

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FORTY-SECOND DAY

Bismarck, March 8, 1985

The Senate convened at 12:30 p.m., with President Pro Tem Reiten presiding.

The prayer was offered by Reverend Arland Fiske, Bethany Lutheran Church, Minot, North Dakota.

Good and gracious God,  
Creator and renewer of the world,  
Provider and healer of Your people.

We bow before Your majesty  
And the remembrance of Your mercies  
To generations that have gone before us.

We implore Your continued blessings  
Upon the children of immigrants  
and of Native Americans.  
Help us, as neighbors, to love each other  
As You have loved us all.

Today we thank You for our nation,  
Its constitution and freedoms.  
We pray that Your will may be done among us  
And that there may be justice and  
peace for all nations.

We thank You for this state called "North Dakota",  
For the right to assemble  
And to serve You through the political process.

We pray for all who hold positions of service,  
Both elected and appointed.

We pray for those who till the soil  
And for those who maintain the marketplaces.

We pray for teachers,  
For Your servants in health care,  
For planners of industry,  
For lenders and borrowers of money,  
For parents and children,  
For those who proclaim Your word to the world.

Lord God, You have said  
"Blessed is he who considers the poor."

Remember the aged and the young,  
The seekers of employment and the refugees.

Send Your spirit upon this assembly:  
The spirit of clear minds and joyful hearts,  
The spirit of strong hands and just laws.

Be pleased to do Your work through us, we pray.

In the name of Jesus Christ. Amen.

#### ROLL CALL

The roll was called and all members were present, except Senators Lodoen, Mushik, Nething, Peterson, Satrom.

A quorum was declared by the President Pro Tem.

#### REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-first day and finds the same to be correct.

SEN. DAVID, Chairman

SEN. KELLY MOVED that the report be adopted, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly engrossed:

SCR 4023

SEN. BAKEWELL, Chairman

SEN. KRAUTER MOVED that the report be adopted, which motion prevailed.

#### MESSAGES TO THE HOUSE SENATE CHAMBER

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

HB 1076, HB 1369, HB 1392, HCR 3068

LEO LEIDHOLM, Secretary

#### SENATE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Senate has amended:

HB 1036, HB 1247, HB 1335, HB 1388

LEO LEIDHOLM, Secretary

FRIDAY, MARCH 8, 1985

1323

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1182, HB 1217, HB 1281, HB 1283

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2073, SB 2085, SB 2087, SB 2088, SB 2099, SB 2102,  
SB 2110, SB 2117, SB 2118, SB 2119, SB 2134, SB 2142,  
SB 2156, SB 2157, SB 2207, SB 2261, SB 2271, SB 2315,  
SB 2318, SB 2339, SB 2340

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2040, SB 2277

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

HCR 3093

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1050, HB 1087, and HB 1263 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a Senate Concurrent Resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment, and recommends the same be introduced.

SEN. TENNEFOS, Chairman

SEN. MUTCH MOVED that the report be adopted, which motion prevailed.

## FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Parker and Rep. Winkelman introduced:

(Approved by the Committee on Delayed Bills)

SCR 4069: A concurrent resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment. Was read the first time.

## MOTION

SEN. PARKER MOVED that the rules be suspended, that SCR 4069 not be printed, not be referred to committee, but be read in its entirety, and printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Parker and Rep. Winkelman introduced:

## SENATE CONCURRENT RESOLUTION NO. 4069

A concurrent resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment.

WHEREAS, for historical purposes it has been the custom of all North Dakota Legislative Assemblies to have composite group pictures made for all members of such assemblies; and

WHEREAS, Dinger Photography offers to take five color proof photographs of each Senator, each Representative, the Lieutenant Governor, the Secretary of the Senate, the Assistant Secretary of the Senate, the Senate Desk Reporter, the Senate Sergeant-at-Arms, the Senate Bill Clerk, the Chief Clerk of the House, the Assistant Chief Clerk of the House, the House Desk Reporter, the House Sergeant-at-Arms, and the House Bill Clerk, and to retouch the final prints to compile a composite color picture of all Senate members and named employees, the Lieutenant Governor, and all House members and named employees, framed and ready to hang, and individual composite photographs to be furnished to each member; all the foregoing at a total cost of \$2,395;

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

That Dinger Photography of Bismarck, North Dakota, be and is hereby appointed official photographer for the Forty-ninth Legislative Assembly of the state of North Dakota; and

BE IT FURTHER RESOLVED, that Dinger Photography of Bismarck, North Dakota, is hereby awarded the sole privilege of photographing members of the Senate and the House of Representatives, the Lieutenant Governor, and the above-named legislative employees of the Forty-ninth Legislative Assembly, at the total cost of \$2,395 to be charged as a legislative expense; and

BE IT FURTHER RESOLVED, that the photographs shall be delivered pursuant to a contract entered into between Dinger Photography and the photography committees of the Senate and House of Representatives.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4069: A concurrent resolution to appoint an official photographer for the Forty-ninth Legislative Assembly, to set forth the photography order, and to authorize payment.

