

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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TWENTY-THIRD DAY

Bismarck, February 7, 1985

The House convened at 12:30 p.m., with Speaker R. Hausauer presiding.

The prayer was offered by Pastor Warren H. Fanning, Bethel Lutheran Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Haugland, Kingsbury, Kretschmar, Kuchera, Laughlin, Lipsiea, Nalewaja, R. Pederson, J. Peterson, Retzer, Riehl, Shide, Shockman, Skjerven, O. Solberg, 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 Twenty-second Day and finds the same to be correct.

REP. KENT, Chairman

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

POINT OF PERSONAL PRIVILEGE

REP. RYDELL: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

I request that the records show I was present and intended to vote "nay" on House Bill No. 1359. The record shows me as being absent.

ANNOUNCEMENT

THE SPEAKER ANNOUNCED that Representative Shockman would be absent on Thursday and Friday, and was excused.

MOTION

REP. TIMM MOVED that HB 1589 be returned to the House floor from the Committee on Transportation, which motion prevailed.

REQUEST

REP. A. OLSON REQUESTED the unanimous consent of the House to withdraw HB 1589. There being no objection, it was so ordered by the Speaker.

MOTION

REP. KNUDSON MOVED that HB 1259 be returned to the House floor from the Committee on Education, which motion prevailed.

REQUEST

REP. WALD REQUESTED the unanimous consent of the House to withdraw HB 1102. There being no objection, it was so ordered by the Speaker.

MOTION

REP. CONMY MOVED that HB 1102 be returned to the House floor from the Committee on Judiciary, which motion prevailed.

REQUEST

REP. WALD REQUESTED the unanimous consent of the House to withdraw HB 1102. There being no objection, it was so ordered by the Speaker.

MESSAGE 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 2018, SB 2019, SB 2027, SB 2277, SB 2287, SB 2319,
SB 2324, SB 2332, SB 2352, SB 2357, SB 2361

LEO LEIDHOLM, Secretary

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 1123, HB 1169, HB 1315, HB 1382, HB 1406

REP. HEDSTROM, Chairman

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

SIXTH ORDER OF BUSINESS

REP. CONMY MOVED that the amendments to HB 1279 as recommended by the Committee on Judiciary as printed on page 674 of the House Journal be adopted, and when so adopted, recommends that HB 1279 DO PASS, which motion prevailed.

HB 1279 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KNUDSON MOVED that the amendments to HB 1302 as recommended by the Committee on Education as printed on page 675 of the House Journal be adopted, and when so adopted, recommends that HB 1302 DO PASS, which motion prevailed.

HB 1302 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KNUDSON MOVED that the amendments to HB 1324 as recommended by the **Committee on Education** as printed on page 675 of the House Journal be adopted, and when so adopted, recommends that HB 1324 DO PASS, and be rereferred to the **Committee on Appropriations**, which motion prevailed.

HB 1324 was rereferred to the **Committee on Appropriations**.

REP. CONMY MOVED that the amendments to HB 1424 as recommended by the **Committee on Judiciary** as printed on page 676 of the House Journal be adopted, and when so adopted, recommends that HB 1424 DO PASS, which motion prevailed.

HB 1424 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1427 as recommended by the **Committee on Judiciary** as printed on page 676 of the House Journal be adopted, and when so adopted, recommends that HB 1427 DO PASS, which motion prevailed.

HB 1427 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1485 as recommended by the **Committee on Judiciary** as printed on pages 676-677 of the House Journal be adopted, and when so adopted, recommends that HB 1485 DO PASS, which motion prevailed.

HB 1485 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

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 1054, HB 1076, HB 1373, HB 1381, HB 1384, HB 1432,
HB 1449, HB 1451, HB 1469, HCR 3027, HCR 3028, HCR 3029
ROY GILBREATH, Chief Clerk

MOTION

REP. UNHJEM MOVED that the House reconsider its action by which HB 1232 was lost for want of a Constitutional majority, which motion prevailed.

