

SIXTY-THIRD DAY

Bismarck, November 18, 1981

The House convened at 9:00 a.m. with Speaker Peterson presiding. Prayer was offered by Rev. J. L. Norlie, Trinity Lutheran Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all members were present except Rep. Gerl. A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

*Burns Reed* Chairman  
Rep. Reed

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

MOTION

Rep. Strinden moved that the House stand at recess until 10:30 a.m., which motion prevailed.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. Martinson and Senator Thane introduced:

House Concurrent Resolution No. 3087. — A Concurrent Resolution providing and designating House and Senate employees during the continued Forty-seventh Legislative Assembly and authorizing their compensation; and authorizing employment and compensation of any needed additional employees.

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

REPORT OF PROCEDURAL COMMITTEE

Mr. Speaker: Your Procedural Committee on Delayed Bills

recommends that House Concurrent Resolution No. 3087 be introduced.

*Earl Strinden* Chairman  
Rep. Strinden

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

### MOTION

Rep. Strinden moved that the rules be suspended and House Concurrent Resolution No. 3087 not be referred to committee, not be printed as a bill, be read in its entirety, be printed in the Journal and placed on the eleventh order for second reading and final passage, which motion prevailed.

Forty-seventh  
Legislative Assembly  
of North Dakota

HOUSE CONCURRENT RESOLUTION NO. 3087

Introduced by

Representative Martinson

Senator Thane *K. Thane*

A concurrent resolution providing and designating House and Senate employees during the continued Forty-seventh Legislative Assembly and authorizing their compensation; and authorizing employment and compensation of any needed additional employees.

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

That for and during the continued Forty-seventh Legislative Assembly which convened on Monday, November 16, 1981, the following named persons are employees of the House and Senate and shall be paid those daily wages authorized by House Concurrent Resolution No. 3014 for the duration of the continued session:

#### SENATE

Leo Leidholm, Secretary of the Senate  
Doris McMahan, Desk Reporter  
Vernon Asheim, Assistant Secretary of the Senate  
Sandra Boehler, Bill Clerk  
Olger Sandven, Sergeant-at-Arms (Supply)  
Al Jacobsen, Assistant Sergeant-at-Arms (Page)

Jerri Kurle, Page  
Jan Munma, Committee Clerk  
Michelle Mushik, Stenographer  
Maryann Brown, Telephone Attendant  
Mary Schmidt, Minority Leader's Secretary  
Lois Scherr, Majority Leader's Secretary  
Kenneth Harlow, Journal Proofreader  
Kathryn Keiser, Journal Proofreader

## HOUSE

Roy Gilbreath, Chief Clerk of the House  
Barb Middaugh, Desk Reporter  
Skip Sjothun, Assistant Chief Clerk  
Gladys Derrick, Bill Clerk  
Dave Hillesland, Sergeant-at-Arms (Supply)  
Edgar Beyers, Assistant Sergeant-at-Arms (Page)  
Bob Porter, Desk Page  
Renaë Doan, Chief Page  
Brad Fay, Page  
Eileen Schneider, Committee Clerk  
Phyllis Johnson, Stenographer  
Eileen Giese, Stenographer  
Flo Feland, Telephone Attendant  
Betty Perkins Johnson, Speaker's Secretary  
Arlene Haunson, Minority Leader's Secretary  
Mavis Patchen, Majority Leader's Secretary  
Susan Lawrence, Journal Proofreader  
Carolyn Twingley, Journal Proofreader  
Joe Emineth, Janitor  
Dick Lang, Janitor  
Jacob Kramer, Janitor

BE IT FURTHER RESOLVED, that the Employment Committees of the House and Senate are authorized to hire such additional employees as may be warranted should this continued session extend beyond Friday, November 20, 1981, for the positions, and

at the rates, set forth in House Concurrent Resolution No. 3014; and

BE IT FURTHER RESOLVED, that legislative employees shall be entitled to recover necessary travel and lodging expenses, at the same rate as for other state employees, during the continued session, and for authorized days before and afterwards; and

BE IT FURTHER RESOLVED, that in the event any employees shall resign, be discharged, or for other reasons terminate employment, the compensation provided for in this resolution shall cease, effective the last day of employment; and

BE IT FURTHER RESOLVED, that the members of standing substantive and procedural committees which have met, or may meet, in a period between recess and reconvening of the Forty-seventh Legislative Assembly are entitled to per diem at the rate established for members of Legislative Council interim committees, payable from the appropriation to the Forty-seventh Legislative Assembly.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**House Concurrent Resolution No. 3087.** — A Concurrent Resolution providing and designating House and Senate employees during the continued Forty-seventh Legislative Assembly and authorizing their compensation; and authorizing employment and compensation of any needed additional employees.

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, 84; nays, 0; absent and not voting, 16.

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. #28			HOUHANN			MOORE			TIMM		
BACKES			HUGHES			MOUM			UNHJEM		
BERG			HUWE			MURPHY			VANDER VORST		
BERGER			JACOBSON, I.			MUSHIK			VIG		
BLACK			JACOBSON, J.			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			KNOLAND			OPEDAHN			MR. SPEAKER		
DOTZENROD			KOSKI			PELTIER					
DUBORD			KRETSCHMAR			PETERSON					
EAGLES			KUCHERA			POMEROY, E. #24					
FREDBORG			LANG			POMEROY, G. #42					
GATES			LARSON, B. #12			REED					
GERL			LARSON, G. #29			REITEN					
GOETZ			LARSON, H. #7			RETZER					
GORDER			LIPSEA			RIE					
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	● WERTENS	● STRINDEN
● HOFFNER	● METZ	● SWIONTEK

So House Concurrent Resolution No. 3087 was declared adopted.

**MOTIONS**

Rep. Strinden moved that the rules be suspended and that Senate Bill No. 2440, as amended by the Senate, be returned to the House from the Joint Committee on Reapportionment and placed on the fourteenth order for a second reading and final passage, which motion prevailed.

Rep. Kretschmar moved that the House dispense with the reading of the title to Senate Bill 2440, which motion prevailed.

**SECOND READING OF SENATE BILL**

**Senate Bill No. 2440.** — 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, 72; nays, 28; 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. #34			HOUWANN			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			OPEDAHN			MR. SPEAKER		
● DOTZENROD			KOSKI								
● 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. #1			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			WERTENS			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 Senate Bill No. 2440 be messaged to the Senate immediately, which motion prevailed.

APPOINTMENTS

Speaker Peterson appointed Rep. Neil Romfo to the House Committee on Transportation and the House Committee on Judiciary to replace former Rep. William Heigaard.

Speaker Peterson appointed Rep. E. Pomeroy to the House Committee on Joint Constitutional Revision to replace former Rep. William Heigaard.

MESSAGES TO THE SENATE

Mr. President: I have the honor to return herewith the following, which the House has passed unchanged:  
Senate Bill No. 2440

ROY GILBREATH, Chief Clerk

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. 3087

ROY GILBREATH, Chief Clerk

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.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

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

House Resolution No. 1

and find the same correctly } Enrolled

*Craig M. Richie*  
Craig Richie Chairman

Representative Vig moved that the report be adopted, which motion prevailed, and the report was adopted.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

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

House Bill No. 1669  
House Bill No. 1671  
House Bill No. 1674

and find the same correctly } Engrossed

*Craig M. Richie*  
Craig Richie Chairman

Representative Vig moved that the report be adopted, which motion prevailed, and the report was adopted.

SIGNING OF BILLS AND RESOLUTIONS

The Chief Clerk announced that the Speaker signed the following:  
House Resolution No. 1

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

The committee on Enrollment and Engrossment respectfully reports that:

House Resolution No. 1

was delivered to the Secretary of State

on November 18, 1981 at 9:30 a.m.  
(date)

*Craig M. Ritchie*  
Craig Ritchie Chairman  
\*NOT ABOARD HOUSE PROCEEDINGS\*

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on JUDICIARY

to whom was referred HOUSE

Bill No. 1675, has had the same under consideration and recommends, by a vote of

Ayes, 11; 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 19, after the word and comma "associations," insert the word "or" and after the word "partnerships" delete the comma and words ", or corporations"

On page 1, line 20, after the period insert the following: "If the name of an association or partnership is used, the disclaimer shall also include the name of the chairman or other responsible person from the association or partnership."

On page 1, line 21, after the word and comma "associations," insert the word "or" and after the word "partnerships" delete the comma and words ", or corporations"

On page 1, line 24, after the period insert the following: "If the name of an association or partnership is used, the disclaimer shall also include the name of the chairman or other responsible person from the association or partnership."

And renumber the lines and pages accordingly

And when so amended, recommends the same do pass

*Pat Conmy*  
Rep. Pat Conmy Chairman

HOUSE Bill No. 1675 was placed on the 6th order of business on the calendar for the succeeding legislative day.

MOTION

Rep. Strinden moved that the rules be suspended and that House Bill No. 1675 be placed on the sixth order of business, and after action

taken on the sixth order, that House Bill No. 1675 be placed on the eleventh order for second reading and final passage, and dispense with the reading of the title, which motion prevailed.

SIXTH ORDER OF BUSINESS

Rep. Conmy moved that the amendments to House Bill No. 1675 as recommended by the committee on Judiciary be adopted, and when so adopted, recommends that House Bill No. 1675 Do Pass, which motion prevailed.

SECOND READING OF HOUSE BILL

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.

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, 95; nays, 4; 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			• HOUMANN			• MOORE			• TIMM		
• BACKES			• HUGHES			• MQUM			• UNHJEM		•
• BERG			• HUWE			• MURPHY			• VANDER VORST		
• BERGER			• JACOBSEN, R.			• MUSHIK			• VIC		
• BLACK			• JACOBSON, I.			• NAGEL			• WAGNER		
• BOYUM		•	• KELLY			• NICHOLAS			• WALD		
• BROKAW			• KENT			• OLAFSON			• WENTZ		
• CONMY		•	• KINGSBURY			• OLSEN			• WHALEN		
• CRABTREE			• KLOBEBC			• OLSON, A #11			• ZIMBLEMAN		
• DICK			• KNUDSON			• OLSON, D #13					
• DIETZ			• KOLAND			• OPEDAHL			• MR. SPEAKER		
• DOTZEHROD			• KOSKI			• PELTIER					
• DUBORD			• KRETSCHMAR			• PETERSON					
• EAGLES			• KUCHERA		•	• POMEROY, E #21					
• FREBERG			• LANG			• POMEROY, G #42					
• GATES			• LARSON, B #12			• REED					
• GERL			• LARSON, G #29			• REITEN					
• GOETZ			• LARSON, H #7			• RETZER					
• GORDER			• LIPSIA			• RICE					
• GUNDERSON			• MARS DEN			• RICHARD					
• GUNSCHE			• MARTIN			• RICHE					
• 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 Bill No. 1675 be messaged to the Senate immediately, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

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

House Bill No. 1675



and find the same correctly

} Engrossed

Representative Retzer  
motion prevailed, and the report was adopted.

*Craig M. Ritchie* Chairman  
Craig Ritchie moved that the report be adopted, which

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. 1675

ROY GILBREATH, Chief Clerk

MOTION

Rep. Strinden moved that the House stand at recess until 4:30 p.m., which motion prevailed.

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

MESSAGES FROM THE SENATE

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

House Bill No. 1673

House Concurrent Resolution No. 3085

House Bill No. 1674

House Concurrent Resolution No. 3087

LEO LEIDHOLM, Secretary

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

House Bill No. 1670

House Bill No. 1671

House Bill No. 1672

LEO LEIDHOLM, Secretary

SENATE AMENDMENTS TO HOUSE BILL NO. 1670

On page 1, line 13, delete the numerals "12,589" and insert in lieu thereof the numerals "10,571"

On page 1, line 14, delete the numerals "114,330" and insert in lieu thereof the numerals "87,122"

On page 1, line 15, delete the numerals "126,919" and insert in lieu thereof the numerals "97,693"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$2,018 and the operating expenses line item is reduced by \$27,208, for a total reduction of \$29,226. The bill as amended provides for one day of travel to the legislative session, three days of a reconvened session, and for one additional day of reconvened session including return travel.

SENATE AMENDMENTS TO HOUSE BILL NO. 1671

On page 1 of the engrossed bill, line 4, after the semicolon insert the following: "to provide limitations for the administration of this Act for 1981;"

On page 3 of the engrossed bill, after line 13 insert the following new section:

"SECTION 3. LIMITATION ON ADMINISTRATION OF ACT FOR 1981.

An assessment made for 1981 on platted land may be changed as provided in this Act only if the owner of the platted land files an application for abatement pursuant to chapter 57-23. County auditors and other taxing officials shall not compute tax bills or take any other action for 1981 as a result of this Act except as is necessary to grant abatements."

And renumber the lines and sections accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1672

On page 3, line 34, delete the numerals and word "1981 and 1982" and insert in lieu thereof the numerals and word "1982 and 1983"

On page 3, line 35, after the period delete the remainder of the line

On page 4, delete lines 1 through 3

And renumber the lines and pages accordingly

MOTIONS

Rep. Wagner moved that the House concur in the Senate amendments to House Bill No. 1670, which motion prevailed.

Rep. Wagner moved that the rules be suspended, and House Bill No. 1670 be considered properly engrossed and placed on 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, as amended, the roll was called and there were yeas, 96; nays, 0; 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 #5A			● HUGHANN			● MOORE			● TIMM		
● BACKES			● HUGHES			● MOUM			● UMHEM		
● BERG			● HUWE	●		● MURPHY			● VANDER VORST		
● BERGER			● JACOBSEN, R			● MUSHK			● VIG		
● BLACK			● JACOBSON, J			● NAGEL			● WAGNER		
● BOYUM			● KELLY			● NICHOLAS			● WALD		
● BROKAW			● KENT			● OLAFSON			● WENTZ		
● CONMY			● KINGSBURY			● OLSEN			● WHALEN		
● CRABTREE			● KLOUBEC			● OLSON, A #11			● ZIMBLEMAN		
● DICK			● KNUDSON	●		● OLSON, D #12					
● DIETZ			● KOLAND			● OPEHAHL			● MR. SPEAKER		
● DOTZENROD			● KOSKI			● PELTIER					
● 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 #7			● MATCHEE			● ROMFO					
● HAUGLAND			● MATHENY			● RUSED					
● HAUSAUER, A #49			● MATTSON			● SCHINDLER					
● HAUSAUER, R #25			● MEIERS			● SOLBERG					
● HEDSTROM			● MELBY			● SORUM					
● HILL			● MERTENS			● STRINDEN					
● HOFFNER			● METZ			● SWINTEK					

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

MOTIONS

Rep. A. Hausauer moved that the House concur in the Senate amendments to House Bill No. 1671, which motion prevailed.

Rep. A. Hausauer moved that the rules be suspended, and House Bill No. 1671 be considered properly engrossed and placed on final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

**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, 89; nays, 7; 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. #7	•			HORGAN	•			MEYER	•			THOMPSON
•			ANDERSON, R. #36	•			HOUWANN	•			MOORE	•			TIMM
•			BACKES	•			HUGHES	•			MOUM	•			UNHJEM
•			BERG	•			HUME	•			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	•			OPEDAHN				
•			DOTZENROD	•			KOSKI	•			PELTIER	•			MR SPEAKER
•			DUBORD	•			KRETSCHMAR	•			PETERSON				
•			EAGLES	•			KUCHERA	•			POMEROY, E. #34				
•			FREDBORG	•			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	•			MATCHEE	•			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.

MOTIONS

Rep. A. Hausauer moved that the House concur in the Senate amendments to House Bill No. 1672, which motion prevailed.

