

## JOURNAL OF THE HOUSE

## Forty-ninth Legislative Assembly

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## FOURTH DAY

The House convened at 12:30 p.m., with Speaker R. Hausauer presiding. Bismarck, January 11, 1985

The prayer was offered by Rev. Dale D. Drown, Wesleyan Church, Bismarck, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives Dalrymple, Gullickson, Halmrast, Kent, Retzer, and Unhjem.

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 Third Day and finds the same to be correct.

REP. KENT, Chairman

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

## SPECIAL ORDER OF BUSINESS

## MOTIONS

REP. STRINDEN MOVED that a committee of two be appointed to escort Former Speaker Vern Wagner, chairman of the Legislative Compensation Commission to the rostrum, which motion prevailed.

SPEAKER R. HAUSAUER APPOINTED Reps. Conny and Martinson to such committee, and Mr. Wagner was escorted to the rostrum.

REP. STRINDEN MOVED that the remarks of Former Speaker Wagner be printed in the Journal, which motion prevailed.

REPORT  
OF THE

## LEGISLATIVE COMPENSATION COMMISSION

A Legislative Compensation Commission was established by the 1969 Legislative Assembly. Consisting of five members appointed by the Governor, the primary duty of the commission was to determine appropriate rates of expense allowance and compensation to be paid members of the Legislative Assembly. After 10 years of existence, the original Legislative Compensation Commission law was repealed in 1979.

After the constitutional provision relating to legislative compensation was amended in 1982, the Legislative Compensation Commission was recreated by passage of 1983 Senate Bill No. 2360. That bill, codified as North Dakota Century Code Sections 54-03-19.1 and 54-03-19.2, directs the Legislative Compensation Commission to determine appropriate rates of expense allowance and compensation for members of the Legislative Assembly, including per diem paid for service on interim committees and during legislative sessions, and to report its findings and recommendations to the Legislative Assembly within 10 days after the convening of the regular legislative session.

Members of the commission were Vernon E. Wagner, Chairman; Don Hanson; Leland Stenehjem, Sr.; and Ralph Thompson. Mr. John A. Graham served as chairman of the commission until he resigned from the commission to accept a position in state government and Alvin Hausauer was a commission member until he resigned after his election to the House of Representatives. Mr. Hausauer resigned prior to the final meeting of the commission, at which meeting the recommendations of the commission were approved. The Governor appointed former Senator Joe B. Leibhan to fill the vacancy created by Mr. Hausauer's resignation, but Mr. Leibhan was also not a member at the time the final recommendations were approved.

#### LEGISLATIVE COMPENSATION BACKGROUND

As originally adopted in 1889, the Constitution of North Dakota provided that each member of the Legislative Assembly would receive compensation of \$5 per day during each legislative session and 10 cents per mile for expenses of traveling to and from the Capitol. Rising expenses of serving in the Legislative Assembly forced gradual increases in expense reimbursement over the years until 1981, when expense reimbursement was set at \$85 per calendar day during the session and \$180 per month for uncompensated expenses. However, during this entire period, legislative "compensation" remained at \$5 per day during sessions.

At the primary election in 1982 the voters of the state approved a measure which repealed the 1889 constitutional provision and substituted a provision that compensation for elected members and officials of each branch of government would be set by law and payment for expenses may not exceed those allowed for other state employees. North Dakota Century Code Section 44-08-04 provides that state employees may be reimbursed up to \$17 per day for meal expenses and up to \$30 per day lodging expenses, for expenses within the state away from the employees' normal working and living residences.

The 1982 constitutional amendment mandated the most significant changes in legislative compensation since statehood. It removed the \$5 per day limit and gave the Legislative Assembly authority to set compensation levels. The requirement that legislators'

expenses not exceed those of other state employees prohibited continuation of unvouchered expense reimbursements at the level in effect at the time. This change also directly impacted Social Security treatment of legislative pay. Since expense reimbursement was not considered "wages" for Social Security purposes, the \$85 per day previously received as expenses by legislators did not reduce Social Security benefits nor require withholding of Social Security taxes.