REQUEST

REP. UNHJEM REQUESTED a call of the House, which request was granted.

MOTIONS

REP. STRINDEN MOVED that the House dispense with the call of the House and that HB 1232 be placed at the foot of the calendar, which motion prevailed.

REP. STOFFERAHN MOVED that the House reconsider its action by which HB 1249 was lost, which motion lost on a verification vote.

REP. MELBY MOVED that the House reconsider its action by which HB 1312 was lost for want of a Constitutional majority.

REQUEST

REP. WALD REQUESTED a verification vote, which request was granted.

The question being on the motion to reconsider the action by which HB 1312 was lost for want of a Constitutional majority, the motion lost on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1628: A BILL for an Act to create and enact a new subdivision to subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for grain storage condominium units; and to provide an effective date.

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 30 YEAS, 68 NAYS, & ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Brokaw; Conmy; Dalrymple; Dotzenrod; Eckroth; Gertholz; Hamerlik; Hanson, O.; Klundt; Lang; Laughlin; Linderman; Melby; Meyer; Myrdal; Nicholas; Nowatzki; O'Connell; Riehl; Schindler; Schmidt; Shaw; Smette; Starke; Vander Vorst; Watne; Whalen; Williams, C.

NAYS: Anderson, R.; Berg, G.; Berg, R.; Cleveland; DeMers; Dorso; Enget; Frey; Gates; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Knudson; Koland; Kuchera; Larson; Lautenschlager; Lindgren; Lloyd; Martin; Martinson; Mertens; Moore; Murphy; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riley; Rydell; Sauter; Schneider; Shide; Skjerven; Solberg, O.; Solberg, R.; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Wald; Wentz; Williams, A.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman; Strinden

HB 1628 was declared lost.

HB 1374: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 and subsection 7 of section 57-40.2-07 of the North Dakota Century Code, relating to the due date of monthly sales and use tax returns, and payment of the tax due.

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 99 YEAS, 0 NAYS, 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; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; 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; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman

HB 1374 passed and the title was agreed to.

HB 1051: A BILL for an Act to create the partnerships in educational excellence program, to provide for state payments for public school districts to implement local educational programs aimed at improving the quality of

elementary and secondary school education in this state; and to provide an appropriation.

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, 91 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Cleveland; Halmrast; Hamerlik; Hausauer, A.; O'Connell; Rydell

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hansor, L.; Hanson, O.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; 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; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Olson, A.; Pederson, R.; Peterson, J.; Shockman

HB 1051 was declared lost.

MOTION

REP. STRINDEN MOVED that HB 1522 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1522: A BILL for an Act to provide for the revocation of the route permit and certificate of corridor compatibility issued for the MANDAN power project; 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 93 YEAS, 3 NAYS, 10 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; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hanson, O.; Kelly; Murphy

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Oban; Pederson, R.; Sauter; Schneider; Shockman; Solberg, O.

HB 1522 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. STOFFERAHN MOVED that a copy of HB 1522 and a record of the vote be sent to former Representative Ken Olafson, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1105: A BILL for an Act to amend and reenact subdivisions e, f, and g of subsection 1 of section 38-14.1-14, subsection 5 of section 38-14.1-21, and subsection 3 of section 38-14.1-33 of the North Dakota Century Code, relating to permit application requirements for surface coal mining and reclamation operations, permit approval and denial standards for surface coal mining and reclamation operations, and the issuance of permits for surface coal mining and reclamation operations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 96 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod;

Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; 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; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Anderson, C.; Gullickson;
Kretschmar; Lipsiea; Nalewaja; Pederson, R.;
Peterson, J.; Richard; Shockman; Unhjem

HB 1105 passed and the title was agreed to.

HB 1123: A BILL for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to compensation for members of the state banking board and the state credit union board.