Was read the second time.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Redlin; Satrom

SCR 4069 was declared adopted.

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#### CONSIDERATION OF AMENDMENTS

SEN. OLSON MOVED that the amendments to HB 1054 as recommended by the Committee on Judiciary as printed on pages 1311-1312 of the Senate Journal be adopted, and when so adopted, recommends that HB 1054 DO PASS, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1077 as recommended by the Committee on Natural Resources as printed on pages 1312-1317 of the Senate Journal be adopted, and when so adopted, recommends that HB 1077 DO PASS, and be rereferred to the Committee on Appropriations.

HB 1077 was rereferred to the Committee on Appropriations.

SEN. PARKER MOVED that the amendments to HB 1406 as recommended by the Committee on Industry, Business and Labor as printed on page 1317 of the Senate Journal be adopted, and when so adopted, recommends that HB 1406 DO PASS, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. WRIGHT MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1204, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1204:

Sens. Wright, Kilander, Dotzenrod

## MOTION

SEN. HOLMBERG MOVED that SCR 4023 which is on the Eleventh order be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1207: A BILL for an Act to amend and reenact section 16.1-12-02 of the North Dakota Century Code, relating to signatures necessary for the placement of the name of a presidential candidate on the ballot.

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 31 YEAS, 17 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kelly; Kilander; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Naaden; Nelson; Olson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Todd; Tweten; Waldera; Wogsland; Wright

NAYS: Heinrich; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Matchie; Mutch; Parker; Shea; Tallackson; Teneffos; Thane; Vosper; Walsh; Wenstrom

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1207 passed and the title was agreed to.

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HB 1296: A BILL for an Act to amend and reenact section 16.1-07-06 of the North Dakota Century Code, relating to an application for absent voter's ballot.

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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1296 passed and the title was agreed to.

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HB 1370: A BILL for an Act to amend and reenact sections 12-44.1-09 and 12-44.1-10 of the North Dakota Century Code, relating to housing of and restrictions on inmates of jails; and to repeal subsection 4 of section 12-44.1-08 and section 32-22-39 of the North Dakota Century Code, relating to employment of additional jailers for federal prisoners and to liability of jailers for failing to provide to a prisoner a copy of the commitment order.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1370 passed and the title was agreed to.

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HB 1448: A BILL for an Act to amend and reenact subsections 4 and 5 of section 53-02-01 of the North Dakota Century Code, relating to the definition of public dance and public dancing place.

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 41 YEAS, 6 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Redlin; Reiten; Shea; Stenehjem; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland

NAYS: Holmberg; Lashkowitz; Stromme; Tennefos; Walsh; Wright

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Parker; Peterson; Satrom

HB 1448 passed and the title was agreed to.

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HB 1555: A BILL for an Act to create and enact a new section to chapter 23-06 of the North Dakota Century Code, relating to the authority of counties concerning endangered gravesites; 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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wogsland; Wright



NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;  
Peterson; Satrom; Vosper; Wenstrom

HB 1555 passed, the title was agreed to, and the emergency clause carried.

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HB 1561: A BILL for an Act to amend and reenact subsection 2 of section 4-09-03 of the North Dakota Century Code, relating to membership of the state seed commission.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 36 YEAS, 12 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Heigaard; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Langley; Lips; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Olson; Parker; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Dotzenrod; Freborg; Heinrich; Hilken; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Nelson; Redlin; Walsh

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1561 passed and the title was agreed to.

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HB 1569: A BILL for an Act to create and enact a new section to chapter 38-16 of the North Dakota Century Code, relating to the reclamation of lands affected by certain gravel and sand surface mining operations; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden;

Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem;  
 Streibel; Stromme; Tallackson; Thane; Todd; Tweten;  
 Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**NAYS:** Tennefos

**ABSENT AND NOT VOTING:** Lodoen; Mushik; Nething;  
 Peterson; Satrom

HB 1569 passed and the title was agreed to.

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**EXPLANATION OF VOTE - HB 1569**

**SEN. TENNEFOS:** Mr. President, ladies and gentlemen of the Senate, I have served in this assembly quite a number of years and, formerly, I was a highway contractor. I think most of you know that. I was involved in mining, if that's what you call it. We never called it mining, but we called it gravel pit operations. I think we have just seen another infringement on those people who are doing business. What I mean by that infringement is we are putting into law something that I think is already being done in almost every occasion that I know of that is happening in the state of North Dakota. I don't know of an occasion that it hasn't happened where it is a relationship between the government, the miner, if that's what you want to call them, and the owner. I think this is a relationship strictly between the owner and the miner of that gravel. That's why I voted "No" on this particular piece of legislation. I think we've made a mistake, and I just wanted it to be known, Mr. President and this assembly why I probably was the only one who voted red on this who understood it.