In 1983 legislative compensation was first subject to Social Security withholding. Legislative compensation also counts in reduction of benefits for Social Security recipients. For these reasons the 1983 legislative compensation package attempted to term as much of legislative pay as "expenses" as possible. As submitted, the bill called for expense reimbursement of \$50 per day, which matched the amount in the executive budget for other state employees. Bismarck legislators were to receive \$90 per day, all as compensation, since state employees living in Bismarck are not entitled to expense reimbursement while working in that city. State employees' expense reimbursement was not increased as anticipated. Although lodging reimbursement was increased from \$25 to \$30 per day, the total reimbursement for in-state meals and lodging for state employees is currently \$47 per day. However, the measure providing for legislative compensation had passed before final decisions on expense reimbursement for other state employees had been made during the 1983 session.

The measure passed by the 1983 Legislative Assembly providing for legislative compensation was Senate Bill No. 2361, which provided that each legislator whose tax home is in Bismarck receives \$90 per calendar day as compensation. Members of the Legislative Assembly whose tax home is not in Bismarck receive \$40 per calendar day compensation and \$50 per calendar day reimbursement for expenses. During the 1981 legislative session legislators had received \$85 per calendar day as expenses and \$5 per legislative day as compensation so the effect of the 1983 bill was an increase of \$5 for two days per week, an increase of approximately 1.5 percent. The 1983 bill also added a provision that legislators are entitled to reimbursement for travel for one round trip per week between their residence and the Capitol at the rate provided for state employees. The 1983 bill expires June 30, 1985, and legislative compensation and reimbursement will revert to 1981 levels without action in the 1985 legislative session. Separate 1983 legislation reduced reimbursement for mileage for state employees from 25 cents to 20 cents per mile.

#### QUESTIONNAIRE RESULTS

The commission sent a questionnaire to all members of the 1983 Legislative Assembly and received responses from 122 of the 159 members. The great majority of respondents indicated that they thought they were fairly compensated for legislative service and expenses during the 1983 legislative session but that present

rates of compensation and reimbursement do not permit citizens to hold legislative office without undue financial sacrifice or disadvantage. While the response to the questionnaire indicated overall satisfaction with compensation and reimbursement, a significant number of respondents indicated dissatisfaction with monthly expense reimbursements, compensation for attendance at interim committee meetings, differing compensation for Bismarck and non-Bismarck legislators, and daily compensation during the legislative session.

#### TESTIMONY

The commission sought and received testimony from the legislative leadership and several members of the Legislative Assembly. Among the suggestions received by the commission were these:

1. The commission should recommend variable expense reimbursement for monthly expenses depending upon the size of the legislative district served.
2. Legislative pay should be tied to salaries of elected officials to resolve the biennial problem of setting legislative salaries.
3. Legislative compensation should be at the level of the lowest paid state elected officers, approximately \$120 per day.
4. Legislative pay should be sufficient to allow legislative service but not high enough to encourage people to become professional legislators.
5. A method should be found which would allow former legislators to remain members of the state employee group for health insurance purposes.
6. Legislative leaders should be provided with staff and office assistance during the interim to keep up with calls and correspondence.
7. The mileage allowance for legislators and state employees should be reviewed and increased.
8. Legislative expense reimbursement should comply with the constitutional provision requiring it to be the same as for other state employees.
9. Compensation for attendance at interim meetings be increased.
10. A flat rate of compensation for all legislators is acceptable but revives the problem of Social Security benefit reduction for some legislators and a means should be found to avoid benefit reduction.

11. Air fare reimbursement should be allowed instead of mileage for some legislators.

A representative of the Public Employees Retirement System said the connection between retirement benefits and membership in the uniform group for health insurance has always been used. The Public Employees Retirement System Board of Directors has discussed the proposal to allow legislators to remain in the state employees' health insurance group and believes it would be acceptable. There is a conversion privilege which allows members of the state group automatic acceptance in other Blue Cross groups but increased premiums and reduced coverage may result. The continued membership of former legislators in the state employees' group will apparently have a minimal effect on the total group because of the small number of people involved.

#### RECOMMENDATIONS

The commission makes no recommendation for differential expense reimbursement based upon geographical size of legislative districts. The commission appreciates the problems and expenses of legislative service in a large geographical district but finds no adequate solution to provide differing reimbursement.

The commission makes no recommendation to tie legislative pay to salaries of elected officials. The commission recommends retention of the present framework of legislative compensation but recommends adjustments within that framework.