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, 0 NAYS, 10 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; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Tollefson;

Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen;
Williams, A.; Williams, C.; Williams, W.; Winkelman;
Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lang;
Lipsiea; Mertens; Nalewaja; Pederson, R.; Shockman;
Timm; Unhjem

HB 1123 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the House waive the reading of the title to HB 1169, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1169: A BILL for an Act to create and enact a new section to chapter 50-25.1, a new subsection to section 50-25.1-02, and a new subsection to section 50-25.1-11 of the North Dakota Century Code, relating to child abuse and neglect; to amend and reenact section 12.1-20-01, subsection 3 of section 50-25.1-02, sections 50-25.1-04.1, 50-25.1-05, subsection 2 of section 50-25.1-05.2, and sections 50-25.1-09 and 50-25.1-13 of the North Dakota Century Code, relating to sex offenses and child abuse and neglect; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 94 YEAS, 2 NAYS, 10 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; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; 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; Wold; Speaker Hausauer, R.

NAYS: Hanson, O.; Murphy

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lang;
Lipsiea; Mertens; Nalewaja; Pederson, R.; Peterson, J.;
Shockman; Skjerven

HB 1169 passed and the title was agreed to.

HB 1315: A BILL for an Act to amend and reenact section 57-23-06
of the North Dakota Century Code, relating to city and
township recommendations on pending abatement applications.

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 97 YEAS, 0 NAYS, 9 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; Halmrast; Hamerlik;
Hanson, L.; Hanson, O.; Haugland; Hausauer, A.;
Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent;
Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera;
Lang; Larson; Laughlin; Lautenschlager; Linderman;
Lindgren; Lloyd; Martin; Martinson; Melby; Meyer;
Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban;
O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl;
O'Shea; Payne; Retzer; Rice; Riehl; Riley; Rydell;
Sauter; Schindler; Schmidt; Schneider; Shaw; Shide;
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;
Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea;
Mertens; Nalewaja; Pederson, R.; Peterson, J.; Richard;
Shockman

HB 1315 passed and the title was agreed to.

RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the
chambers, and requested that the House recognize former

Representative Gene Dahl, and Representative Dahl was thereupon introduced to the House.

**MESSAGE TO THE SENATE
HOUSE CHAMBER**

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1105 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

HB 1348: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to party hunting for big game animals.

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

MOTION

REP. MURPHY MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 64 YEAS, 35 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Dalrymple; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gerntholz; Goetz; Graba; Hanson, O.; Hausauer, A.; Hughes; Kent; Kingsbury; Klundt; Koland; Kuchera; Lang; Larson; Lautenschlager; Lindgren; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; O'Connell; Olsen, D.; Olson, V.; Opedahl; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, W.

NAYS: Anderson, C.; Cleveland; Conmy; DeMers; Gates; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hedstrom; Hill; Hoffner; Keller; Kelly; Kloubec; Knudson; Laughlin; Linderman; Lloyd; Martin; Martinson; Nicholas; Nowatzki; Oban; Olson, A.; O'Shea; Sauter; Schneider; Thompson; Wentz; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman

HB 1348 passed and the title was agreed to.

RECOGNITIONS

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

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

SECOND READING OF HOUSE BILLS

HB 1350: A BILL for an Act to amend and reenact section 57-06-03 of the North Dakota Century Code, relating to the definition of operative property that is assessed by the state board of equalization.

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 41 YEAS, 58 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers; Dotzenrod; Eckroth; Enget; Frey; Graba; Halmrast; Hanson, L.; Haugland; Hill; Hoffner; Keller; Kelly; Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Melby; Mertens; Meyer; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Sauter; Schneider; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Ulmer; Watne; Williams, A.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Gates; Gertholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kuchera; Lang; Larson; Lindgren; Martin; Martinson; Moore; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Retzer; Rice; Riley; Rydell; Schindler; Schmidt; Shaw; Shide; Smette; Strinden; Thompson; Timm; Tollefson; Unhjem; Vander Vorst; Wald; Wentz; Whalen; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman

HB 1350 was declared lost.

HB 1382: A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating

to the appointment of an executive director and other personnel by the state deferred compensation committee; and to amend and reenact sections 54-52.2-01 and 54-52.2-03 of the North Dakota Century Code, relating to the deferred compensation program for public employees.