Rep. A. Hausauer moved that the rules be suspended, and House Bill No. 1672 be considered properly reengrossed and placed on final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

**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, as amended, the roll was called and there were ayes, 84; nays, 15; 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 #1		●	MORGAN		●	MEYER	●	●		THOMPSON
●	ANDERSON, R #36		●	MUHMANN		●	MOORE		●		TIMM
●	BACKES		●	HUGHES	●	●	MOUM		●		UMHJEM
●	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		●	KNOXSON		●	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		●	LIPSTEK			RICE				
●	GUNDERSON		●	MARSDEN			RICHARD				
●	GUNSCH		●	MARTIN			RICHE				
●	HANSON, L #48		●	MARTINSON			RIEHL				
●	HANSON, O #3		●	MATCHEE			ROMFO				
●	HAUGLAND		●	MATHENY			RUED				
●	HAUSAUER, A #49		●	MATTSON			SCHINDLER				
●	HAUSAUER, R #25		●	MEIERS	●		SOLBERG				
●	HEDSTROM		●	MELBY			SORUM				
●	HILL		●	MERTENS			STRINDEN				
●	HOFFNER	●	●	NETZ			SWINTEK	●			

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

MESSAGES TO THE SENATE

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

House Bill No. 1670 House Bill No. 1671 House Bill No. 1672

And subsequently passed the same.

Very respectfully,

ROY GILBREATH, Chief Clerk

REPORT OF STANDING COMMITTEE

Mr. Speaker: Your Committee on TRANSPORTATION

to whom was referred HOUSE CONCURRENT RESOLUTION

SEN No. 3086, has had the same under consideration and recommends, by a vote of

Ayes, 13; Nays, 1; Absent, 2, that the same

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

Rep. Mike Timm Chairman

HOUSE CONCURRENT RESOLUTION SEN No. 3086 was placed on the 11th order of business on the calendar for the succeeding legislative day.

MOTION

Rep. Kretschmar moved that the rules be suspended and that House Concurrent Resolution No. 3086 be placed on the eleventh order for second reading and final passage, which motion prevailed.

REQUEST

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

Rep. Brokaw: "In looking over this resolution, I see alot of very good reasons why we should have a resolution. But then, when I get down to

where the guts of the resolution is, it's about the most gutless piece of gutless legislation that I've seen. It doesn't get at the problem. It doesn't get to the holding company that Burlington has formed, and indicated that they are going to form in May. It doesn't get to the forfeiture of the land, the minerals they got when they first built these roads, and I think we've got to get at that, and I think we've got to put some pressure on them.

"And as I look at all the reason, the whereas's and that, I see many reasons for the bills that I had asked to be introduced for this session. I really didn't care whether they had my name on them or not, but I think you missed a wonderful opportunity to piggyback them in on Rep. Kingsbury's bill and Senator Erickson's bill. I think they could have been put in there. And I'd just like to mention what they did: Number 1, it would strengthen the regional authority. It would give the state a little more time to pick and choose, and it would give us up to ten years to make up our minds which railroads we wanted.

"Then, another bill patterned somewhat after the Iowa Bill would put a 4 cents surtax charge on all fuels used by the railroads in North Dakota. It would have kicked in at 1 percent anytime they identified 1 percent of their branchlines for abandonment. It would have become permanent if they abandoned 5 percent or more. And it is interesting to note that Iowa did this during a special session for just apportionment. And they put on a 3 percent tax now that will go in the very near future to 8 cents, and that would be used for their rehabilitation of the railroads. In this bill that would have gone to fund the Railroad Authority Bill. In North Dakota it would have raised something like two million dollars at a very conservative figure.

"In Iowa, their bill, which is just a flat bill on everything doesn't make any difference either whether they're abandoning or not, it will bring in between three and eight million dollars.

"The bill that I think we really needed was the one that would have opened up the records of the railroad to the state on any abandonment and would have required the state to look at the records on any abandonment.

"Two other bills would have been for the reversion of any land that was granted by the state or political subdivision. And the other would have simply allowed the coop to own or operate railroads. I'm disturbed that Governor Olson said that this was not a state issue and I would have liked to see him come down here and ask for this kind of legislation. We took care of a couple of other taxation problems that affected a few — not a great deal of people — but we still took care of them. We had the taxation problem on some of our high production crops, and we took care of the platted land. So I think we should have taken care of something here that would have affected a lot of the people in North Dakota.

"And I guess, finally, I would have to congratulate Rep. Strinden for keeping my bills from coming out of the Delayed Bills Committee. And I guess I would also have to congratulate you, Rep. Strinden. I think that you have earned the stripes and you can be a full fledged water boy for the railroad company now."

