

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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FOURTEENTH DAY

Bismarck, January 25, 1985

The House convened at 1:00 p.m., with Speaker R. Hausauer presiding.

The prayer was offered by Rev. George A. Walker, Associate Superintendent, North Central District Association of the Evangelical Free Church of America, Western Area, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Halmrast, Lipsiea, and Wold.

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 Thirteenth Day and finds the same to be correct.

REP. KENT, Chairman

REP. LAUGHLIN MOVED that the report be adopted, which motion prevailed.

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Governor and former Representative Arthur Link, and former Governor Link was thereupon introduced to the House.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1070, HB 1114, HB 1132, HB 1150, HB 1166, HB 1238,
HB 1242, HB 1248

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

HB 1062, HB 1087, HB 1133, HB 1146, HB 1209

REP. HEDSTROM, Chairman

REP. DORSO MOVED that the report be adopted, which motion prevailed.

MOTIONS

REP. A. HAUSAUER MOVED that the House reconsider its action by which HB 1217 was passed, which motion prevailed.

REP. STRINDEN MOVED that HB 1217 be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to HB 1128 as recommended by the Committee on State and Federal Government as printed on page 375 of the House Journal be adopted, and when so adopted, recommends that HB 1128 DO PASS, which motion prevailed.

HB 1128 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1204 as recommended by a Majority of the Committee on Finance and Taxation as printed on page 376 of the House Journal be adopted, and when so adopted, recommends that HB 1204 DO PASS.

RULING BY SPEAKER

SPEAKER R. HAUSAUER ruled that pursuant to Rule 602, paragraph 3, the amendment recommended by the report signed by the largest number of committee members, will be placed on the calendar first. Therefore, the explanation of the Majority amendments will be explained first, and the explanation of the Minority amendments will be explained second.

Pursuant to Rule 602, paragraph 4, if the Majority report is adopted, the issue is determined, thus making it unnecessary to vote on the report of the Minority.

REQUEST

REP. MERTENS REQUESTED a recorded roll call on the motion to adopt the proposed amendments to the Majority report on HB 1204, which request was granted.

ROLL CALL

The question being on the motion of Rep. A. Hausauer to adopt the amendments to HB 1204 as recommended by a Majority of the Committee on Finance and Taxation, the roll was called and there were 62 YEAS, 40 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Schmidt; Shaw; Shide; Smette; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Whalen; Winkelman; Speaker Hausauer, R.

NAYS: Berg, G.; Brokaw; DeMers; Dotzenrod; Enget; Frey; Graba; Hanson, L.; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Sauter; Schindler; Schneider; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea; Wold

The motion to adopt the Majority report amendments to HB 1204 passed.

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1246 as recommended by the **Committee on Judiciary** as printed on pages 377-378 of the House Journal be adopted, and when so adopted, recommends that HB 1246 DO PASS, which motion prevailed.

HB 1246 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to HB 1252 as recommended by the **Committee on State and Federal Government** as printed on pages 378-379 of the House Journal be adopted, and when so adopted, recommends that HB 1252 DO PASS, which motion prevailed.

HB 1252 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1256 as recommended by the **Committee on Finance and Taxation** as printed on pages 379-380 of the House Journal be adopted, and when so adopted, recommends that HB 1256 DO PASS, which motion prevailed.

HB 1256 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Howard Hove, and Representative Hove was thereupon introduced to the House.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Kretschmar, Conmy introduced:

HCR 3037: A concurrent resolution directing the Legislative Council to study the need for additional appellate court services.

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

Reps. Oban, J. Peterson, O'Shea and Sens. Ingstad, Mushik introduced:

HCR 3038: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of the State of North Dakota, relating to the establishment of a state lottery.

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

Rep. Cleveland and Sen. Stenehjem introduced:

HCR 3039: A concurrent resolution directing the Legislative Council to conduct a study of the availability and adequacy of financial aid available for students attending state postsecondary educational institutions and to determine the feasibility of initiating new state programs to provide financial aid to those students.

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

SPECIAL ORDER OF BUSINESS

Representatives of Grand Forks Air Force Base and Minot Air Force Base participating in the military-state government leadership exchange program were introduced to the Assembly, and seated with various Representatives.

REP. STRINDEN MOVED that a committee of two be appointed to escort Col. Ken Van Dillen, Commander of the 321 Strategic Missile Wing, to the rostrum, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Reps. Koland and Kuchera to such escort committee and Col. Van Dillen was escorted to the rostrum.