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 93 YEAS, 5 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; 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; Wold; Speaker Hausauer, R.

NAYS: Anderson, C.; Dorso; Gunsch; Melby; Murphy

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman; Whalen

HB 1382 passed and the title was agreed to.

HB 1406: A BILL for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, to make unlawful the retail selling of alcohol-blended gasoline without proper notice.

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 89 YEAS, 8 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; DeMers; Dotzenrod;

Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Dalrymple; Linderman; Mertens; Murphy; O'Connell; Opedahl; Schmidt; Watne

ABSENT AND NOT VOTING: Dorso; Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman; Whalen

HB 1406 passed and the title was agreed to.

HB 1408: A BILL for an Act to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, to provide that the Legislative Council may appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 62 YEAS, 37 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Brokaw; DeMers; Enget; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Keller; Kelly;

Klundt; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Richard; Riehl; Sauter; Schneider; Skjerven; Solberg, R.; Starke; Stofferahn; Ulmer; Watne; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Kretschmar; Lipsiea; Nalewaja; Pederson, R.; Peterson, J.; Shockman

HB 1408 passed and the title was agreed to.

MOTIONS

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

REP. STRINDEN MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Friday, February 8, 1985, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Education to which was referred HB 1241 has had the same under consideration and recommends by a vote of 14 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create the education students' revolving loan fund to be administered by the state board of higher education to provide loans to postsecondary students enrolled in elementary or secondary mathematics, science, or special education programs; and to provide an appropriation.

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

SECTION 1. Education students' revolving loan fund. The state board of higher education shall administer the education students' revolving loan fund. The fund shall be used to make education loans available to postsecondary students enrolled in elementary or secondary mathematics, physical or biological sciences, or special education programs and who intend to become state certified in one of those areas. The board shall adopt necessary rules and procedures consistent with this Act for administration of the loan program; the formulation of necessary loan forms and repayment schedules; and the selection of loan applicants.

SECTION 2. Loan eligibility requirements. A student is eligible for a loan from the education students' revolving loan fund under the following conditions:

1. Loan recipients must be resident students pursuant to section 15-10-19;
2. Loan recipients must be enrolled in a state postsecondary educational institution or an accredited postsecondary private institution as defined in subsection 1 of section 15-62.3-01;
3. Loan recipients must be enrolled in an elementary or secondary teaching education curriculum or must certify an intention to enroll in such a curriculum following the receipt of a loan from the education students' revolving loan fund; and
4. Loan recipients must certify an intention to teach mathematics, physical or biological sciences, or special education in an elementary or secondary school in North Dakota and must maintain a grade point average in their college work of no less than 2.5 on a 4.0 scale or the appropriate equivalent as determined by the state board of higher education.

SECTION 3. Loan limitations. Education student loans may be awarded to eligible students for a maximum of one thousand dollars per school year and for no more than four academic school years or until the student has completed certification to teach mathematics, physical or biological sciences, or special education in North Dakota elementary or secondary schools, whichever comes first.

SECTION 4. Loan repayment. Except as provided in section 5 of this Act, students receiving loans under this Act shall repay to the education students' revolving loan fund the full amount of their loans plus interest at the same rate charged for federally insured student loans. Prior to the receipt of any loan, an eligible student shall enter into a written contract with the state board of higher education. The contract must set forth the method and terms of repayment of the loan and must be in accordance with the terms and conditions required by this Act and the state board of higher education. The term of repayment of such loans must not exceed five years from the time the student graduates from or discontinues his or her education at the postsecondary educational institution attended. The state board of higher education may add to the total obligation any costs incurred in collecting the debt of any loan recipients who fail to meet their repayment obligations.

