feel, can only lead to a Court challenge. Therefore, as the Minority party, we want to go on record as opposing the larger number of percentage in favor of the smaller number of percentage of change needed to demand Senators to run again."

Rep. Strinden: "Mr. Speaker: The proposal offered by the Minority, which was defeated, at a 12.2 percent population allowable — that is over 10 percent. If their concern is the court declaration on 10 percent or less, they have undermined their own arguments."

Rep. Backes: "Mr. Speaker and Members of the Assembly: I was tempted to rise a little earlier when Rep. Kretschmar made the pitch for the Majority Report and the bill and to say that we are operating under a double standard in these two areas — population deviation and population percentage needed on reelection. Rep. Kretschmar argued the case that we had to stay within a 10 percent deviation because the courts would really go after us if we got more than that; and I have argued it in front of the committee, I argued it on the floor earlier today, that it's been proven in court that we can go as high as 16 percent, a little better than 16 percent. In West Virginia, for the very argument that I have been using, they did recognize county lines, they

did recognize city urban problems. That's why they allowed the 16 percent. The same courts have thrown out plans with a 5 percent deviation, because of denial of rights to minority groups. Now that isn't the problem in this reapportionment plan, and I can say that's probably the only good thing about it is that. At least I don't think it denies any minority, except the Democrats. But, if we're so hung up on the 10 percent deviation that we're going to tear up county lines, that we're going to mix urban and rural populations, and all the other arguments we've heard, then why don't we go to the 16 percent or the 15 percent and take that chance, because I think it is defensible in court. The one thing that isn't defensible in court is the 20 percent deviation we're going to give on this Senator deal, simply because the plan we're under has set 10 percent and Rep. Strinden is dead right. The Minority plan allowed about 12 percent. The reason for that was to try to get enough votes out of the committee to at least get closer to the 10 percent than we are. We still didn't get the votes out of committee in the rush we're in this House. I told my committee members not to try to hold the committee up. I don't want to be an obstructionist — not to go back and look for another amendment, make the committee wait, bring the new amendment in and vote on it again. That's how we ended up with 12 percent? We knew we were going to lose anyway. What's the difference? But we're running a double standard here. In one case we say we can't go over a certain deviation; in the other case we go ahead over it; and the court rulings are just the opposite. This plan's in trouble because we're not consistent; and the consistency on these two points alone are going to bring a court challenge to this plan."

Rep. Strinden: "It is a short session and everyone would be disappointed if we didn't have a little bit of fire, wouldn't they? What we wanted to do, and I only pointed it out, Rep. Backes, that if you were just building the case for the court knowing you were going to lose anyway, why did you pick 12.2? Why didn't you come at 8.6, 4, 5, 3 or something like that and be below 10 percent?"

Rep. Backes: "Rep. Strinden, I'm aware that our remarks are going to be recorded in the Journal and I hope when this gets to the court case the Journal will be used and I think I explained why we weren't below 10 percent."

REQUEST

Rep. Backes requested a recorded roll call vote, which request was granted.

ROLL CALL

The question then was on the motion of Rep. B. Larson to adopt the report of the Minority as ruled reconcilable by the Speaker on House Bill No. 1669.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION				ROLL CALL				1981 LEGISLATURE			
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
ANDERSON, C. #1		•	• HORGAN			• MEYER					• THOMPSON
ANDERSON, R. #M		•	• HOUMANN			• MOORE					• TIMM
• BACKES			• HUGHES			• MOUM					• UNHJEM
• BERG			• HUIE			• MURPHY					• VANDER VORST
• BERGER			• JACOBSEN, R.			• NUSHIK					• VIC
• BLACK			• JACOBSEN, I.			• NAGEL					• WAGNER
• BOYUM			• KELLY			• NICHOLAS					• WALD
• BROKAW			• KENT			• OLAFSON					• WENTZ
• CONMY			• KINGSBURY			• OLSEN					• WHALEN
• CRABTREE			• KLOUBEC			• OLSON, A. #11					• ZIMBLEMAN
• DICK			• KNUDSON			• OLSON, D. #13					
• DIETZ			• KOLAND			• OPEDAHL					• MR. SPEAKER
• DOTZENROD			• KOSKI			• PELTIER					