REP. STRINDEN MOVED that the remarks of Col. Van Dillen be printed in the Journal, which motion prevailed.

Mr. Speaker, distinguished members of the House of Representatives: It's indeed an honor, a privilege, and a pleasure for me to be able to stand at this rostrum and address you today at this first ever military-state government leadership exchange program. We certainly enjoyed our time with you last night, and we are more than overwhelmed at the reception that we have been given by you

today as well as last evening. It's very fitting in my view, and in the view of those Air Force men and women that I represent, that we have this program, because we have so much in common in sense of government, in sense of mission, and in a sense of the people that we all represent.

The military-state government leadership program is designed to foster an exchange of views between us, so that we can both come away from this experience greatly enriched. The program that we've designed, with help from everyone, is really in two parts. This is the first part, beginning last night with the banquet and then today visiting the legislature, visiting with the Governor and the Supreme Court, and then visiting your Heritage Center.

Later on this year, in the spring, we'll be issuing invitations from Minot and Grand Forks Air Force Bases for you to come visit us and let us show you what we do on a day-to-day basis at those two installations. We want to show you our operational capabilities and the equipment, the hardware, and the personnel that we have that account for almost twelve thousand military people on active duty here in the state of North Dakota.

We will leave Bismarck tonight, I'm sure, enriched by this experience. And despite any outward differences that you might feel that we have, there are many, many similarities. For example, we share a common purpose; to serve the people of our country and of the state in which we live. We face a common dilemma, and that is to provide more services with less resources. We experience a common frustration and are often misunderstood by our constituents, despite our best intentions to the contrary. And we make a common sacrifice. All of us spend many hours away from our families and our homes, but we also share and enjoy a common reward, and that is to know the satisfaction which comes from serving others.

Minot and Grand Forks Air Force Bases are two of the Strategic Air Command's major installations. They are called dual-wing installations, because at both places we have a wing of Minuteman missiles and a wing of B-52 bombers and KC-135 tankers. These forces, coupled with the fighter interceptors that are stationed at Minot, are a potent deterrent force which provides a great deal of capability, not only to the United States Air Force, but to this country as a whole. Much has been happening at Minot and Grand Forks. At Minot they're undergoing a conversion to the F-15 fighter interceptors, replacing the F-106's. At both installations, we continue to modernize our Minuteman missiles and facilities, updating them with a state-of-the-art in electronics and other technical aspects of the system. And finally, at Grand Forks, in the summer of 1987, after almost fifteen years, the first B-1-B bomber

will arrive to replace B-52's that are older, in most cases, than the pilots who are flying them. And we wait with a great deal of anxiety for that first aircraft to arrive.

The two bases enjoy extraordinarily good relations with the surrounding communities and with the state of North Dakota. This is extremely important from where we stand on active duty. Our people come to this state in many cases very young, the first time they're away from home, and they're welcomed with open arms into the communities. They feel like they are part of this great state and of the communities in which we serve. Now, I can't tell you from commander's standpoint how important it is for our people to feel that way. We hope in reciprocity that we make good citizens and continue to make a sound contribution to the state of North Dakota, to the Air Force, to the government, and to the country with which we serve. Again, thank you for your most gracious hospitality these last two days. We will go away from this experience greatly enhanced, and we really appreciate the warmth that we felt. Thank you very much.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Reps. Strinden, Mertens and Sens. Nelson, Heigaard introduced:
HCR 3040: A concurrent resolution welcoming representatives of Grand Forks Air Force Base and Minot Air Force Base participating in the military-state government leadership exchange program.

Was read the first time.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3040 not be printed as a resolution, not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3040: A concurrent resolution welcoming representatives of Grand Forks Air Force Base and Minot Air Force Base participating in the military-state government leadership exchange program.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3040 was declared adopted on a voice vote.

MOTION

REP. STRINDEN MOVED that the rules be suspended and that HCR 3040 be messaged to the Senate immediately, which motion prevailed.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HCR 3040

ROY GILBREATH, Chief Clerk

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Lynn W. Aas, and Representative Aas was thereupon introduced to the House.

MOTIONS

REP. GATES MOVED that the House reconsider its action by which HB 1224 was defeated, which motion lost on a verification vote.