**SECOND READING OF HOUSE BILLS**

**HB 1570:** A BILL for an Act to create and enact a new subsection to section 39-10-43 of the North Dakota Century Code, relating to duty to stop at railroad grade crossings.

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, 39 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Christensen; Maixner; Meyer, D.; Meyer, W.; Naaden;  
 Stromme; Tallackson; Tweten; Vosper

**NAYS:** Adams; Bakewell; Berube; David; Dotzenrod; Freborg;  
 Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly;  
 Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz;  
 Lips; Matchie; Meyer, J.; Moore; Mutch; Nelson; Olson;

Parker; Redlin; Reiten; Shea; Stenehjem; Streibel;  
Tennefos; Thane; Todd; Waldera; Walsh; Wenstrom;  
Wogsland; Wright

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;  
Peterson; Satrom

HB 1570 was declared lost.

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HB 1623: A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to the issuance of resident deer hunting licenses for members of the United States armed forces.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 2 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David;  
Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly;  
Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz;  
Lips; Maixner; Matchie; Meyer, D.; Meyer, J.;  
Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker;  
Redlin; Reiten; Stenehjem; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Waldera;  
Walsh; Wenstrom; Wogsland; Wright

NAYS: Heinrich; Shea

ABSENT AND NOT VOTING: Heigaard; Lodoen; Mushik;  
Nething; Peterson; Satrom; Vosper

HB 1623 passed and the title was agreed to.

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HB 1646: A BILL for an Act to amend and reenact subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to the definition of "federal income tax liability" for purposes of the simplified optional method of computing income taxes; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lodoen; Mushik; Nething; Peterson; Satrom

HB 1646 passed and the title was agreed to.

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MOTIONS

SEN. STENEHJEM MOVED that HB 1196 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

SEN. STENEHJEM MOVED that HB 1196 be rereferred to the Committee on Appropriations, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3047: A concurrent resolution urging the Secretary of State to deliver copies of all concurrent resolutions related to agriculture which urge federal action to the Governor, members of the North Dakota Congressional Delegation, and state legislative leaders for hand delivery to federal officials.

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

The question being on the final adoption of the resolution.

HCR 3047 was declared lost on a voice vote.

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HCR 3053: A concurrent resolution commending the Rural Electrification Administration on its 50th anniversary.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3053 was declared adopted on a voice vote.

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## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1205 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MOORE, Chairman

HB 1205 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1233 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the word "twenty-five" and insert in lieu thereof the word "fifteen"

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

HB 1233 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1244 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1244 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed HB 1313 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 4 of the engrossed bill, line 2, after the period insert the following sentence: "Any respiratory care practitioner who has been registered by the national board for respiratory care prior to July 1, 1985, must, upon application, be granted a license as a registered respiratory care practitioner."

On page 4 of the engrossed bill, line 12, after the period insert the following sentence: "Any respiratory care practitioner who has been certified by the national board for respiratory care prior to July 1, 1985, must, upon application, be granted a license as a certified respiratory care practitioner."

On page 6 of the engrossed bill, line 23, delete the word "direct", and after the word "supervision" insert the words "or direction"

On page 6 of the engrossed bill, line 24, after the word "a" insert the words "physician or a", and after the word "registered" insert the words "or certified"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

HB 1313 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1339 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

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

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1394 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. MOORE, Chairman

HB 1394 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1432 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, after the comma insert the words "or in the alternative to amend and reenact the new section to chapter 4-35 of the North Dakota Century Code as created by section 1 of Senate Bill No. 2137, as approved by the forty-ninth legislative assembly,"

On page 2, line 4, delete the word "Section" and insert in lieu thereof the following words: "If Senate Bill No. 2137, of the forty-ninth legislative assembly, does not become effective, section"

On page 2, after line 23, insert the following new section:

"SECTION 3. AMENDMENT. If Senate Bill No. 2137, as approved by the forty-ninth legislative assembly, becomes effective, the new section to chapter 4-35 of the North Dakota Century Code, as created by section 1 of Senate Bill No. 2137, is hereby amended and reenacted to read as follows:

Reports of loss through pesticide application required. No civil action may be commenced arising out of the application of any pesticide by any applicator inflicting

damage on property other than property within the target area of the pesticide application, unless the claimant has filed a verified report of loss with the commissioner of agriculture, together with proof of service of the verified report of loss upon the applicator allegedly responsible and, if the claimant is not the person for whom the work was done, then also the person for whom the work was done, within a period of sixty days from the occurrence of the loss or within sixty days from the date the claimant knew the loss had occurred. If the damage is alleged to have been occasioned to growing crops, the report must be filed prior to the time when fifty percent of the crop was harvested. If, however, the applicator does not inform the claimant of the legal requirements for the claimant to file a verified report of loss, the claimant shall have one year from the date of the incident to file a verified report of loss. No verified report of loss is required when the claimant was the operator or applicator of the herbicide, insecticide, fungicide, or agricultural chemical."