• DuBORD		KRETSCHMAR	•	PETERSON	
EAGLES	•	KUCHERA	•	• POMEROY, E #74	
FREBORG	•	LANG	•	• POMEROY, G #42	
GATES	•	• LARSON, B. #12		REED	•
• GERL		LARSON, G. #29	•	REITEN	•
GOETZ	•	LARSON, H. #7	•	RETZER	•
GORDER	•	LIPSIEA	•	RICE	•
GUNDERSON	•	MARSDEN	•	• RICHARD	
• GUNSCHE		MARTIN	•	• RICHIE	•
• HANSON, L. #48		MARTINSON	•	• RIEHL	
• HANSON, O. #7		• WATCHIE		• ROMFG	
HAUGLAND	•	MATHENY	•	RUED	•
HAUSAUER, A. #49	•	MATTONSON	•	• SCHINDLER	
HAUSAUER, R. #25	•	• MEIERS		• SOLBERG	
HEDSTROM	•	MELBY	•	SORUM	•
HILL	•	• MERTENS		STRINDEN	•
• HOFFNER		METZ	•	• SWIONTEK	

The Report of the Minority as ruled reconcilable by the Speaker was declared lost.

### MOTIONS

Rep. Strinden moved that the rules be suspended and that House Bill No. 1669 be placed on the eleventh order for second reading and final passage, which motion prevailed.

Rep. Kretschmar moved that the House waive the reading of the title to House Bill No. 1669, which motion prevailed.

Rep. Kretschmar: "Mr. Speaker and Ladies and Gentlemen of the Assembly: This is the principal reapportionment bill that was introduced into the House during this reconvened session. I will briefly try to explain the general provisions of the bill. Most of them have been discussed here when we argued the amendments; but Section 1 of the bill contains a provision that would allow county commissioners, who were elected in 1980, to serve out their terms of four years even after county commissioner districts would be reapportioned, if that was done in any particular county. Some counties have their commissioners running at large; in those counties the county commissioners could serve out their four-year terms. Some county commissioners have new districts and elect in districts and there they could serve out their term unless there were two incumbents in the same district or no incumbent in a district, and then there would have to be an election. Basically, that kind of follows on the issue of having Senators hold over for their two-year terms, too, and was placed in the bill because of an earlier Attorney General's opinion requiring all county commissioners who were, even those elected in 1980, to run in 1982.

"The next section of the bill, Section 2, deals with political party reorganization after reapportionment. And that would require the establishment of new precincts where it is necessary and the selection of new precinct committeemen in those precincts and then the reorganization of district organizations where that will be required because of changes in districts. It specifically provides that the state party organizations do not have to reorganize and those organizations will stay in place during the balance of the 1982 campaign and then get back on their regular sequence. Section 3 of the bill makes some changes in the legislative statute that we have, and changes a present statute that we have that where the Senate should be between 48 and 52 members and the House double that. We've changed the figures from 47 to 53 and then changed the requirements of allowing a double district, or a double Senate district in those areas where there is a federal facility that has over two-thirds of the population of a single district, if it were a single district. Those are just minor changes to comply what we — the present statute to get them in compliance with

what we have done in the reapportionment bill.

“Section 5 of the bill is the establishment of new legislative districts in North Dakota. The committee approved the establishment of 53, well maybe not 53, 53 Senate seats in fifty-one legislative districts. We continue District 40-50 in the Minot area as a two-Senator district and we have established District 17-18 in the Grand Forks area as a two-Senator district. The committee decided on 53 Senate seats because that would allow the districts to stay within a 10 percent population variance. The committee operated on the first rule that the committee was operating under or the first guideline was that we would not cross the Missouri River with a district. Historically, that’s never been done in North Dakota and the LPNA Committee last session gave that to the Interim Committee as a guideline and we followed it. By using that criteria the population variances would come out the best if we had a 47 member Senate or a 53 member Senate. Professor Hickok, the consultant that was from the University that aided us in the reapportionment matter, had provided us information on 46, I think, through 54 Senate districts. And the committee early on chose to go along and ask him to prepare plans that had 53 Senate districts. That increase figures out to be between 36 and 37 thousand people, if your average district is about twelve and one-half thousand; and that 36 and 37 thousand is what North Dakota’s population increased between 1970 and 1980. Another factor that led us to choose 53 districts was that the population increase could be — was just confined to three areas of the state, namely Fargo increased by one district, Bismarck area increased by a district, and the West River area increased by a district; so the committee went head and drew the plans along those lines.