REP. A. OLSON MOVED that HB 1417 and HB 1419 be returned to the House floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

REP. G. BERG REQUESTED the unanimous consent of the House to withdraw HB 1417 and HB 1419. There being no objection, it was so ordered by the Speaker.

MOTION

REP. KLOUBEC MOVED that HB 1499 be returned to the House floor from the Committee on Industry, Business and Labor, which motion prevailed.

REQUEST

REP. RETZER REQUESTED the unanimous consent of the House to withdraw HB 1499. There being no objection, it was so ordered by the Speaker.

MESSAGES FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2073, SB 2077, SB 2111, SB 2143, SB 2145, SB 2192,
SB 2204, SB 2210, SB 2215, SB 2223, SB 2224, SB 2230,
SB 2242, SB 2254, SB 2261, SB 2270, SB 2294

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HB 1193

LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

HB 1062: A BILL for an Act to amend and reenact sections 25-04-01, 25-04-02, 25-04-03, 25-04-03.1, 25-04-04, 25-04-05, 25-04-05.1, 25-04-08, 25-04-11, 25-09-02, 50-06-01.4, and 54-23-01 of the North Dakota Century Code, relating to the transfer of control of Grafton state school and San Haven to the department of human services; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 39 YEAS, 62 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Frey; Gates; Gertholz; Goetz; Hamerlik; Hanson, L.; Hausauer, A.; Hedstrom; Hughes; Knudson; Kretschmar; Lang; Larson; Lindgren; Martin; Martinson; Moore; Myrdal; Nalewaja; Nicholas; Olsen, D.; Olson, V.; Payne; Rice; Riley; Rydell; Schindler; Schmidt; Thompson; Unhjem; Winkelman

NAYS: Berg, G.; Brokaw; DeMers; Dotzenrod; Eckroth; Enget; Graba; Gunsch; Hanson, O.; Haugland; Hill; Hoffner; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kuchera; Laughlin; Lautenschlager; Linderman; Lloyd; Melby; Mertens; Meyer; Murphy; Nowatzki; Oban; O'Connell; Olson, A.; Opedahl; O'Shea; Pederson, R.; Peterson, J.; Richard; Riehl; Sauter; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea; Retzer; Wold

HB 1062 was declared lost.

HB 1087: A BILL for an Act to amend and reenact section 57-62-03 of the North Dakota Century Code, relating to coal

development impact loans to impacted areas from the coal development trust fund.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 100 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Kingsbury; O'Shea

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea; Wold

HB 1087 passed and the title was agreed to.

HB 1103: A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the start of the season for taking and transporting big game animals.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 83 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; Enget; Hanson, O.; Kingsbury; Linderman; Melby; Murphy; Myrdal; Rice; Schneider;

Shaw; Stofferahn; Ulmer; Whalen; Williams, A.;
Williams, C.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, R.;
Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod;
Eckroth; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch;
Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom;
Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec;
Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang;
Larson; Laughlin; Lautenschlager; Lindgren; Lloyd;
Martin; Martinson; Mertens; Meyer; Moore; Nalewaja;
Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.;
Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;
Pederson, R.; Peterson, J.; Retzer; Richard; Riehl;
Riley; Rydell; Sauter; Schindler; Schmidt; Shide;
Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.;
Starke; Strinden; Timm; Tollefson; Vander Vorst; Wald;
Watne; Wentz; Williams, W.; Winkelman;
Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea;
Thompson; Unhjem; Wold

HB 1103 was declared lost.

HB 1133: A BILL for an Act to amend and reenact subsection 4 of
section 54-52-03 of the North Dakota Century Code, relating
to the payment of honorariums for the board of the public
employees retirement system.

Which has been read and has committee recommendation of DO NOT
PASS.

ROLL CALL

The question being on the final passage of the bill, as amended,
the roll was called and there were 14 YEAS, 84 NAYS, 8 ABSENT AND
NOT VOTING.

YEAS: DeMers; Enget; Frey; Hanson, L.; Hoffner;
Kretschmar; Lloyd; Myrdal; Oban; Richard; Sauter;
Stofferahn; Ulmer; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.;
Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; Dorso;
Dotzenrod; Eckroth; Gates; Gerntholz; Goetz; Graba;
Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.;
Hedstrom; Hill; Hughes; Keller; Kelly; Kent; Kingsbury;
Kloubec; Klundt; Knudson; Koland; Kuchera; Lang;
Larson; Laughlin; Lautenschlager; Linderman; Lindgren;
Martin; Martinson; Melby; Mertens; Meyer; Moore;
Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.;
Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;

Pederson, R.; Peterson, J.; Retzer; Rice; Riehl; Riley; Rydell; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Timm; Tollefson; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea; Murphy; Thompson; Unhjem; Whalen; Wold

HB 1133 was declared lost.