SECTION 5. Loan forgiveness. Teachers who teach mathematics, physical or biological sciences, or special education in an approved North Dakota elementary or secondary school are entitled to forgiveness of all or a portion of a loan provided under this Act previously received. Each full school year of actual teaching is equivalent to repayment of one-fifth of the unpaid balance of the loan and of one-fifth of the accrued interest on the loan. The state board of higher education may refund all or any portion of any education student loan which has been repaid by a teacher if, within two years after graduation, the teacher teaches mathematics, physical or biological sciences, or special education in an approved North Dakota elementary or secondary school for the time required to pay the loan.

SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the state board of higher education for the purpose of providing education student loans as provided in this Act for the biennium beginning July 1, 1985, and ending June 30, 1987."

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

HB 1241 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1274 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, delete the word "sections" and insert in lieu thereof the word "section", and delete the following:
", 14-12.1-23, and 14-17-16"

On page 1, line 5, delete the words "the obligation and"

On page 2, line 7, delete the words "The fact, if it is"

On page 2, delete lines 8 through 12

On page 2, line 19, immediately after the word "manner" insert the word "unreasonably"

On page 2, delete lines 24 through 35

Delete page 3

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1274 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1277 has had the same under consideration and recommends by a vote of 9 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "county" and insert in lieu thereof the word "city"

On page 1, line 5, delete the numerals "57-15-06.7" and insert in lieu thereof the numerals "57-15-10"

On page 1, line 6, delete the word "county" and insert in lieu thereof the word "city"

On page 1, line 7, delete the word "county"

On page 1, line 10, delete the numerals "57-15-06.7" and insert in lieu thereof the numerals "57-15-10"

On page 1, line 13, delete the words "A county levying a tax" and insert in lieu thereof the words "Taxes levied"

On page 1, line 15, delete the words "levy a tax" and insert in lieu thereof the words "be levied in an amount" and delete the word "one" and insert in lieu thereof the words "one-half"

On page 1, line 17, delete the word "County" and insert in lieu thereof the word "City" and delete the words "board of" and insert in lieu thereof the words "governing body of the city"

On page 1, line 18, delete the words "county commissioners" and delete the word "majority" and insert in lieu thereof the words "vote of at least sixty percent"

On page 1, line 26, delete the words "board of county commissioners" and insert in lieu thereof the words "governing body of the city"

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1277 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1283 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 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 26, remove the overstrike over the words "~~Ne garnishment or attachment shall issue~~"

On page 1, line 27, remove the overstrike over the words "~~from this court.~~"

And renumber the lines accordingly

REP. CONMY, Chairman

HB 1283 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1289 has had the same under consideration and recommends by a vote of 13 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 19, delete the words "of the county where the person is"

On page 1, line 20, delete the words "presently located," and insert in lieu thereof the following: "to the county of the court which directed immediate custody under subsection 2 of section 25-03.1-25,"

And renumber the lines accordingly

REP. CONMY, Chairman

HB 1289 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1292 has had the same under consideration and recommends by a vote of 15 YEAS, 3 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1292 was placed on the Eleventh 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 1318 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 5, line 12, after the semicolon insert the word "or"

On page 5, line 23, delete the first period and insert in lieu thereof the word ";or"

On page 5, after line 23, insert the following subdivision:

"d. Present evidence to the board regarding employment and competence as a nutritionist before July 1, 1985, and the inability to meet the criteria of subdivision a, b, or c."

On page 6, line 29, delete the words "or as able to practice dietetics or provide"

On page 6, line 30, delete the words "general nutrition services"

On page 7, after line 29, insert the following subsection:

"9. Any persons having received a baccalaureate degree in home economics, if the persons do not represent themselves as licensed registered dietitians or licensed nutritionists, insofar as the services and activities are within the scope of that person's education and training."