The commission makes no recommendation regarding staff and office assistance for legislative leaders during the interim. The commission finds that staff assistance is outside the province of the legislative compensation directive of the commission.

The commission makes no recommendation regarding mileage allowance reimbursement for legislators and state employees. Since the constitution mandates that reimbursement for expenses of members of the Legislative Assembly shall be the same as for other state employees and mileage reimbursement for state employees is outside the province of the Legislative Compensation Commission, the commission finds that it cannot recommend such an increase.

The commission makes no recommendation to provide that a portion of legislative compensation is reimbursement for expenses to reduce the impact of compensation on Social Security benefits of current recipients. The constitution mandates that expense reimbursement for legislators be handled in the same fashion as for other state employees. Effects of income on Social Security benefit recipients differs based upon age, income, and employment status of members of the Legislative Assembly. The fact that a portion of legislative compensation has been termed expense reimbursement in the past has been a benefit to Social Security recipients and to all legislators in that legislative pay was not

subject to Social Security withholding prior to 1983. However, the commission finds that compensation should be called compensation and expense reimbursement should be limited to vouchered lodging expenses.

The commission makes no recommendation for legislation to allow air fare reimbursement in lieu of mileage reimbursement for some members of the Legislative Assembly. The commission finds that current law allows air fare reimbursement for members of the Legislative Assembly.

The commission recommends a bill which would allow members of the Legislative Assembly leaving office to retain their membership in the state employees' group for health insurance purposes. This would have very little actuarial effect on the fund and would allow former legislators to continue as members of the group if they pay their own insurance premiums.

The commission recommends a bill which would increase legislative compensation by approximately three percent per year over the four years since 1981. The bill provides for compensation for members of the Legislative Assembly of \$100 per calendar day during the legislative session, an increase of approximately 12.9 percent on a weekly basis as compared to the total received in 1981 as unvouchered expense reimbursement and compensation. In addition to the recommended levels of compensation, the bill provides for expense reimbursement for lodging for legislators the same as for other state employees. Thus, if Bismarck is not their normal working and living residence, legislators could receive up to \$30 per calendar day for lodging expenses submitted on vouchers. The bill makes no provision for expense reimbursement for meals. Monthly expense reimbursement now set at \$180 per month in 1981, would be increased by 11.1 percent to \$200 per month by the bill and is termed compensation rather than expense reimbursement. The bill provides for an increase in compensation for attendance at interim committee meetings from \$62.50 per day to \$75 per day. The bill increases from \$5 to \$10 per day the additional compensation for legislative leaders and from \$3 to \$5 per day the additional compensation for chairmen of standing committees. Preliminary fiscal estimates indicate a cost to the state of \$826,029 if the bill is approved in this form. These estimates do not consider increases for members of other boards, commissions, and councils whose compensation is tied by statute to the compensation of legislators attending interim meetings as provided in North Dakota Century Code Section 54-35-10. Among those whose compensation is so tied are the Barley Council, Dairy Promotion Commission, Health Council, County Nursing Home Authorities, Board of Water Well Contractors, Water Commission, Weather Modification Board, Irrigation District Boards of Directors, West River Water Supply District Board of Directors, and Garrison Diversion Conservancy District Board of Directors.

## COMMENTS

The figure of \$826,029 must be examined. It is actually a maximum figure using some assumptions which are not likely to occur. The figure is based on a 100-calendar day session, plus a five-day organizational session. It also assumes that all 147 legislators, outside of Bismarck, would use the maximum lodging allowance each of the 105 days.

While it is difficult to estimate the number of nights of lodging to be used, we know that many legislators rent apartments at less than the maximum allowable, and the majority only stay in Bismarck five nights per week. This causes a substantial reduction in the amount allocated for expense reimbursement.

Of course, the Commission could not estimate the length of the session. (A suggestion was made that all pay and expenses allowance be discontinued after the sixtieth legislative day). We do not comment on that suggestion.

Mr. Speaker: Some personal observations noted are: The recommendations made by the Commission were unanimous in all instances. In all our deliberations we tried to keep one goal in mind. The pay and expense allowance should be sufficient, so no person is denied the opportunity to serve because of financial sacrifice. However, the pay should not be so great that a person can devote full time to the legislature and make a living.