“The committee also has a guideline to try to maintain current legislative districts, try to maintain county and political subdivision lines as much as possible. The committee tried to do that. In some areas of the state we perhaps were not as successful as we should have been.

“But overall, I think we have a good legislative district set up under this bill. I think, under the plan that we’re operating right now, the plan that was devised by the Federal Court in 1976, divides six North Dakota counties that wouldn’t have to be divided because they’re too small to be one district. The present plan divides only five of those counties. We have to divide some of them. Of course, we had to divide counties like Burleigh and Cass, which were too large to be one legislative district, and so those counties are divided. Basically, I believe, in my judgment, this plan will maintain and will be upheld by a court for the — on the one man, one vote rule. I think we are well within the population variance, which is, I think, 9.93. And that is what the courts have held up in various cases in other areas of the country that are constitutionally sound. The courts have allowed even higher variations in some states, but we wanted to maintain that 10 percent variation, so that we would be sure that our plan would be constitutionally sound.

“Section 6 of the bill provides for the staggering of Senator’s terms and provides for those Senators which must run in 1982, those who were elected in 1980 for four-year terms. I think in some states, and we had this information before the committee, I believe it’s the State of Iowa, when they did their reapportionment they just decreed that any Senator who was elected to a four year term would serve out his term

no matter what change in his district, so long as there wasn't another incumbent Senator in his district; and that was one option that the committee did consider. The committee did not finally adopt that, they adopted the 2,000 population increase that we have in the amendments and now have in the bill. Those Senators from even numbered districts who are elected in 1980, and who are up for election in 1982, under the bill will be elected for two-year terms and then they'll get back on the four-year sequence. We also provided for the other double district that we established in Grand Forks. In that district, next year they'll elect two Senators, one for a two-year term and one for a four-year term and then they will elect a Senator each election after that, either their odd numbered or even numbered one in that district.

"The committee also provided a section in the bill on legislative intent, so that there would be some indication of what guidelines the committee followed and what we thought was important in establishing the legislative guidelines. Finally, we repealed some of the legislative guidelines for reapportionment that are in the statutes that were put in, I think, in 1977. That's Section 8 of the bill. There is an emergency clause on the bill, and if it receives the 67 votes from this House and a two-thirds vote in the Senate, it would become law upon the Governor's signature and be in place for the 1982 election.

"That basically, Mr. Speaker, is an overview of the bill. I'd be happy to answer any questions if any come along."

Rep. Gerl: "If there is going to be one additional seat in Fargo, one additional seat in Bismarck, and one additional seat in the West River District, why then on District 17 and 18 are you combining them? What was the justification behind that?"

Rep. Kretschmar: "We combined both of those Districts because that area also includes a Federal facility of almost a district-wide population. I think about 9-10,000 people, which is the Grand Forks Air Force Base. In fact, that part of the state in the Federal Court decision in 1976 was put into two districts, District 17 and 18. The Committee had figures on the district that had the Air Base in it, where the vote totals were relatively small compared to other Legislative Districts around the state. And the Committee felt that even though it had a large population, there was not enough political activity for either party to work out well as a district. The experiment had been tried for two or three elections and the Committee felt that it wasn't working the way it was supposed to.

"We thought that District 40-50 in Minot was a much better system in the Air Base situation, so we voted to place both of the Air Bases under the same basis. They are almost near in population; they are both near major metropolitan areas in the state, and we thought they should both be treated similarly under the bill."

Rep. Metz: "Mr. Speaker and Members of this Assembly: I will support House Bill No. 1669 rather reluctantly. I will support the bill because there seems to be no better alternatives without major district changes. I also realize that one man, one vote, is a Federal mandate. I will have to, however, make the Assembly aware of several problems in my District 28. These problems were probably created in the last reapportionment or even before that.

"First of all, the area is very irregular, and I find that the historic background of the people and geography is very different from east to west and north to south. And, up until yesterday, included parts of four

counties. The district still includes parts of three counties. No other district has that great a variance.

"Logan County, in my district, a closely knit county is being torn apart and divided. The county has, over the last few years, been tossed to-and-fro something like a yo-yo. The people do not like this. Logan County has produced several great statesmen over the years and deserves better treatment. Thank you for listening."