On page 7, line 34, delete the word "may" and insert in lieu thereof the word "shall"

On page 8, line 7, delete the word "may" and insert in lieu thereof the word "shall"

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

HB 1318 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1345 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the words "For purposes of"

On page 1, line 13, delete the words "payment of taxes imposed under this chapter" and insert in lieu thereof the words "If tank bottom or pit oil material is removed from the lease by the operator of a treatment plant"

On page 1, line 14, delete the words "as provided in this section" and insert in lieu thereof the words "from the material", and delete the word "first"

- On page 1, line 15, delete the word "reclaiming" and insert in lieu thereof the word "treatment", and delete the words "to obtain" and insert in lieu thereof the word "for"
- On page 1, line 16, delete the words "to be", and the words "or the equivalent value for"
- On page 1, line 17, delete the words "other reclaimed oil" and insert in lieu thereof the words ". If the operator has not paid a cash price for the material, the oil reclaimed has no value at the well"

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1345 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1347 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

- On page 1, line 4, delete the words "transportation, and", and after the word "textbook" insert the words ", and other"
- On page 1, line 14, delete the word "transportation" and insert in lieu thereof the words "certain fees and costs,"
- On page 1, line 17, delete the word "is" and insert in lieu thereof the word "as"
- On page 1, line 21, after the word "subdivision" insert a colon, and delete the words ", "textbooks" means textbooks, as defined"
- On page 1, delete lines 22 through 28
- On page 2, delete lines 1 through 4 and insert in lieu thereof the following:

"(1) "Certain costs and fees" includes:

- (a) The cost of shoes and clothing prescribed by the teacher for physical education classes.
- (b) Camera rental fees paid to the school for photography classes.
- (c) Ice skates rental fees paid to the school.

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- (d) Rental fees paid to the school for calculators used in mathematics classes.
 - (e) The cost of home economics class materials needed to meet minimum requirements.
 - (f) Costs of supplies needed to meet minimum requirements of art classes.
 - (g) Costs of special metal or wood needed to meet minimum requirements of shop classes.
 - (h) Rental fees paid to the school for musical instruments.
 - (i) Costs of pencils and special notebooks required for classes.
- (2) "Textbooks" means textbooks, as defined in section 15-43-11.1, which are used in teaching those subjects legally and commonly taught in public elementary and secondary schools in this state and does not include instructional books and materials used in the teaching of religious tenets, doctrines, or worship, the purpose of which is to inculcate such tenets, doctrines, or worship.
- (3) "Tuition" includes:
- (a) Tuition in the ordinary sense.
 - (b) Tuition of public school students who attend public school outside their resident school districts.
 - (c) Summer school tuition.
 - (d) Tuition charged by a school for slow learner private tutoring services.
 - (e) Tuition for instruction provided by an elementary or secondary school if the instruction is acceptable for credit in an elementary or secondary school.

- (f) Montessori school tuition for grades kindergarten through twelve.
- (g) Tuition for driver education when it is part of the school curriculum."

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

HB 1347 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1366 has had the same under consideration and recommends by a vote of 18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1366 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1379 has had the same under consideration and recommends by a vote of 19 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1379 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1380 has had the same under consideration and recommends by a vote of 11 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1380 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 1394 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to prohibit the sale of fresh or frozen fish or fish products from Canada in North Dakota, and to create the authority for North Dakota to participate in an international basin fish pathogen and biota study

commission; to provide a penalty; to provide an appropriation; and to provide an effective date.

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

SECTION 1. Prevention of sale of Canadian fish or fish products - Penalty. Notwithstanding any other provision of law, no person may sell in this state any fish or fish products, fresh or frozen, from any province of Canada because of the possible introduction of Canadian fish pathogens and biota into Missouri basin waters. Any person who violates this section is guilty of a class A misdemeanor.

SECTION 2. International basin fish pathogen and biota study commission - Duties - Compensation.

1. An international basin fish pathogen and biota study commission may be established to study the possible negative impacts of fish pathogens and biota caused by introduction of untreated water between the Hudson Bay and Missouri basin drainage. The governor shall appoint the commissioners to represent this state on the commission. The commissioners shall be appointed on the basis of a professional background in the biological sciences.
2. The commissioners shall study and make a report to the governor of this state on the nature and extent of the possible negative impact on the fish populations of the Missouri basin caused by introduction of fish, fish pathogens, and fish parasites from the Hudson Bay basin.
3. The governor shall certify by proclamation the receipt of the report required by this section.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, to the governor to cover this state's proportionate share of expenses of the international basin fish pathogen and biota study commission for the study provided for in this Act.