MOTION

REP. STRINDEN MOVED that the House waive the reading of the title to HB 1146, which motion prevailed.

HB 1146: A BILL for an Act to adopt the Uniform Arbitration Act, relating to the enforcement of voluntary written agreements to arbitrate disputes; to amend sections 24-02-28, 32-04-12, and 60-06-06.1 of the North Dakota Century Code, relating to the procedure for arbitration of highway construction contracts, obligations which cannot be specifically enforced, and arbitration by the public service commission; and to repeal chapter 32-29 of the North Dakota Century Code, relating to the arbitration of controversies.

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 96 YEAS, 2 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Berg, R.; Kingsbury

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea;
Murphy; Peterson, J.; Whalen; Wold;
Speaker Hausauer, R.

HB 1146 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the House waive the reading of the title to HB 1153, which motion prevailed.

HB 1153: A BILL for an Act to create and enact sections 41-08-07.1, 41-08-36.1, 41-08-43, 41-08-44, and a new subsection to section 41-09-03 of the North Dakota Century Code, relating to investment securities and a revision of article 8 of the Uniform Commercial Code with appropriate changes in article 9; and to amend and reenact subsections 5, 14, and 20 of section 41-01-11, subsection 2 of section 41-05-14, sections 41-08-02, 41-08-03, 41-08-04, 41-08-05, 41-08-06, 41-08-07, 41-08-09, 41-08-10, 41-08-11, 41-08-12, 41-08-13, 41-08-14, 41-08-15, 41-08-16, 41-08-17, 41-08-18, 41-08-20, 41-08-21, 41-08-22, 41-08-23, 41-08-24, 41-08-25, 41-08-26, 41-08-27, 41-08-28, 41-08-29, 41-08-30, 41-08-31, 41-08-32, 41-08-33, 41-08-34, 41-08-35, 41-08-36, 41-08-37, 41-08-38, 41-08-39, 41-08-40, 41-08-41, 41-08-42, subdivision a of subsection 3 of section 41-09-03, subdivision i of subsection 1 of section 41-09-05, subsection 1 of section 41-09-16, subsection 1 of section 41-09-23, sections 41-09-25, 41-09-26, 41-09-30, and subsection 7 of section 41-09-33 of the North Dakota Century Code, relating to investment securities and a revision of article 8 of the Uniform Commercial Code with appropriate changes to articles 1, 5, and 9.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 98 YEAS, 1 NAY, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;

Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Kuchera

ABSENT AND NOT VOTING: Gullickson; Halmrast; Lipsiea; Murphy; Peterson, J.; Whalen; Wold

HB 1153 passed and the title was agreed to.

HB 1209: A BILL for an Act to change the name of the Grafton state school to the state developmental center at Grafton; to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to changing the name of the Grafton state school to the state developmental center at Grafton; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 86 YEAS, 12 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Goetz; Graba; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Anderson, C.; Gerntholz; Gunsch; Hanson, O.; Kuchera; Melby; Myrdal; Richard; Solberg, O.; Thompson; Wald; Whalen

ABSENT AND NOT VOTING: Dalrymple; Gullickson; Halmrast; Hughes; Lipsiea; Murphy; Peterson, J.; Wold

HB 1209 passed and the title was agreed to.

HB 1229: A BILL for an Act to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to workmen's compensation premiums.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 7 YEAS, 92 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Conmy; Graba; Hoffner; Klundt; Lloyd; Oban; Unhjem

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kelly; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Dalrymple; Gullickson; Halmrast; Kent; Kuchera; Lipsiea; Wold

HB 1229 was declared lost.