SECOND READING OF HOUSE BILL

House Bill No. 1669. — A Bill for an Act to create and enact two new sections to chapter 54-03 of the North Dakota Century Code, relating to state legislative apportionment and the staggering of terms of senators; to amend and reenact sections 11-07-04, 16.1-03-17, and 54-03-01.5 of the North Dakota Century Code, relating to the election of county commissioners, party reorganization after redistricting, and legislative apportionment requirements; to repeal section 54-03-01.6, relating to state legislative apportionment; to provide for temporary nonapplication of section 16.1-03-17; to declare legislative intent; 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, 71; nays, 27; absent and not voting, 2.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL CALL						1981 LEGISLATURE		
YEAS	N.V.	NAYS	YEAS	N.V.	NAYS	YEAS	N.V.	NAYS	YEAS	N.V.	NAYS
• ANDERSON, C. #7			• HORGAN			• MEYER			• THOMPSON		•
• ANDERSON, R. #34			• HOUHANN			• MOORE			• TIMM		
• BACKES		•	• HUGHES			• MOUN			• LUNHEM		
• BERG		•	• HUWE			• MURPHY			• VANDER VORST		
• BERGER		•	• JACOBSEN, R.			• MUSHK		•	• VIG		
• BLACK			• JACOBSON, J.		•	• NAGEL			• WAGNER		
• BOYUM			• KELLY		•	• NICHOLAS			• WALD		
• BROKAW		•	• KENT			• OLAFSON			• WENTZ		
• CONNY			• KINGSBURY			• OLSEN			• WHALEN		
• CRABTREE			• KLOUBEC			• OLSON, A. #11			• ZIMBLEMAN		
• DICK			• KAUSON		•	• OLSON, D. #13					
• DIETZ			• KOLAND			• OPEDAHN			• MR. SPEAKER		
• DOTZENROD			• KOSKI		•	• PELTIER					
• DUBORO		•	• KRETSCHMAR			• PETERSON					
• EAGLES			• KUCHERA			• POMEROY, E. #24		•			
• FREBORG			• LANG			• POMEROY, G. #42		•			
• GATES			• LARSON, B. #12		•	• REED					
• GERL		•	• LARSON, G. #29			• REITEN					
• GOETZ			• LARSON, H. #7			• RETZER					
• GORDER			• LIPSIEA			• RICE					
• GUNDERSON			• MARSDEN			• RICHARD		•			
• GUNSCH		•	• MARTIN			• RICHIE					
• HANSON, L. #48			• MARTINSON			• RIEHL					
• HANSON, D. #7			• MATCHIE		•	• ROMO					
• HAUGLAND			• MATHENY			• RUED					
• HAUSAUER, A. #49			• MATTSO			• SCHINDLER					
• HAUSAUER, R. #25			• MEIERS			• SOLBERG					
• HEDSTROM			• MELBY			• SORUM					
• HILL			• MERTENS		•	• STRINDEN					
• HOFFNER		•	• METZ			• SWIONTEK					

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

REQUEST

Rep. Kuchera asked that the record show that he voted "aye" on House Bill No. 1669, which request was granted.

MOTION

Rep. Strinden moved that the rules be suspended and that action



taken on House Bill No. 1669 be messaged to the Senate immediately, which motion prevailed.

REPORTS OF STANDING COMMITTEES

**Mr. Speaker:** Your Committee on FINANCE AND TAXATION  
 to whom was referred HOUSE  
 Bill No. 1673, has had the same under consideration and recommends, by a vote of  
 Ayes, 13; Nays, 1; Absent, 2, that the same  
 do pass.       do not pass.       be placed on calendar  
 without recommendation.

Chairman

HOUSE Rep. Al Hausauer  
 Bill No. 1673 was placed on the 11th  
 order of business on the calendar for the succeeding legislative day.

**Mr. Speaker:** Your Committee on FINANCE AND TAXATION  
 to whom was referred HOUSE  
 Bill No. 1672, has had the same under consideration and recommends, by a vote of  
 Ayes, 11; Nays, 2; Absent, 3, that the same  
 do pass.       do not pass.       be placed on calendar  
 without recommendation.

Chairman

HOUSE Rep. Al Hausauer  
 Bill No. 1672 was placed on the 11th  
 order of business on the calendar for the succeeding legislative day.