SECTION 4. EFFECTIVE DATE - EXPIRATION. This Act is effective from July 1, 1985, until the issuance of the proclamation of the governor as required by section 2 of this Act, and thereafter is ineffective."

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1394 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 1395 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1395 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1403 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

REP. KNUDSON, Chairman

HB 1403 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Education to which was referred HB 1423 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS and be rereferred to the Committee on Appropriations.

REP. KNUDSON, Chairman

HB 1423 was rereferred to the Committee on Appropriations.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1429 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. HAUGLAND, Chairman

HB 1429 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1431 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 27, remove the overstrike over the words "~~and if sufficient~~"

On page 1, line 28, remove the overstrike over the words "~~personal property cannot be found,~~", and delete the word "~~or~~"

On page 2, line 16, remove the overstrike over the words "~~and if sufficient personal property cannot be found,~~"

On page 3, line 10, delete the word "execution" and insert in lieu thereof the word "levy"

On page 3, line 12, delete the words "The register of"

On page 3, delete line 13

On page 4, line 8, remove the overstrike over the word "diligence", and delete the words "respect to property which has been made known to the"

On page 4, line 9, delete the words "officer by the judgment creditor, or his agent or attorney"

And renumber the lines and pages accordingly

REP. CONMY, Chairman

HB 1431 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1447 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1447 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1479 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1479 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1484 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "sections" and insert in lieu thereof the word "section" and delete the second word "and"

On page 1, line 2, delete the numerals "57-02-14"

On page 1, line 4, delete the words "and the valuation of real"

On page 1, delete line 5

On page 1, line 6, delete the words "federal moneys"

On page 2, line 34, delete the words "in one of the following formulas:"

On page 3, delete lines 1 through 3

On page 3, line 4, delete the word "townships"

On page 3, delete lines 10 through 35

On page 4, delete lines 1 through 6

On page 4, delete lines 9 through 27

And renumber the lines and pages accordingly

REP. A. HAUSAUER, Chairman

HB 1484 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1489 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, delete lines 13 through 20

And renumber the lines accordingly

REP. CONMY, Chairman

HB 1489 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1529 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HB 1529 was placed on the Eleventh 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 1535 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1535 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1545 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same

BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the **Committee on Appropriations**:

On page 1, line 1, before the word "a" insert the words "and enact", and delete the word "section" and insert in lieu thereof the word "chapter"

On page 1, line 3, after the word "schools" insert the words "; and to provide an appropriation"

On page 1, line 17, after the word "programs" insert the words "in North Dakota schools"

On page 1, line 23, after the word "program" insert the words "in North Dakota schools"

On page 2, line 18, delete the words "division of alcohol and drug abuse" and insert in lieu thereof the words "department of human services"

On page 3, line 18, after the word "services" insert the words "in North Dakota schools"

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

HB 1545 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your **Committee on Agriculture** to which was referred HB 1582 has had the same under consideration and recommends by a vote of 10 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HB 1582 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 1587 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 and be rereferred to the **Committee on Appropriations**.

REP. NICHOLAS, Chairman

HB 1587 was rereferred to the **Committee on Appropriations**.

MR. SPEAKER: Your **Committee on Natural Resources** to which was referred HB 1594 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1594 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1605 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS and be rereferred to the Committee on Appropriations:

On page 1, line 26, delete the word "fity" and insert in lieu thereof the word "fifty"

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

HB 1605 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1620 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, delete the words "teachers' professional practices" and insert in lieu thereof the words "legislative council"

On page 1, line 2, delete the word "commission"

On page 1, line 3, delete the word "and" and after the word "appropriation" insert the words "; and to provide an expiration date"

On page 1, line 6, delete the words "Teachers' professional practices commission" and insert in lieu thereof the words "Legislative council"

On page 1, line 7, delete the words "teachers' professional practices commission" and insert in lieu thereof the words "legislative council"