And renumber the lines, sections, and pages accordingly  
SEN. VOSPER, Chairman

HB 1432 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1444 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

HB 1444 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1538 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1538 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1554 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

HB 1554 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1587 has had the same under consideration and recommends 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 11, delete the first word "of" and insert in lieu thereof the word "or"

On page 1, line 12, delete the words "thirty tons [27215.54" and insert in lieu thereof the words "six thousand gallons [22712.47 liters]"

On page 1, line 13, delete the word "kilograms]"

On page 2, line 10, delete the words "thirty tons [27215.54 kilograms]" and insert in lieu thereof the words "six thousand gallons [22712.47 liters]"

On page 3, delete lines 24 through 29

On page 4, line 15, after the second word "of" insert the word "excess", and after the word "Any" insert the word "excess"

And renumber the lines, sections, and pages accordingly  
SEN. VOSPER, Chairman

HB 1587 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1606 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 7, after the second word "for" insert the word "resident"

On page 1, line 9, after the word "prescribe" insert the words "for the fishing seasons beginning in 1986 and 1987"

And renumber the lines accordingly  
SEN. MOORE, Chairman

HB 1606 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1618 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

HB 1618 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.



MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1621 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1621 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred Engrossed HB 1635 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 11, delete the word "chapter" and insert in lieu thereof the word "chapters", and after the numerals "38-08" insert the word and numerals "and 38-08.1"

On page 1 of the engrossed bill, line 12, delete the word "minerals"

And renumber the lines accordingly

SEN. MOORE, Chairman

HB 1635 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1645 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, after line 7, insert the following new section:

"SECTION 4. APPROPRIATION. There is hereby appropriated any private or other moneys that may be available to carry out the purposes of section 3 of this Act. To the extent such moneys are received, the general fund expenditures pursuant to the provisions of section 3 of this Act shall be reduced."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment allows for acceptance and use of any private and other moneys that become available for the Milton Young statue, with a corresponding decrease of the amount necessary from the general fund if other such moneys become available.

SEN. LIPS, Chairman

HB 1645 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1650 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1650 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3019 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

HCR 3019 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HCR 3035 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HCR 3035 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3046 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. STENEHJEM, Chairman

HCR 3046 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HCR 3050 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HCR 3050 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3052 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. STENEHJEM, Chairman

HCR 3052 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3062 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. STENEHJEM, Chairman

HCR 3062 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3077 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. STENEHJEM, Chairman

HCR 3077 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1057: Sens. Holmberg, Stenehjem, Maixner  
HB 1204: Sens. Wright, Kilander, Dotzenrod

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE  
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:

HCMR 3

ROY GILBREATH, Chief Clerk

FIRST READING OF HOUSE BILLS

HB 1648: A BILL for an Act to amend and reenact subdivision b of subsection 6 of section 57-38-04 and section 57-38-10 of the North Dakota Century Code, relating to applicability of the Uniform Division of Income Tax Act to and reporting of income derived for carrying on a trade or business by residents of this state; and to provide an effective date. Was read the first time and referred to the Committee on Finance and Taxation.

HB 1649: A BILL for an Act to amend and reenact subsection 2 of section 57-62-02 and section 57-62-03 of the North Dakota Century Code, relating to loans to oil and gas development impacted counties, cities, and school districts through the coal development trust fund; and to provide an expiration date.

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

**HB 1654:** A BILL for an Act to amend and reenact subsection 1 of section 54-21.3-03 of the North Dakota Century Code, relating to the incorporation of the Uniform Mechanical Code as part of the state building code; and to declare an emergency.

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

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

**HCR 3069:** A concurrent resolution directing the Legislative Council to study the capability of the various street, highway, and air transportation systems of the state to provide for the efficient transportation of people, goods, commodities, and services and to identify the resources needed to provide adequate and efficient street, highway, and air transportation systems in the future.

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

#### MOTIONS

**SEN. ADAMS MOVED** that the absent Senators be excused, which motion prevailed.

**SEN. NELSON MOVED** that at the conclusion of the Fifth order of business, the Thirteenth order of business and after the reading of SCR 4020, SCR 4023, SCR 4033, HB 1054, HB 1098, HB 1205, HB 1244, HB 1339, HB 1406, HB 1408, HB 1444, HB 1538, HB 1554, HB 1618, HB 1621, HB 1650, HCR 3019, HCR 3035, HCR 3046, HCR 3050, HCR 3052, HCR 3058, HCR 3062, and HCR 3077 the Senate adjourn and convene at 1:00 p.m., Monday, March 11, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary