

MONDAY, FEBRUARY 11, 1985

755

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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TWENTY-FIFTH DAY

Bismarck, February 11, 1985

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

The prayer was offered by Reverend Lowell Rideout, Seventh Day Adventist Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Skjerven.

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-fourth Day and finds the same to be correct.

REP. KENT, Chairman

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

MOTION

REP. KLOUBEC MOVED that HB 1415 be returned to the House floor from the Committee on Industry, Business and Labor, which motion prevailed.

REQUEST

REP. BROKAW REQUESTED the unanimous consent of the House to withdraw HB 1415. There being no objection, it was so ordered by the Speaker.

MOTION

REP. A. HAUSAUER MOVED that HB 1602 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. SCHNEIDER REQUESTED the unanimous consent of the House to withdraw HB 1602. There being no objection, it was so ordered by the Speaker.

MOTION

REP. A. HAUSAUER MOVED that HB 1622 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

## REQUEST

REP. BROKAW REQUESTED the unanimous consent of the House to withdraw HB 1622. There being no objection, it was so ordered by the Speaker.

## MOTION

REP. LANG MOVED that HB 1555 be removed from the Eleventh order on the calendar and be rereferred to the Committee on Political Subdivisions, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1555 was rereferred to the Committee on Political Subdivisions.

## 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 1274, HB 1277, HB 1283, HB 1289, HB 1318, HB 1345,  
HB 1431, HB 1484, HB 1489

REP. HEDSTROM, Chairman

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

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 2039, SB 2049, SB 2053, SB 2065, SB 2206, SB 2281,  
SB 2345, SB 2360, SB 2364, SB 2427, SB 2462, SB 2466,  
SB 2471, SB 2491

LEO LEIDHOLM, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1061, HB 1105

LEO LEIDHOLM, Secretary

## SIXTH ORDER OF BUSINESS

REP. KLOUBEC MOVED that the amendments to HB 1191 as recommended by the Committee on Industry, Business and Labor as printed on page 737 of the House Journal be adopted, and when so adopted, recommends that HB 1191 DO PASS, which motion prevailed.

HB 1191 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1299 as recommended by the Committee on Agriculture as printed on pages

737-743 of the House Journal be adopted, and when so adopted, recommends that HB 1299 DO NOT PASS, which motion prevailed.

HB 1299 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KLOUBEC MOVED that the amendments to HB 1334 as recommended by the **Committee on Industry, Business and Labor** as printed on pages 743-745 of the House Journal be adopted, and when so adopted, recommends that HB 1334 DO PASS, which motion prevailed.

HB 1334 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KNUDSON MOVED that the amendments to HB 1364 as recommended by the **Committee on Education** as printed on page 746 of the House Journal be adopted, and when so adopted, recommends that HB 1364 DO NOT PASS, which motion prevailed.

HB 1364 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1418 as recommended by the **Committee on Natural Resources** as printed on pages 746-747 of the House Journal be adopted, and when so adopted, recommends that HB 1418 DO PASS, which motion prevailed.

HB 1418 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 1474 as recommended by the **Committee on Finance and Taxation** as printed on page 747 of the House Journal be adopted, and when so adopted, recommends that HB 1474 DO NOT PASS, which motion prevailed.

HB 1474 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KLOUBEC MOVED that the amendments to HB 1500 as recommended by the **Committee on Industry, Business and Labor** as printed on page 748 of the House Journal be adopted, and when so adopted, recommends that HB 1500 DO PASS, which motion prevailed.

HB 1500 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KNUDSON MOVED that the amendments to HB 1549 as recommended by the **Committee on Education** as printed on page 749 of the House Journal be adopted, and when so adopted, recommends that HB 1549 DO PASS, which motion prevailed.

HB 1549 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 Arlen Meier, and Representative Meier 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 Gene Martin, and Representative Martin was thereupon introduced to the House.

## POINT OF PERSONAL PRIVILEGE

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

Mr. Speaker and members of this assembly:

Last Thursday this body passed a bill which would rescind the approval for the MANDAN power line to cross North Dakota from Manitoba to the south. This approval had been granted during the 1981 Session and was due to come into effect in 1989-90. This action was taken because of Manitoba's opposition to the Garrison Diversion Project as it was proposed in North Dakota. During the debate, the general agreement was that Manitoba was solely responsible for the scaled down revised version of the Garrison plan. This was not true, as it was the commission doing the study that was responsible for the final decision and that decision was made partly as a result of one of our own members who was not supporting the original plan.

Be as it may, the action we took was a spiteful, futile revenge action that can only hurt us in the long run. This was the umpteenth chapter in a long list of chapters to a fictional book, which could probably be titled "Idiotic Bureaucratic Shenanigans" or "You Did This To Me Last Time So Now I'm Going To Do It To You."

This past weekend the Canadians wrote the next umpteenth chapter as reported in the Bismarck Tribune dateline, Winnipeg, Manitoba.

Manitoba's New Democrats passed a resolution urging the province to continue its opposition to construction of the Garrison Diversion Project. The resolution calls on the government to try to stop North Dakota from using the MANDAN power line as a bargaining tool for construction of Garrison.

Former natural resources minister urged delegates not to overreact to North Dakota's behavior because he said he didn't think it represented the thinking of all residents

of that state. I'm glad someone is using some common sense.

A former member of Parliament, Terry Sargeant, called the actions blackmail and said such behavior won't help relations between the province and North Dakota.

That ends the quotes from this article, but I can assure this body that this will most assuredly be true. I've been working for two years to bring about a change in attitude of that government towards North Dakota. Just as recent as last November, the Souris River Water Commission, which is composed of 12 rural municipalities in southwest Manitoba, passed a resolution, at my request, supporting the full Garrison concept, including Lone Tree Reservoir. I've been having discussions with their government over establishing a Manitoba-North Dakota Boundary Advisory Commission such as we have with Saskatchewan.

This type of dialogue could be very beneficial to us all and might have resolved this Garrison issue a long time ago, if it was a reality. Now all this work by myself and others is down the drain unless we stop it in the Senate. If we just sit back and wait for the umpteenth chapter to be written to this book without doing something to stop it, all mankind and especially the people of North Dakota and Manitoba will most assuredly be the losers.

#### MOTIONS

REP. STRINDEN MOVED that HB 1349 be laid over one week, which motion prevailed.

REP. STRINDEN MOVED that HB 1489 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1182: A BILL for an Act to repeal section 39-18-05 of the North Dakota Century Code, relating to the allowable width, length, and height of mobile homes operated in the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 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; Gernholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland;

Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; 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; 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; Skjerven

HB 1182 passed and the title was agreed to.

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HB 1273: A BILL for an Act to amend and reenact section 11-17-02 of the North Dakota Century Code, relating to maintenance of naturalization records by the clerk of district court.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 104 YEAS, 0 NAYS, 2 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; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; 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; 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; Skjerven

HB 1273 passed and the title was agreed to.

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HB 1274: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to the enforcement of child support and visitation rights; and to amend and reenact section 14-08-09 of the North Dakota Century Code, relating to enforcement of child support payments.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 101 YEAS, 0 NAYS, 5 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; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; 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; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Skjerven; Strinden; Wald; Whalen

HB 1274 passed and the title was agreed to.

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HB 1277: A BILL for an Act to authorize a city tax levy for the construction, operation, and maintenance of animal shelters and to provide for sterilization of animals released for adoption by animal shelters supported by the levy; and to create and enact a new subsection to section 57-15-10 of the North Dakota Century Code, relating to a city tax levy

for animal shelters which is in addition to general tax levy limitations.

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 69 YEAS, 32 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Berg, R.; Cleveland; Conmy; DeMers; Dorso; Dotzenrod; Eckroth; Frey; Gates; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Kelly; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Lindgren; Lipsiea; Lloyd; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olson, V.; Opedahl; Payne; Peterson, J.; Retzer; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Smette; Solberg, O.; Starke; Stofferahn; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Brokaw; Dalrymple; Enget; Goetz; Gunsch; Hanson, O.; Hedstrom; Hill; Hughes; Keller; Kent; Kingsbury; Linderman; Martin; Murphy; O'Connell; Olsen, D.; Olson, A.; O'Shea; Pederson, R.; Richard; Schmidt; Shide; Shockman; Solberg, R.; Thompson; Wald; Watne

**ABSENT AND NOT VOTING:** Gullickson; Knudson; Skjerven; Strinden; Whalen

HB 1277 passed and the title was agreed to.

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**HB 1283:** A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to the venue of small claims court proceedings.

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 101 YEAS, 2 NAYS, 3 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; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; 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; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Kuchera; Melby

ABSENT AND NOT VOTING: Gullickson; Skjerven; Strinden

HB 1283 passed and the title was agreed to.

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HB 1289: A BILL for an Act to amend and reenact subsection 1 of section 25-03.1-26 of the North Dakota Century Code, relating to venue for emergency commitment proceedings.

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 103 YEAS, 0 NAYS, 3 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; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; 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; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; 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; Skjerven; Strinden

HB 1289 passed and the title was agreed to.

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HB 1318: A BILL for an Act to provide for the licensure of dietitians and nutritionists; and to provide a penalty.

Which has been read.

#### CONFLICT OF INTEREST

REP. RICHARD STATED that he had a conflict of interest with HB 1318, as did Rep. Wald.

REP. MERTENS MOVED that Rep. Richard and all those with a conflict of interest be allowed to vote on HB 1318, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 63 YEAS, 41 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Berg, R.; Cleveland; Dalrymple; DeMers; Dotzenrod; Frey; Gates; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner; Hughes; Keller; Kelly; Klundt; Knudson; Larson; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Peterson, J.; Retzer; Riehl; Riley; Sauter; Schmidt; Schneider; Shaw; Shide; Shockman; Solberg, R.; Starke; Stofferahn; Strinden; Ulmer; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Speaker Hausauer, R.

NAYS: Anderson, C.; Anderson, R.; Brokaw; Conmy; Dorso; Eckroth; Enget; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Hedstrom; Kent; Kingsbury; Kloubec; Koland; Kretschmar; Kuchera; Lang; Linderman; Lindgren; Melby; Murphy; Nowatzki; O'Connell; Payne; Pederson, R.; Rice; Richard; Rydell; Schindler; Smette; Solberg, O.; Thompson; Timm; Tollefson; Vander Vorst; Wald; Whalen; Winkelman; Wold

ABSENT AND NOT VOTING: Gullickson; Skjerven

HB 1318 passed and the title was agreed to.

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HB 1319: A BILL for an Act to amend and reenact sections 40-22-15 and 40-22-16 of the North Dakota Century Code, relating to the publication of a resolution of necessity for the creation of sewer or water improvement districts if a portion of the cost is to be raised by service charges; 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 102 YEAS, 1 NAY, 3 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; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; 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; 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: Kingsbury

ABSENT AND NOT VOTING: Gullickson; Kent; Skjerven

HB 1319 passed, the title was agreed to, and the emergency clause was declared carried.

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HB 1330: A BILL for an Act to amend and reenact subsection 1 of section 39-06.1-10 of the North Dakota Century Code, relating to the separate compilation of traffic violation points and determination of repeat offender status on the basis of the traffic violation having been committed with a motor vehicle that may only be operated by the holder of a class 1 operator's license.

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 21 YEAS, 81 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Berg, G.; Berg, R.; Brokaw; Conmy; Dalrymple; Dorso; Dotzenrod; Hanson, O.; Kingsbury; Mertens; Meyer; Murphy; Myrdal; O'Shea; Richard; Schneider; Shockman; Stofferahn; Strinden; Wald; Whalen

**NAYS:** Anderson, C.; Anderson, R.; Belter; Cleveland; DeMers; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Moore; Nalewaja; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Shaw; Shide; Smette; Solberg, O.; Solberg, R.; Starke; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**ABSENT AND NOT VOTING:** Gullickson; Nicholas; Retzer; Skjerven

HB 1330 was declared lost.

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HB 1345: A BILL for an Act to amend and reenact section 57-51-05.1 of the North Dakota Century Code, relating to the valuation of reclaimed oil for purposes of payment of the oil and gas gross production tax.

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, 10 NAYS, 3 ABSENT AND NOT VOTING.

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

Olson, A.; Olson, V.; Opedahl; O'Shea; Payne;  
 Pederson, R.; Peterson, J.; Retzler; Rice; Richard;  
 Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Shaw;  
 Shide; Shockman; Smette; Solberg, O.; Solberg, R.;  
 Starke; Stofferahn; Strinden; Thompson; Timm;  
 Tollefson; Ulmer; Unhjem; Wald; Watne; Wentz; Whalen;  
 Williams, A.; Williams, C.; Winkelman; Wold;  
 Speaker Hausauer, R.

NAYS: Brokaw; DeMers; Hoffner; Kelly; Linderman; Murphy;  
 Oban; Schneider; Vander Vorst; Williams, W.

ABSENT AND NOT VOTING: Gullickson; Nicholas; Skjerven

HB 1345 passed and the title was agreed to.

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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 1123, HB 1169, HB 1315, HB 1348, HB 1374, HB 1382,  
 HB 1406, HB 1408, HB 1522

ROY GILBREATH, Chief Clerk

SPECIAL ORDER OF BUSINESS

REP. KRETSCHMAR MOVED that the House be on a special order of business, which motion prevailed.

REP. KRETSCHMAR MOVED that a committee of two be appointed to escort the Honorable Byron L. Dorgan, United States Congressman, to the rostrum, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Reps. Mertens and Hoffner to such committee, which committee subsequently escorted Congressman Dorgan to the rostrum.

REP. MERTENS MOVED that the following remarks of Congressman Byron L. Dorgan be printed in the Journal, which motion prevailed.

REMARKS

By  
 Honorable Byron L. Dorgan  
 United States Congressman

Last Wednesday night I was seated in the U.S. House chambers listening to President Reagan's State of the Union message. He described an America that stands for hope, compassion, opportunity, and courage. He described an America where dreams

can come true if you work hard. He was describing values which I believe set us apart from the rest of the world.

The President also told us some good news about the state of the union; that the economy is growing and the people feel better about America. And all of that is true. But this is a big country, and all is not well everywhere. As public officials, you and I are really mechanics who are working in the engine room of this big ship of state. It's our responsibility to work hard polishing what works and trying to fix what's wrong. Any we've got some things which need fixing America.

Farmers work hard, but the dreams they dream for their children are no longer coming true. Inflation is down, interest rates have fallen somewhat, Wall Street is bullish, unemployment is dropping - and America's farmers are going broke. That's a state of the union that we've got to fix.

Newstands are filled with magazine stories about the newest fad diet and the latest pill to help overweight Americans reduce - yet two-thirds of the world are hungry and the sub Saharan African is starving. At the same time, America has a farm program that tries to make less productive its most productive assets - its family farmers. That's a state of the union that we have to fix.

The U.S. economy is enjoying an unexpected boom. The Gross National Product is rising 7.6 percent. Unemployment is down from 10.7 percent to 7.5 percent. Inflation has stabilized. Yet, the wealthiest, the most robust nation on earth is deep in debt. We have an annual deficit of \$200 billion and a trade deficit of \$125 billion. By fiscal year 1986 the national debt will be \$1.7 trillion. That's a state of the union we have to fix.

You know, a hundred years from now when people look back at our generation, they're going to be able to tell an awful lot about us by how we spent our money. It is my belief that we need a good old fashioned debate on the President's budget; one in which we take a good, hard look at where we want those precious tax dollars to go. So that future generations will look back and say that in 1985, the American people wrestled with their fiscal problems in a way that was fair to all.

On Monday, the President sent his budget to Capitol Hill. That budget calls for a \$180 billion deficit. It also calls for a 13 percent increase in budget authority for the Defense Department. It cuts the farm program, cuts student aid, eliminates revenue sharing for the states; it cuts Medicare and cuts five percent from programs for the poor. It eliminates the Rural Electrification Program, the Economic Development Administration and Urban Development Action Grants.

It's an awful tough thing to try and put together a budget that requires painful decisions on where to cut and where to increase. I know that you're going through that very process now.

And that's why you and I know that the budget process requires leadership. In the case of the federal budget, that leadership must come from the President, and from Democrats and Republicans in both Houses of Congress. It also requires a commitment to equality of sacrifice. I would like to see a budget freeze across the board - in defense spending as well as non-defense spending. But that won't happen without the leadership and cooperation of the President and both political parties. An across the board freeze has bi-partisan support in both Houses of Congress, but it's just not going to happen.

I'd like to share with you today what I believe we can realistically expect in the federal budget after the great American debate on spending increases and cuts is finally done. Brace yourself. We will be making deep cuts in spending that will greatly affect North Dakota. But we will also make a tough stand on farm programs and other critical domestic programs. I know that there's no more important job for me in Congress this year than to fight as hard as I can to hold onto our farm programs and to withstand pressure to make cuts in so important a program as Medicare. But we will have to expect cuts in revenue sharing, EDA, rural water and sewer programs and Urban Development Action Grants.

Central to the debate over this budget is whether America is more secure when we adjust our spending priorities in such a way that Pentagon spending experiences no sacrifice while the rest of America agonizes over the deficit. Secretary of Defense Caspar Weinberger is missing a very valuable point - that security is not just Pentagon security. Security for America also means a good educational system. Security for America also means promoting American agriculture, opening new markets, sharing our huge food surpluses with a hungry world. And security for America means assuring that those who are poor and elderly have a right to adequate health care.

At the same time we bring that message to Mr. Weinberger, those of us from farm states will be bringing this message to the President and to our colleagues in the House and Senate: We wouldn't cut defense in time of war. We wouldn't think of cutting health care programs during a medical catastrophe. We simply cannot eliminate farm programs during a farm crisis. I will tell my colleagues how farm scenes in North Dakota are beginning to look like a grainy film clip from the 1930s. I will tell them about young farmers putting their homes and farm machinery on the auction block. I will tell them about men choked with emotion, fighting back tears at meetings of farm survival groups. We've got to make people understand that for fifty years the federal government has been a partner to agriculture and that in this time of crisis farmers must look to

Washington to help straighten out this mess. And the mess today is, in large part, the result of rising interest rates coming at a time when U.S. export earnings have been falling. The result has been catastrophic and it's why American farmers now owe more money than Brazil and Mexico combined. I will tell the President and my colleagues that if we don't solve this farm problem, my state alone will become 70,000 square miles of ghost town. The situation is that dramatic, and it's that important.

It's clear that any meaningful help to farmers requires two steps. First, a comprehensive credit bill that will provide immediate capital to farmers in the form of advanced payment of 50 percent of the loan rate, along with long-term loan guarantees. The second step must include continuation of price supports. I would like to see the 1985 farm bill target benefits to small and medium sized farms, where they do the most good. You and I both know that the destiny of American agriculture lies with the 1985 farm bill, and we've got to do it right.

A budget that asks for sacrifice requires that we make tough choices - and the choices we make today will tell future generations about the state of American values in 1985. Will we choose more and more weapons - will we choose poorer medical care for the elderly? Will our choices reflect the compassion and wisdom that has set America apart?

It's these kinds of issues that brought us - you and me to choose public service. And as we debate the budget of this nation, and as we contemplate the future of our family farmers, I keep remembering what Adlai Stevenson said about the way democracy works:

"Trust the people, trust their good sense,  
 Their decency, their fortitude, their faith.  
 Trust them with the facts.  
 Trust them with great decisions.  
 And fix as their guiding star the passion to  
 create a society where people can fulfill their  
 own best selves."

Adlai E. Stevenson, Harrisburg, Pennsylvania, September 13, 1956

#### SECOND READING OF HOUSE BILLS

HB 1354: A BILL for an Act to amend and reenact section 50-11.1-04 of the North Dakota Century Code, relating to prerequisites for the issuance of a child care license.

Which has been read.

#### ROLL CALL

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



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

NAYS: Anderson, R.; Brokaw; Gunsch; Hanson, O.; Lautenschlager; Linderman; Melby; Murphy; Nalewaja; Shockman; Ulmer; Wald; Williams, C.; Wold

ABSENT AND NOT VOTING: Berg, R.; Gullickson; Peterson, J.; Richard; Riley; Skjerven; Strinden; Speaker Hausauer, R.

HB 1354 passed and the title was agreed to.

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HB 1371: A BILL for an Act to create and enact a new section to chapter 49-18 of the North Dakota Century Code, relating to a preference for resident common motor carriers to receive certificates of public convenience and necessity.

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 11 YEAS, 88 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Brokaw; Goetz; Hamerlik; Kuchera; Melby; O'Connell; Olson, A.; Smette; Thompson; Vander Vorst; Wald

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Graba; Gunsch; Halmrast; 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; Lipsiea; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.;

Peterson, J.; Retzer; Rice; Riehl; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Solberg, O.; Solberg, R.; Starke; Stofferahn; Timm; Tollefson; Ulmer; Unhjem; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Frey; Gullickson; Richard; Riley; Skjerven; Strinden; Wentz

HB 1371 was declared lost.

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#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 2:01 p.m., February 11, 1985:

HB 1061

REP. HEDSTROM, Chairman

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

#### REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 2:01 p.m., February 11, 1985:

HB 1105

REP. HEDSTROM, Chairman

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

#### SECOND READING OF HOUSE BILLS

HB 1429: A BILL for an Act to provide legal recognition to living wills, directing the withholding or withdrawal of life-sustaining procedures from patients with terminal conditions; and to provide penalties.

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 32 YEAS, 71 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Conmy; DeMers; Dorso; Frey; Gates; Halmrast; Hanson, L.; Hughes; Kelly; Kloubec; Koland; Larson; Laughlin; Lindgren; Mertens; Moore; Murphy;

Opedahl; Riley; Rydell; Sauter; Schneider; Solberg, O.; Solberg, R.; Stofferahn; Strinden; Unhjem; Wentz; Williams, W.; Winkelman; Speaker Hausauer, R.

**NAYS:** Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Dalrymple; Dotzenrod; Eckroth; Enget; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Keller; Kent; Kingsbury; Klundt; Knudson; Kretschmar; Kuchera; Lang; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin; Melby; Meyer; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Schindler; Schmidt; Shaw; Shide; Shockman; Smette; Starke; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, C.; Wold

**ABSENT AND NOT VOTING:** Gullickson; Martinson; Skjerven

HB 1429 was declared lost.

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HB 1431: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, providing a penalty for withholding property that has been levied upon; to amend and reenact sections 28-21-06, 28-21-07, 28-21-08, 28-21-10, 28-21-11, 28-21-18, and 28-23-10 of the North Dakota Century Code, relating to execution and sales under execution; and to repeal section 28-21-16 of the North Dakota Century Code, relating to the sheriff's jury.

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, 4 NAYS, 6 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; 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; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Shide; Shockman; Smette; Solberg, O.; Solberg, R.;

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Starke; Stofferahn; Strinden; Thompson; Timm;  
Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Wentz;  
Whalen; Williams, A.; Williams, C.; Williams, W.;  
Winkelman; Wold; Speaker Hausauer, R.

NAYS: Brokaw; Richard; Schmidt; Watne

ABSENT AND NOT VOTING: Gullickson; Kuchera; Mertens;  
Moore; Retzer; Skjerven

HB 1431 passed and the title was agreed to.

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HB 1484: A BILL for an Act to amend and reenact section 21-06-10 of the North Dakota Century Code, relating to the allocation of moneys received through leasing of land acquired by the United States for flood control.

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

ABSENT AND NOT VOTING: Gullickson; Moore; Retzer;  
Skjerven

HB 1484 passed and the title was agreed to.

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HB 1490: A BILL for an Act to amend and reenact subsection 1 of section 39-06-42 of the North Dakota Century Code, relating to operating a motor vehicle after suspension or revocation of an operator's license; and to provide a penalty.

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, 95 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Dotzenrod; Gates; Hausauer, A.; Kretschmar; Lindgren; Vander Vorst

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

ABSENT AND NOT VOTING: Gullickson; Retzer; Skjerven; Watne

HB 1490 was declared lost.

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HB 1491: A BILL for an Act to create and enact a new subsection to section 39-08-01 of the North Dakota Century Code, relating to seizure of a motor vehicle operator's license at the trial of a charge of operating a motor vehicle, or of being in actual control of a motor vehicle, while under the influence of drugs or intoxicating liquor; and to amend and reenact sections 39-20-03.1, 39-20-03.2, 39-20-04.1, and 39-20-05 of the North Dakota Century Code, relating to seizure and suspension of drivers' licenses.

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 9 YEAS, 93 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Hanson, O.; Kretschmar; Kuchera; Mertens; Murphy; Timm; Whalen

NAYS: Anderson, R.; Belter; 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; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Retzer; Skjerven; Watne

HB 1491 was declared lost.

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HB 1521: A BILL for an Act to limit flaring of gas.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 3 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; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; 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: Hausauer, A.; Kuchera; Martinson

ABSENT AND NOT VOTING: Gullickson; Hill; Retzer; Skjerven

HB 1521 passed and the title was agreed to.

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HB 1531: A BILL for an Act to amend and reenact sections 43-20-03 and 43-20-12 of the North Dakota Century Code, relating to the supervision over and responsibilities of dental hygienists.

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 6 YEAS, 96 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Dorso; Kretschmar; Melby; Murphy; Vander Vorst; Wald

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

ABSENT AND NOT VOTING: Gullickson; Hill; Retzer; Skjerven

HB 1531 was declared lost.

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HB 1537: A BILL for an Act to amend and reenact subsection 5 of section 43-28-06, and sections 43-28-11, 43-28-12, 43-28-12.1, 43-28-14, 43-28-16, 43-28-17, 43-28-20, 43-28-21, and 43-28-23 of the North Dakota Century Code, relating to powers of the state board of dental examiners, and to applications, examinations, fees, admissions, disciplinary actions, and costs.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 1 NAY, 3 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; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; 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: O'Connell

ABSENT AND NOT VOTING: Gullickson; Retzer; Skjerven

HB 1537 passed and the title was agreed to.

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HB 1544: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, to establish a fund for providing oil and gas reservoir data compiled by the industrial commission to state, federal, and county departments and agencies, and members of the general public; and to provide an appropriation.

Which has been read.



ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 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; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lipsiea; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Retzer; Skjerven; Unhjem; Wald

HB 1544 passed and the title was agreed to.

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MOTIONS

REP. NICHOLAS MOVED that HB 1547 be removed from the Eleventh order on the calendar and be rereferred to the Committee on Agriculture, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1547 was rereferred to the Committee on Agriculture.

REP. STRINDEN MOVED that all Study Resolutions be placed on the consent calendar, which motion prevailed.

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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Tuesday, February 12, 1985, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations to which was rereferred HB 1062 has had the same under consideration and recommends by a vote of 17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. J. PETERSON, Chairman

HB 1062 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 1084 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1084 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 1115 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 2, line 4, after the second period insert the numeral "1."

On page 2, line 9, overstrike the numeral "1." and insert immediately thereafter the letter "a."

On page 2, line 12, overstrike the word "The"

On page 2, overstrike lines 13 through 16

On page 2, line 17, overstrike the numeral "2." and insert immediately thereafter the letter "b."

On page 2, line 21, overstrike the numeral "3." and insert immediately thereafter the numeral "2."

On page 2, line 27, overstrike the numeral "4." and insert immediately thereafter the numeral "3."

On page 2, line 29, delete the numeral "5." and insert in lieu thereof the numeral "4."

On page 2, after line 32, insert the following:

"5. The commissioner shall adopt rules defining those crops for which a location may be allowed for pollination, and where necessary may prescribe time limits for the placement of bees at pollination locations."

And renumber the lines and pages accordingly

REP. NICHOLAS, Chairman

HB 1115 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 1196 has had the same under consideration and recommends by a vote of 12 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. J. PETERSON, Chairman

HB 1196 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 1339 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 1, delete the words "Required instruction -"

On page 2, line 3, delete the words "No person may set, lay, or prepare any snare for the"

On page 2, delete lines 4 and 5

On page 2, line 6, delete the words "established under subsection 2" and insert in lieu thereof the words "The governor shall establish by proclamation an upland snaring season for the taking of coyotes"

On page 2, line 7, delete the words "The commissioner shall supervise classroom instruction,"

On page 2, delete lines 8 through 17

On page 2, line 21, delete the numeral "4" and insert in lieu thereof the numeral "3"

On page 2, line 22, after the word "affix" insert the words "with a metal or plastic tag"

On page 2, line 24, delete the numeral "5" and insert in lieu thereof the numeral "4" and after the word "establish" insert the words "and publish in pamphlet form"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1339 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Transportation to which was referred HB 1369 has had the same under consideration and recommends by a vote of 11 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 5, delete the word "personal"

And renumber the lines accordingly

REP. TIMM, Chairman

HB 1369 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 1393 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 7, delete the word "dollars" and insert in lieu thereof the word "cents"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1393 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 1407 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. KNUDSON, Chairman

HB 1407 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred HB 1436 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1436 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 1438 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 3, remove the overstrike over the second word "~~shall~~"

On page 2, line 4, remove the overstrike over the words "~~bid in~~", delete the words "bids on", and delete the word "in"

And renumber the lines and pages accordingly

REP. LANG, Chairman

HB 1438 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 1460 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 13, overstrike the word "has", and delete the word "graduated" and insert in lieu thereof the words "upon graduating"

On page 1, line 14, delete the words "an accredited" and insert in lieu thereof the words "a board-approved"

On page 1, line 18, delete the word "an" and insert in lieu thereof the words "a board-approved"

On page 1, line 19, delete the word "accredited", and delete the word "or"

On page 1, line 20, after the word "degree" insert the words ", or other"

And renumber the lines accordingly

REP. HAUGLAND, Chairman

HB 1460 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1475 has had the same under consideration and recommends by a vote of 12 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 12, delete the numeral and period "1.", and remove the overstrike over the words "~~licenses shall be of two types-~~"

On page 1, line 13, remove the overstrike over the words "~~shall entitle~~" and delete the word "entitles"

On page 1, line 18, remove the overstrike over the words "~~A location license shall be~~"

On page 1, line 19, remove the overstrike

On page 1, line 20, remove the overstrike over the words "~~owned by that person:~~" and delete the words "The annual fee for an operator's"

On page 1, delete lines 21 through 24

On page 1, line 25, delete the numeral and period "2."

On page 1, line 26, overstrike the word "four" and insert immediately thereafter the word "ten", remove the overstrike over the words "~~one location~~", and delete the words "any establishment"

On page 2, line 2, remove the overstrike over the word "~~shall~~" and delete the word "must"

On page 2, lines 3 through 5, remove the overstrike

On page 2, line 6, remove the overstrike over the words "~~hundred machines:~~"

And renumber the lines accordingly

REP. KLOUBEC, Chairman

HB 1475 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 1501 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 25, after the word "region" insert the words "and to jointly develop a comprehensive plan for the river basin or region"

On page 2, line 20, remove the overstrike over the numeral "6-", after the word "~~require~~" insert the word "Require", and remove the overstrike over the words "~~that appropriate easements be obtained in~~"

On page 2, lines 21 through 23, remove the overstrike

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1501 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 1502 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 10, overstrike the word "reoccurring" and insert immediately thereafter the word "recurring"

On page 2, line 18, overstrike the first word "the" and insert immediately thereafter the word "a"

On page 2, line 19, after the word "of" insert the words "at least", remove the overstrike over the word "~~forty-five~~", and delete the word "sixty"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1502 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1516 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KLOUBEC, Chairman

HB 1516 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 1534 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 3 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, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to establish an edible bean indemnity fund; to amend and reenact section 60-04-02 of the North Dakota Century Code, relating to insolvencies of warehousemen; and to provide a penalty.

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

SECTION 1. Definitions. In sections 1 through 11 of this Act, unless the context or subject matter otherwise requires:

1. "Claimant" means any seller who has sold edible beans to a public warehouseman who becomes insolvent as defined by section 60-04-02, and who

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has not received the full payment for the edible beans under the sales contract.

2. "Commission" means the public service commission.
3. "Council" means the North Dakota edible bean council.
4. "Edible beans" means any and all varieties of edible beans, excluding soybeans.
5. "Fund" means the edible bean indemnity fund.
6. "Seller" means a person selling edible beans to a public warehouseman.
7. "Public warehouseman" means a public warehouseman as defined in section 60-02-01.

SECTION 2. Powers of the council. The council has powers on behalf of the fund to:

1. Borrow funds from the Bank of North Dakota if necessary to pay claims or the costs of administering the fund. The Bank shall take adequate guarantees necessary to ensure the repayment of the loan and may charge interest not to exceed the Bank's base rate.
2. Purchase insurance to cover payment of claims against the fund in amounts it determines appropriate.
3. Seek the collection of assigned claims from the public warehouseman or any other source of potential recovery.
4. Institute actions for the collection of assigned claims.
5. Receive payments from the fund for the costs incurred in administering the fund, including the cost of collecting assigned claims.
6. Authorize reimbursements for the commission for costs incurred in the collection and determination of claims.

SECTION 3. Assessments. Every public warehouseman shall collect two and one-half cents per hundredweight [45.36 kilograms] of edible beans from each seller of edible beans. The public warehouseman shall match each dollar of assessment collected from a seller, with a



dollar. All funds must be deposited with the council on a monthly basis, pursuant to rules adopted by the council.

SECTION 4. Edible bean indemnity fund - Administration. The council shall deposit the assessments received pursuant to section 3 of this Act to the state treasurer, who must deposit the assessments in a fund, to be maintained at the Bank of North Dakota. The council shall administer the fund in a manner so as to provide prompt compensation for claimants. The state treasurer shall pay money from the fund to the commission for reimbursement of claimants. Any interest generated by the fund must be transferred to the fund.

SECTION 5. Suspension of assessments. The council shall suspend assessments if the amount of uncommitted money in the fund is at least one million dollars. The council shall reinstitute assessments if the amount of uncommitted money credited to the fund drops below one million dollars. When reinstituting assessments, the council shall assess only on sales made after the assessment was reinstated.

SECTION 6. Disbursements from the fund - Claims.

1. A claimant may make a claim under sections 1 through 11 of this Act upon the insolvency of a designated handler or warehouse. A claim must be submitted with proof of loss, as required by the commission. Upon the determination by the commission that the claimant has the right to receive money from the fund, the commission shall apply to the state treasurer for moneys from the fund to pay the amount of the claimant's provable loss.
2. A claimant is entitled to recover from the fund an amount equal to the unpaid balance under the sales contract with interest at the weighted average base rate charged by the Bank of North Dakota since the date payment under the sales contract was due.

SECTION 7. Appeals. Any appeal from a determination by the commission of the amount of a claim must be made within thirty days of the determination of the claim amount to be paid.

SECTION 8. Proration of payments - Insolvency of the fund. The state treasurer shall prorate the payments from the fund to the commission if the total amount of uncommitted money credited to the fund is not sufficient to pay all claims against the fund. The state is not liable

for nonpayment of claims against the fund due to the insolvency of the fund.

SECTION 9. Assignment of claim for relief to council. Any claimant receiving a payment from the fund shall assign to the council any claim for relief against the public warehouseman or any other source of recovery, to the extent of the recovery from the fund. The council shall take all action necessary to reimburse the fund for disbursements made from the fund.

SECTION 10. Refunds. Any seller subject to the assessment provided in section 3 of this Act may, within thirty days following the assessment, make application by personal letter to the council for a refund application blank. Upon the return of the refund application blank, properly executed by the seller and accompanied by a record of the assessment by the public warehouseman, and received not later than ten days after it was mailed to the seller, the council shall refund the net amount of the assessment collected from the seller. No assessment collected from a public warehouseman may be refunded. No refund may be granted to a seller who has received a claim from the fund during the previous twelve months. Any seller requesting a refund from the council under this section may not receive any disbursement from the fund based on any claim under section 6 of this Act for any edible beans sold during the following twelve-month period or until the seller has paid assessments for which a refund has not been requested, whichever occurs later.

SECTION 11. Penalty - License revocation. Any public warehouseman who violates sections 1 through 11 of this Act or any rule adopted pursuant to sections 1 through 11 of this Act is guilty of an infraction. Violation of sections 1 through 11 of this Act or any rule adopted pursuant to sections 1 through 11 of this Act by a public warehouseman constitutes cause for suspension or revocation of the public warehouseman's license in accordance with section 60-02-10.1.

SECTION 12. AMENDMENT. Section 60-04-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

60-04-02. Insolvency of warehouseman. Whenever any warehouseman, by reason of the destruction of his the warehouseman's warehouse or for any other cause, shall refuse, neglect, or be unable, upon proper demand, to redeem any receipt issued by him, make payment through redelivery or cash payment, such in accordance with the terms of the sales contract with the seller, the warehouseman shall be is deemed to be insolvent within the meaning of this chapter."

And renumber the lines and pages accordingly

REP. NICHOLAS, Chairman

HB 1534 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 1536 has had the same under consideration and recommends by a vote of 15 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 3, line 22, delete the word "business" and insert in lieu thereof the word "permanent"

On page 3, line 25, delete the word "business" and insert in lieu thereof the word "permanent"

And renumber the lines accordingly

REP. HAUGLAND, Chairman

HB 1536 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1539 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. KLOUBEC, Chairman

HB 1539 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 1572 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. CONMY, Chairman

HB 1572 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 1580 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 3 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, after the letter "B" insert the words ", or a combination of plan A and B,"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1580 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred HB 1590 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1590 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 1592 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 6 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, overstrike the words "Such certificate" and delete the word "is" and insert in lieu thereof the following: "The board may offer a combined examination for certification of a person as a water well contractor and a water well pump and pitless unit installer and may issue a single certificate for successful completion of the combined examination. Certificates issued under this chapter are"
- On page 2, line 32, delete the second word "or" and insert in lieu thereof the word "and"
- On page 3, line 6, delete the words "in the amount of twenty" and insert in lieu thereof the words "of not more than fifty" and after the comma insert the words "as set by the board,"
- On page 3, line 10, after the period insert the following: "A person certified as a water well contractor under this chapter before July 1, 1985, is deemed to be properly certified as a water well pump and pitless unit installer under this chapter subject to the renewal provisions of section 43-35-17 and is not required to apply for and receive a separate certificate under this section."
- On page 3, line 21, delete the word "or" and insert in lieu thereof the word "and"
- On page 3, line 23, delete the word "or" and insert in lieu thereof the word "and"
- On page 3, line 25, delete the word "or" and insert in lieu thereof the word "and"
- On page 3, line 30, delete the hyphen and word "- Penalty"

On page 4, line 16, delete the word "or" and insert in lieu thereof the word "and"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1592 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1613 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KLOUBEC, Chairman

HB 1613 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 1636 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 2, line 18, after the period insert the following sentence: "For five years, the disposition requirement does not apply to a corporation that has acquired title to the land through the process of foreclosure of a mortgage, or a deed from the mortgagor instead of foreclosure, if that corporation leases to or contracts for the sale of the land to the prior mortgagor from which it was acquired, if any mineral interest owned by that prior mortgagor is not severed from the interest in the surface to the land, and if documents evidencing the lease or purchase agreement have been filed with the court in which the foreclosure proceedings were filed or would have been filed if foreclosure proceedings had been initiated, and if there is an order of that court which has been entered confirming the validity of the lease or purchase agreements."

And renumber the lines and pages accordingly

REP. NICHOLAS, Chairman

HB 1636 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

SB 2037: A BILL for an Act to transfer moneys from the accumulated and undivided profits of the North Dakota mill and elevator association to the general fund of the state of North Dakota.

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

- SB 2090: A BILL for an Act making an appropriation to the legislative assembly for the refinishing of woodwork and improvements to the state capitol; and declaring an emergency.  
Was read the first time and referred to the Committee on Appropriations.
- SB 2227: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of disability benefits upon imprisonment in a penal institution.  
Was read the first time and referred to the Committee on State and Federal Government.
- SB 2303: A BILL for an Act to create and enact a new section to chapter 23-13 of the North Dakota Century Code, relating to smoke detection systems in residential rental property; and to amend and reenact section 23-13-04 of the North Dakota Century Code, relating to the construction of doors of public buildings; and to provide a penalty.  
Was read the first time and referred to the Committee on Social Services and Veterans Affairs.
- SB 2337: A BILL for an Act to amend and reenact section 40-12-03 of the North Dakota Century Code, relating to the requirements for petitions initiating or referring municipal ordinances.  
Was read the first time and referred to the Committee on Political Subdivisions.
- SB 2339: A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the term of office of members of the state livestock sanitary board.  
Was read the first time and referred to the Committee on Agriculture.
- SB 2340: A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to police powers of livestock brand inspectors.  
Was read the first time and referred to the Committee on Agriculture.
- SB 2344: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the penalty for minors in possession of alcoholic beverages and for entering licensed premises where alcoholic beverages are sold.  
Was read the first time and referred to the Committee on Social Services and Veterans Affairs.
- SB 2356: A BILL for an Act to create and enact a new paragraph to subdivision d of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, to provide an adjustment to

taxable income for adoption of a child; and to provide an effective date.

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

**SB 2372:** A BILL for an Act to amend and reenact subsection 13 of section 11-11-14 and subsection 10 of section 58-06-01 of the North Dakota Century Code, relating to the authority of boards of county commissioners and boards of township supervisors to grant rights of way for water or waste water systems; and to declare an emergency.

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

**SB 2377:** A BILL for an Act to amend and reenact section 24-03-05 of the North Dakota Century Code, relating to closing of roads and penalty for passing over a closed road or removing a barricade.

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

**SB 2384:** A BILL for an Act to create and enact a new subsection to section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit and farm structures exempt from taxation; and to provide an effective date.

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

**SB 2393:** A BILL for an Act to create and enact a new subsection to section 11-18-03 of the North Dakota Century Code, relating to recording of instruments by the register of deeds.

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

**SB 2406:** A BILL for an Act to create and enact two new subsections to section 6-01-02 and a new section to chapter 6-02 of the North Dakota Century Code, relating to definitions of national banks and financial institutions and qualifications of banks; and to amend and reenact subsection 2 of section 6-01-02 of the North Dakota Century Code, relating to the definition of banks.

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

**SB 2409:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the exemption of farm structures from property taxes; and to provide an effective date.

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

**SB 2416:** A BILL for an Act to amend and reenact section 44-08-04.2 of the North Dakota Century Code, relating to travel advances for state officers and employees.

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

SB 2425: A BILL for an Act to amend and reenact sections 12.1-16-01 and 12.1-16-02 of the North Dakota Century Code, relating to the penalties for murder and manslaughter.

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

SB 2426: A BILL for an Act to amend and reenact subsection 3 of section 26-02-47 and subsection 1 of section 26-02-54 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 3 of section 26.1-39-10 and subsection 1 of section 26.1-39-16 of the North Dakota Century Code as created in Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to declination, cancellation, and nonrenewal of medical and legal liability insurance coverage.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4024: A concurrent resolution urging the President of the United States, the Secretary of Agriculture, and the members of the North Dakota Congressional Delegation to make a united effort to bring the farm credit crisis, the need for full agricultural parity, and the need for a balanced federal budget to the attention of elected officials.

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

SCR 4027: A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

SCR 4030: A concurrent resolution directing the Legislative Council to study the Bank of North Dakota's loan programs.

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

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

ROY GILBREATH, Chief Clerk