On page 1, delete lines 12 through 16 and insert in lieu thereof the following: "For the purpose of conducting the study required by this section, the legislative council shall appoint a committee of legislators and a representative of each of the following: a North Dakota university, a North Dakota college offering degrees in elementary and secondary education, the superintendent of public instruction, the North Dakota education association, the North Dakota school boards association, the North Dakota council of school administrators, and the teachers' professional practices commission. Members of the committee shall be reimbursed in the same amounts as provided in sections 44-08-04, 54-06-09, and 54-35-10 for members of the legislative council while attending meetings called to accomplish the purposes of this Act. Committee members employed by any

state agency or institution under the control of the state may be compensated only for their actual expenses within the limits of sections 44-08-04 and 54-06-09."

On page 1, line 17, delete the words "superintendent of public instruction" and insert in lieu thereof the words "legislative assembly"

On page 1, delete line 18 and insert in lieu thereof the words "legislative council shall"

On page 1, line 19, delete the words "fiftieth legislative assembly,"

On page 1, line 22, delete the words "superintendent of public instruction" and insert in lieu thereof the words "fiftieth legislative assembly"

On page 1, line 26, delete the words "teachers' professional practices commission" and insert in lieu thereof the words "legislative council"

On page 2, after line 2, insert the following new section:

"SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 1987."

And renumber the lines and pages accordingly

REP. KNUDSON, Chairman

HB 1620 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HCR 3030 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HCR 3030 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

SB 2126: A BILL for an Act to amend and reenact section 6-03-38 of the North Dakota Century Code, relating to the power of the state banking board to authorize activities for state chartered banks.

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

SB 2194: A BILL for an Act to create and enact two new sections to chapter 61-03 of the North Dakota Century Code, relating to inspection and removal of unsafe water works; and to amend and reenact section 61-16.1-38 of the North Dakota

Century Code, relating to the state engineer's authority over unsafe or unauthorized works.

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

SB 2259: A BILL for an Act to amend and reenact sections 16.1-15-17, 16.1-15-22, 16.1-15-23, 16.1-15-25, 16.1-15-28, 16.1-15-29, 16.1-15-30, 16.1-15-35, 16.1-15-40, 16.1-15-44, 16.1-16-01, 16.1-16-04, and 16.1-16-10 of the North Dakota Century Code, relating to the canvassing and recount of election ballots.

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

SB 2279: A BILL for an Act to amend and reenact sections 15-47-27, 15-47-27.1, and subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to the date for the second evaluation of teachers.

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

SB 2310: A BILL for an Act to amend and reenact section 11-11-19 of the North Dakota Century Code, relating to authority of county commissioners to purchase land without an election.

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

SB 2354: A BILL for an Act to amend and reenact subsection 2 of section 57-43.1-14, sections 57-43.1-15, 57-43.1-36, subsection 11 of section 57-43.2-01, and sections 57-43.2-25 and 57-43.2-29 of the North Dakota Century Code, relating to license fees and definitions for various taxes.

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

SB 2359: A BILL for an Act to amend and reenact sections 26-18-07 and 26-18-08 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-39-04 and 26.1-39-05 of the North Dakota Century Code as created and enacted by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to the measure of indemnity on fire insurance policies, the payment of the face value of an insurance policy on a loss, to nonapplication to personal property, the right of insurer to replace property in lieu of a cash payment, and the right of an insurer to offer a special endorsement.

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

SB 2395: A BILL for an Act to create and enact a new section to chapter 26-06, or in the alternative to create and enact a new section to chapter 26.1-36 as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, and a new subdivision to subsection 9 of section 26.1-04-03 of the North Dakota Century Code, relating to a

standard health insurance claim form, claim payment time limits, and unfair insurance practices.

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

SB 2399: A BILL for an Act to repeal section 39-27-19 of the North Dakota Century Code, relating to handhold devices for passengers on motorcycles.

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

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

ROY GILBREATH, Chief Clerk