**Mr. Speaker:** Your Committee on FINANCE AND TAXATION  
 to whom was referred HOUSE  
 Bill No. 1674, has had the same under consideration and recommends, by a vote of  
 Ayes, 14; Nays, 0; Absent, 2, that the same  
 do pass.       do not pass.       be placed on calendar  
 without recommendation.  
 be amended as follows:

On page 1, line 9, after the semicolon insert the following:  
 "to provide limitations;"

On page 5, after line 26, insert the following new section:

JOURNAL OF THE HOUSE

"SECTION 7. LIMITATIONS. The definition of "assessed valuation" in section 3 of this Act shall not apply to sections 4-16-02, 11-11-24, 11-29-05, 23-14-11, 23-18-01, 23-18-02, 23-18-03, 24-05-01, 40-48-07, 40-55-08, sub-sections 20 and 22 of section 57-02-08, and section 57-02-08.1, and the meaning of the term "assessed valuation" in these sections is the meaning of such term prior to the enactment of this Act."

And renumber the lines and sections accordingly

And when so amended, recommends the same do pass.

*Al Hausauer*  
Rep. Al Hausauer Chairman

HOUSE Bill No. 1674 was placed on the 6th order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on FINANCE AND TAXATION

to whom was referred HOUSE

Bill No. 1671, has had the same under consideration and recommends, by a vote of

Ayes, 12; Nays, 1; Absent, 3, that the same

do pass.  do not pass.  be placed on calendar without recommendation.

be amended as follows:

On page 1, line 4, delete the words "within cities"

On page 3, line 7, after the word "lands" insert the following: " , whether "

On page 3, line 8, after the word "city" insert the following: " or not, "

And renumber the lines accordingly

And when so amended, recommends the same do pass.

*Al Hausauer*  
Rep. Al Hausauer Chairman

HOUSE Bill No. 1671 was placed on the 6th order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

Rep. A. Hausauer moved that the amendments to House Bill No. 1671 as recommended by the committee on Finance and Taxation be adopted, and when so adopted, recommends that the same Do Pass, which motion prevailed.

Rep. A. Hausauer moved that the amendments to House Bill No. 1674 as recommended by the committee on Finance and Taxation be adopted, and when so adopted, recommends that the same Do Pass, which motion prevailed.

Rep. Kretschmar moved that the rules be suspended and that House Bills No. 1671 and 1674 be placed on the eleventh order for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

**House Bill No. 1673.** — A Bill for an Act to amend and reenact section 57-50-01 of the North Dakota Century Code, relating to nonrefunded motor vehicle fuel and special fuel tax distributions to townships; 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, 93; nays, 4; absent and not voting, 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HORGAN			• MEYER		• THOMPSON
• ANDERSON, R. #36			• HOUMANN	•		• MOORE		• TIMM
• BACKES			• HUGHES		•	• MOUM		• UNHJEM
• BERG			• HUWE			• MURPHY		• VANDER VORST
• BERGER			• JACOBSEN, R.			• MUSHIK		• VIG
• BLACK			• JACOBSON, I.			• NAGEL		• WAGNER
• BOYUM		•	• KELLY		•	• NICHOLAS		• WALD
• BROKAW			• KENT			• OLAFSON		• WENTZ
• CONMY			• KINGSBURY			• OLSEN		• WHALEN
• CRABTREE			• KLOUBEC			• OLSON, A. #11		• ZIMBLEMAN
• DICK			• KNUDSON			• OLSON, D. #13		
• DIETZ			• KOLAND			• OPEDAHL		• MR. SPEAKER
• DOTZENROD			• KOSKI			• PELTIER		
• DUBORD		•	• KRETSCHMAR			• PETERSON		
• EAGLES			• KUCHERA			• POMEROY, E. #24		
• FREBORG			• LANG			• POMEROY, G. #42		
• GATES			• LARSON, B. #12			• REED		
• GERL			• LARSON, G. #29			• REITEN		
• GOETZ			• LARSON, H. #7			• RETZER		
• GORDER			• LIPSIEA			• RICE		
• GUNDERSON			• MARSDEN			• RICHARD	•	
• GUNSH			• MARTIN			• RICHIE		
• HANSON, L. #48			• MARTINSON			• RIEHL		
• HANSON, O. #3			• MATCHIE			• ROMFO		
• HAUGLAND			• MATHEWY			• RUED		
• HAUSAUER, A. #16			• MATTSON		•	• SCHINDLER		
• HAUSAUER, R. #25			• MEIERS			• SOLBERG		
• MEDSTROM			• MELBY			• SORUM		
• HILL			• WERTENS			• STRINDEN		
• HOFFNER			• METZ			• SWONTEK		

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

**House Bill No. 1672.** — A Bill for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the valuation and assessment of agricultural lands; 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, 81; nays, 17; absent and not voting, 2.