#### MOTION

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

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**  
**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 second time.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were ayes, 75; nays, 23; 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			• MORGAN			• MEYER			• THOMPSON		
• ANDERSON, R. #28			• HOUMANN			• MOORE			• TIMM		
• BACKES	•		• HUGHES			• MOUW			• UMHEW		
• BERG		•	• HUIE			• 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			• POWER, E. #24		•			
• FRESBORG			• LANG			• POWER, G. #47		•			
• 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			• MATHEWY			• RUED					
• HAUSAUER, A. #49			• MATTSOON			• SCHINDLER					
• HAUSAUER, R. #25			• MEIERS		•	• SOLBERG					
• HEDSTROM			• MELBY			• SORUM					
• HILL			• WERTENS			• STRINDEN					
• HOFFNER	•		• WETZ			• SWIONTEK					

So House Concurrent Resolution No. 3086 was declared adopted.

**MESSAGES FROM THE SENATE**

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. 4092

LEO LEIDHOLM, Secretary

**MOTIONS**

Rep. Strinden moved that the House suspend the rules and message action taken on House Concurrent Resolution No. 3086 to the Senate immediately, which motion prevailed.

Rep. Strinden moved that the rules be suspended and that Senate Concurrent Resolution No. 4092 not be printed as a bill, not be referred to committee, but printed in the Journal, read in its entirety and placed on the fourteenth order of business for second reading and final passage, which motion prevailed.

Forty-seventh  
Legislative Assembly  
of North Dakota

SENATE CONCURRENT RESOLUTION NO.

**4092**

Introduced by

Senator Olin

Representative Kretschmar

A concurrent resolution commending Professor Hickok and the University of North Dakota Bureau of Governmental Affairs for the valuable assistance rendered on reapportionment matters during the interim and the continued regular session.

WHEREAS, the legislative reapportionment plans considered by the Forty-seventh Legislative Assembly were derived from statistical information compiled and prepared by Floyd Hickok, Assistant Professor of Geography, under a contract with the Bureau of Governmental Affairs, University of North Dakota; and

WHEREAS, for the first time in reapportionment matters in North Dakota, statistics were compiled and prepared using computerization; and

WHEREAS, Professor Hickok prepared the initial reapportionment report and corresponding maps for numerous reapportionment plans described in that report; and

WHEREAS, Professor Hickok innovatively divided the state into a block system, which allowed changes to be made to regional areas without affecting the entire state; and

WHEREAS, Professor Hickok was always available to present information to the interim committee studying reapportionment and to provide statistical information to individual legislators for individual reapportionment plans; and

WHEREAS, Professor Hickok developed his reapportionment plans on a nonpartisan, statistically accurate basis; and

WHEREAS, Professor Hickok provided invaluable assistance to the Continued Session of the Forty-seventh Legislative Assembly, allowing the session to act quickly and decisively on reapportionment;

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

That the Forty-seventh Legislative Assembly commends the Bureau of Governmental Affairs, and particularly Professor Floyd Hickok, for their efforts and assistance regarding

legislative reapportionment; and

BE IT FURTHER RESOLVED, that the Secretary of State present an enrolled copy of this resolution to Professor Floyd Hickok.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**Senate Concurrent Resolution No. 4092.** — A concurrent resolution commending Professor Hickok and the University of North Dakota Bureau of Governmental Affairs for the valuable assistance rendered on reapportionment matters during the interim and the continued regular session.

Was read the second time.

**ROLL CALL**

The question being on the final adoption of the resolution.

So Senate Concurrent Resolution No. 4092 was declared adopted, on a voice vote.

**MESSAGE FROM THE SENATE**

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

House Bill No. 1669

LEO LEIDHOLM, Secretary

**MOTIONS**

Rep. Strinden moved that the rules be suspended and that action taken on Senate Concurrent Resolution No. 4092 be messaged to the Senate immediately, which motion prevailed.

Rep. Strinden moved that the absent member 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, that the House stand adjourned until 8:30 a.m., Thursday, November 19, 1981, which motion prevailed.

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

ROY GILBREATH, Chief Clerk