HB 1231: A BILL for an Act to amend and reenact section 37-14-18 of the North Dakota Century Code, relating to the term of office of the county veterans' service officer.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 24 YEAS, 74 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Dorso; Gunsch; Hamerlik; Kent; Kingsbury; Koland; Kretschmar; Kuchera; Martinson; Melby; Myrdal; Oban; Olsen, D.; Olson, A.; Payne; Peterson, J.; Rice; Schindler; Shide; Smette; Strinden; Timm; Vander Vorst; Wald

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kloubec; Klundt; Knudson; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Mertens; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; O'Connell; Olson, V.; Opedahl; O'Shea; Pederson, R.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schmidt; Schneider; Shaw; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Ulmer; Unhjem; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Winkelman; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Dalrymple; Gullickson; Halmrast; Lipsiea; Meyer; Tollefson; Williams, C.; Wold

HB 1231 was declared lost.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SCR 4029 and the President has appointed as a conference committee to act with a like committee from the House on:

SCR 4029: Sens. Naaden, Nelson, Satrom

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Employment submits the following name for the position specified below:

Committee Clerk

Joan Von Rueden Bismarck

MARTINSON, Chairman

REP. MARTINSON MOVED that the report be adopted, which motion prevailed.

DOCTOR OF THE DAY SCHEDULE

January 28: Charles Volk, M.D. - Bismarck
 January 29: Russell Emery, M.D. - Bismarck
 January 30: William Buckingham, M.D. - Bismarck
 January 31: Judith Kaur, M.D. - Bismarck
 February 1: Lloyd Giltner, M.D. - Minot

MOTIONS

REP. KRETSCHMAR MOVED that the absent members be excused, which motion prevailed.

REP. KRETSCHMAR MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Monday, January 28, 1985, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on House Appropriations to which was referred HB 1040 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

HB 1040 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1093 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "or intended to be used"

On page 1, line 16, delete the words "or intended to be used"

And renumber the lines accordingly

REP. NICHOLAS, Chairman

HB 1093 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1179 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1179 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1186 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 9, delete the word "factor" and insert in lieu thereof the word "factory"

And renumber the lines accordingly

REP. TIMM, Chairman

HB 1186 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1194 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1194 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1212 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1212 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1227 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, immediately after the word "license" insert the words "; and to declare an emergency"

On page 3, after line 31, insert the following new section:

"SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, pages and sections accordingly

REP. TIMM, Chairman

HB 1227 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1235 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the words "chairman of the water resource board shall" and insert in lieu thereof the following words: "county commissioners may"

On page 1, line 20, delete the word "chairman" and insert in lieu thereof the words "county commissioners"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1235 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred SB 2096 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

SB 2096 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred SB 2133 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 24, delete the word "prime" and insert in lieu thereof the word "base"

And renumber the lines and pages accordingly

REP. NICHOLAS, Chairman

SB 2133 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred SB 2148 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

SB 2148 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

Rep. G. Berg introduced:

HB 1514: A BILL for an Act to amend and reenact section 61-16.1-41 of the North Dakota Century Code, relating to water drainage permits; and to declare an emergency.
Was read the first time and referred to the Committee on Natural Resources.

Reps. Martinson, Strinden, Mertens and Sens. Nething, Lodoen, W. Meyer introduced:

HB 1515: A BILL for an Act to create and enact a new subsection to section 21-10-06 and a new chapter to title 37 of the North Dakota Century Code, relating to funds under management of the state investment board, and to the establishment of a national guard trust fund for training area and facility development; to amend and reenact section 54-17.1-08 of the North Dakota Century Code, relating to the sinking fund for Vietnam Conflict adjusted compensation bonds; and to provide an appropriation.

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

Reps. Stofferahn, R. Anderson, Lloyd introduced:

HB 1516: A BILL for an Act to repeal sections 23-13-03.1, 23-13-03.2, 23-13-03.3, 23-13-03.4, and 23-13-03.5 of the North Dakota Century Code, relating to the marking of containers used for liquified petroleum gas, and regulating the filling, transferring and possession of marked containers.

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

Reps. Shockman, Brokaw and Sens. Hilken, Kelsh introduced:

HB 1517: A BILL for an Act to provide for the establishment of minimum prices for the marketing of raw agricultural commodities; and to provide a penalty.

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

Rep. Shockman introduced:

HB 1518: A BILL for an Act to amend and reenact subsection 4 of section 60-03-01 of the North Dakota Century Code, relating to roving grain and hay buyers.

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

Reps. Shockman, Brokaw introduced:

HB 1519: A BILL for an Act to amend and reenact sections 32-07-04, 32-07-05, 32-07-06, 32-07-07, and 32-07-10 of the North Dakota Century Code, relating to requiring a bond for claim and delivery of property subject to an ownership dispute.