NORTH DAKOTA HOUSE OF REPRESENTATIVES								
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HORGAN			• MEYER		• THOMPSON
• ANDERSON, R. #36			• HOUMANN	•		• MOORE		• TIMM
• BACKES			• HUGHES		•	• MOUM		• UNHJEM
• BERG			• HUWE			• MURPHY		• VANDER VORST
• BERGER			• JACOBSEN, R.			• MUSHIK		• VIG
• BLACK			• JACOBSON, I.			• NAGEL		• WAGNER
• BOYUM		•	• KELLY		•	• NICHOLAS		• WALD
• BROKAW			• KENT			• OLAFSON		• WENTZ
• CONMY			• KINGSBURY			• OLSEN		• WHALEN
• CRABTREE			• KLOUBEC			• OLSON, A. #11		• ZIMBLEMAN
• DICK			• KNUDSON			• OLSON, D. #13		
• DIETZ			• KOLAND			• OPEDAHL		• MR. SPEAKER
• DOTZENROD			• KOSKI			• PELTIER		
• DUBORD		•	• KRETSCHMAR			• PETERSON		
• EAGLES			• KUCHERA			• POMEROY, E. #24		
• FREBORG			• LANG			• POMEROY, G. #42		
• GATES			• LARSON, B. #12			• REED		

• GERL	• LARSON, G. #29	• REITEN
• GOETZ	• LARSON, H. #7	• RETZER
• GORDER	• LIPSIEA	• RICE
• GUNDERSON	• WARSDEN	• RICHARD
• GUNSCHE	• MARTIN	• RICHIE
• HANSON, L. #48	• MARTINSON	• RIEHL
• HANSON, O. #3	• MATCHIE	• ROMFO
• HAUGLAND	• MATHENY	• RUED
• HAUSAUER, A. #49	• MATTSON	• SCHINDLER
• HAUSAUER, R. #25	• MEIERS	• SOLBERG
• HEDSTROM	• MELBY	• SORUM
• HILL	• MERTENS	• STRINDEN
• HOFFNER	• METZ	• SWIONTEK

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

**House Bill No. 1674.** — A Bill for an Act to create and enact a new subsection to section 57-02-01 of the North Dakota Century Code, relating to the definition of assessed valuation; to amend and reenact subsection 2 of section 15-60-03, subsection 4 of section 21-03-01, sections 57-02-27, 57-02-28, and 57-55-04 of the North Dakota Century Code, relating to the value of property for purposes of taxation and for determining indebtedness limitations of political subdivisions, the basis for the computation of taxes, and the taxation of mobile homes; to provide an effective date; to provide limitations; 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, 93; nays, 5; absent and not voting, 2.

REGULAR SESSION			ROLL CALL				1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	
• ANDERSON, C. #7			• MORGAN			• MEYER		• THOMPSON	
• ANDERSON, R. #26		•	• MUMMANN			• MOORE		• TIMM	
• BACKES			• MUGHES			• MOUM		• UNHJEM	
• BERG			• HUME			• MURPHY		• VANDER VORST	
• BERGER			• JACOBSEN, R.			• MUSHIK		• VIG	
• BLACK			• JACOBSON, I.			• NAGEL		• WAGNER	
• BOYUM			• KELLY			• NICHOLAS		• WALD	
• BROKAW		•	• KENT			• OLAFSON		• WENTZ	
• CONNY			• KINGSBURY			• OLSEN		• WHALEN	
• CRABTREE			• KLOUBEC			• OLSON, A. #11		• ZIMBLEMAN	
• DICK			• KNUDSON			• OLSON, D. #13			
• DIETZ			• KOLAND			• OPEDAHL		• MR. SPEAKER	
• DOTZENROD			• KOSKI			• PELTIER			
• DUBORD			• KRETSCHMAR			• PETERSON			
• EAGLES			• KUCHERA			• POWEROY, E. #24			
• FIEBORG			• LANG			• POWEROY, G. #42			
• GATES			• LARSON, B. #12		•	• REED			
• GERL			• LARSON, G. #29			• REITEN			
• GOETZ			• LARSON, H. #7			• RETZER			
• GORDER			• LIPSIEA			• RICE			
• GUNDERSON			• WARSDEN			• RICHARD			
• GUNSCHE			• MARTIN			• RICHIE			
• HANSON, L. #48			• MARTINSON			• RIEHL		•	
• HANSON, O. #3			• MATCHIE			• ROMFO			
• HAUGLAND			• MATHENY			• RUED			
• HAUSAUER, A. #49			• MATTSON			• SCHINDLER			
• HAUSAUER, R. #25			• MEIERS			• SOLBERG			
• HEDSTROM			• MELBY			• SORUM			
• HILL			• MERTENS			• STRINDEN			
• HOFFNER			• METZ			• SWIONTEK			

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

**House Bill No. 1671** — A Bill for an Act to amend and reenact subsection 11 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to the definition of "agricultural property" and to the assessment of platted agricultural land; to provide an effective date; and to declare an emergency.

Which has been read.

**ROLL CALL**

The question being on the final passage of the bill, as amended, the roll was called and there were ayes, 90; nays, 6; absent and not voting, 4.

NORTH DAKOTA HOUSE OF REPRESENTATIVES								
REGULAR SESSION			ROLL CALL			1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #1			• HORGAN			• MEYER		• THOMPSON
• ANDERSON, R. #36			• HOUMANN			• MOORE		• TIMM
• BACKES			• HUGHES	•		• MOUM		• UNHJEM
• BERG			• HUWE			• MURPHY		• VANDER VORST
• BERGER			• JACOBSEN, R.			• MUSHIK		• WIG
• BLACK			• JACOBSON, I.			• NAGEL		• WAGNER
• BOYUM		•	• KELLY			• NICHOLAS		• WALD
• BROKAW			• KENT			• OLAFSON		• WENTZ
• CONMY			• KINGSBURY			• OLSEN		• WHALEN
• CRABTREE	•		• KLOUBEC			• OLSON, A. #11		• ZIMBLEMAN
• DICK			• KNUDSON			• OLSON, D. #13		
• DIETZ			• KOLAND			• OPEDAHL		• MR. SPEAKER
• DOTZENROB			• KOSKI			• PELTIER		
• DUBORD			• KRETSCHMAR			• PETERSON		
• EAGLES			• KUCHERA			• POMEROY, E. #24		
• FREBORG			• LANG			• POMEROY, G. #42		
• GATES			• LARSON, B. #12			• REED		
• GERL			• LARSON, G. #29			• REITEN		
• GOETZ			• LARSON, H. #7			• RETZER		
• GORDER			• LIPSIEA			• RICE		
• GUNDERSON			• MARSDEN			• RICHARD		
• GUNSCHE			• MARTIN			• RICHIE		
• HANSON, L. #48			• MARTINSON			• RIEHL		
• HANSON, O. #2			• MATCHIE	•		• ROMFO		
• HAUGLAND			• MATHENY			• RUED	•	
• HAUSAUER, A. #49			• MATTSON			• SCHINDLER		
• HAUSAUER, R. #25			• MEIERS			• SOLBERG		
• HEDSTROM			• MELBY			• SORUM		
• HILL			• MERTENS			• STRINDEN		
• HOFFNER			• METZ			• SWIONTEK		

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

**MOTION**

Rep. Strinden moved that the rules be suspended and that action taken on House Bills Nos. 1673, 1671, 1674 and 1672 be messaged to the Senate immediately, which motion prevailed.

**MESSAGE TO THE SENATE**

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. 1669-1671-1672-1673-1674

ROY GILBREATH, Chief Clerk

**MOTIONS**

Rep. Strinden moved that the absent members be excused, which motion prevailed.

Rep. Strinden moved that the House be on the thirteenth order of business and at the conclusion of the thirteenth order of business, the House stand adjourned until 9:00 a.m., Wednesday, November 18, 1981, which motion prevailed.

**MESSAGE FROM THE SENATE**

Mr. Speaker:

I have the honor to transmit herewith the following, which the Senate has passed as amended by the Joint Reapportionment Committee Senate Bill No. 2440.

LEO LEIDHOLM, Secretary

**FIRST READING OF SENATE BILL**

Senate Bill No. 2440, a bill for an Act, etc., which was read the first time and referred to the Joint Committee on Reapportionment.

The House stood adjourned pursuant to Rep. Strinden's motion.

ROY GILBREATH, Chief Clerk