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

Reps. Eckroth, Martinson introduced:

HB 1520: A BILL for an Act to amend and reenact sections 4-19-01, 4-19-02, and 57-57-01 of the North Dakota Century Code, relating to the appointment and duties of the state forester and creation of the state department of forestry. Was read the first time and referred to the **Committee on State and Federal Government**.

Rep. R. Anderson introduced:

HB 1521: A BILL for an Act to limit flaring of gas. Was read the first time and referred to the **Committee on Natural Resources**.

FIRST READING OF SENATE BILLS

SB 2043: A BILL for an Act to amend and reenact sections 36-05-01, 36-05-03, 36-05-04, 36-05-05, 36-05-06, 36-05-09, 36-05-13, and 36-05-13.1 of the North Dakota Century Code, relating to transferring authority over the licensing and bonding of livestock auction markets from the livestock sanitary board to the commissioner of agriculture.

Was read the first time and referred to the **Committee on Agriculture**.

SB 2044: A BILL for an Act to create and enact two new sections to chapter 36-04 and three new sections to chapter 36-05 of the North Dakota Century Code, relating to livestock dealers and auction markets, cease and desist authority, injunctions, and investigations and hearings; and to amend and reenact sections 36-04-10, 36-05-06, and 36-05-13 of the North Dakota Century Code, relating to livestock dealers and auction markets, licenses, and hearings.

Was read the first time and referred to the **Committee on Agriculture**.

SB 2088: A BILL for an Act to amend and reenact section 1-02-12 of the North Dakota Century Code, relating to headnotes.

Was read the first time and referred to the **Committee on Judiciary**.

SB 2095: A BILL for an Act to create the Tenneco plant impact assistance interstate compact; to amend and reenact subsection 1 of section 57-62-02, and sections 57-62-03 and 57-62-05 of the North Dakota Century Code, relating to the distribution of coal severance tax revenues and the energy development impact office; and to provide an appropriation.

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

SB 2100: A BILL for an Act to create and enact a new subsection to section 4-27-06 of the North Dakota Century Code, relating to assessments charged milk producers; to amend and reenact subsection 1 of section 4-27-06 of the North Dakota Century Code, relating to the assessment charged milk producers under the North Dakota Dairy Promotion Act; to repeal subsection 1 of section 4-27-06 of the North

Dakota Century Code, relating to assessments charged milk producers; and to provide an effective date.
Was read the first time and referred to the **Committee on Agriculture**.

SB 2114: A BILL for an Act to amend and reenact section 25-06-04 of the North Dakota Century Code, relating to qualifications for admission to the school for the blind and transportation costs for students.
Was read the first time and referred to the **Committee on Education**.

SB 2137: A BILL for an Act to create and enact three new sections to chapter 4-35, a new subsection to section 4-35-05, a new subsection to section 4-35-23, and a new subsection to section 4-35-24 of the North Dakota Century Code, relating to reports of damage from pesticide application, pesticide stop-sale orders, definition of applicator, civil penalties for violation of pesticide laws, and enforcement of payment of civil penalties; to amend and reenact section 4-35-09, subsection 4 of section 4-35-12, and section 4-35-21 of the North Dakota Century Code, relating to pesticide act requirements and enforcement; and to repeal sections 28-01-40 and 28-01-41 of the North Dakota Century Code, relating to reports of pesticide accidents or loss.
Was read the first time and referred to the **Committee on Agriculture**.

SB 2211: A BILL for an Act to repeal section 40-57-09.1 of the North Dakota Century Code, relating to the assessment of a two percent bond issuance fee for all municipal industrial development act bonds guaranteed by the industrial revenue bond guarantee program.
Was read the first time and referred to the **Committee on State and Federal Government**.

SB 2219: A BILL for an Act to amend and reenact section 46-03-11 of the North Dakota Century Code, relating to the copyright of the North Dakota Session Laws.
Was read the first time and referred to the **Committee on State and Federal Government**.

SB 2220: A BILL for an Act to amend and reenact section 12-48-15 of the North Dakota Century Code, relating to penitentiary inmate accounts.
Was read the first time and referred to the **Committee on State and Federal Government**.

The House stood adjourned pursuant to Representative Kretschmar's motion.

ROY GILBREATH, Chief Clerk