Setting your own compensation is always difficult. There are those that feel an increase is not justified and will vote no on any increase. There are those who secretly hope that an increase will pass, but they will vote no for political reasons. That is very disturbing. There are those who feel they have sufficient funds and don't need an increase. To vote any increase generates some public criticism. In fact, some editorial criticism has already been printed. There has also been some favorable comment. So be it. The public has a right to comment. The Commission feels strongly that the "Citizen Legislature" must be preserved. Citizen legislators must include people from all walks of life - poor, middle income, and wealthy.

One hundred dollars per day (which translates into \$36,500 per year if paid every day of the year) may seem an excessive amount of money to some people. But when making your decision, we suggest you think about the person who gives up his or her income for the time spent in the legislature, who has mortgage payments and all the other expenses at home, and who must keep a second home in Bismarck for the duration. Such a person may be the very one needed in these chambers. We should not deny them the opportunity to serve.

We think the Commission recommendations are good. They should be adopted. The people of North Dakota will be the beneficiaries of a pay system that allows all the citizens of North Dakota the opportunity to serve their state in the legislature.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1044 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HB 1044 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 1103 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1103 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1109 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "repeal" and insert in lieu thereof the words "amend and reenact"

On page 1, line 6, delete the word "REPEAL" and insert in lieu thereof the word "AMENDMENT"

On page 1, line 7, delete the word "repealed." and insert in lieu thereof the following: "amended and reenacted to read as follows:

24-01-07. Maps of state, county and municipal systems. The department at all times shall provide and maintain a map of the state, which shall show all the highways which have been designated, located, created, and constituted as part of the state highway system, the county road system, and the municipal arterial street system, and if practical the status of improvement thereof. ~~Not later than the fifteenth day of January of each odd-numbered year, it shall file a copy of such map in the office of the secretary of state and deposit another copy thereof with the state historical board.~~"

And renumber the lines and pages accordingly

REP. TIMM, Chairman

HB 1109 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 1138 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS, which motion prevailed.

REP. TIMM, Chairman

HB 1138 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1167 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 2, after the comma insert the following: "or in the alternative to amend and reenact section 26.1-36-20 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly,"
- On page 1, line 7, delete the word "Section" and insert in lieu thereof the following: "If Senate Bill No. 2078 of the forty-ninth legislative assembly does not become effective, then section"
- On page 1, after line 20, insert the following:

"SECTION 2. AMENDMENT. Section 26.1-36-20 of the North Dakota Century Code as created by Senate Bill No. 2078 as approved by the forty-ninth legislative assembly is hereby amended and reenacted to read as follows:

26.1-36-20. Juvenile's accident and health coverage to continue - Conditions. Insurance companies and nonprofit health service corporations licensed in this state shall continue coverage of a juvenile insured under an accident and health insurance policy or a health service contract while the legal custody of the juvenile has been given by a court, under chapter 27-20, to any state public institution or agency, to the same extent as the general public is covered as long as the juvenile meets all the other usual qualifications for insurability and continues to pay the policy or contract premiums. A juvenile's incarceration may not be a basis for cancellation of the juvenile's accident and health insurance policy or health service contract."

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

HB 1167 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 1170 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. HAUGLAND, Chairman

HB 1170 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 1171 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1171 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 1180 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1180 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 1197 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1197 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 1200 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. LANG, Chairman

HB 1200 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on Transportation to which was referred HB 1201 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, overstrike the words in line 15

On page 1, delete line 16

On page 1, line 17, delete the word "another" and overstrike the words ", there shall be displayed thereon a red flag or other signal"

On page 1, overstrike the words in line 18

On page 1, line 19, overstrike the words "length and width." and delete "It is unlawful for the owner or operator of any"

On page 1, delete lines 20 and 21

And renumber the lines accordingly

REP. TIMM, Chairman

HB 1201 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. PETERSON MOVED that HB 1132 be returned to the House floor from the Committee on Appropriations and be rereferred to the Committee on State and Federal Government, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1132 was rereferred to the Committee on State and Federal Government.

#### MOTION

REP. STRINDEN MOVED that Rule 402-2 be suspended, to allow for the introduction of two executive agency bills after the December 15 deadline, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1060: A BILL for an Act to amend and reenact sections 11-10-02, 11-21-01, and 11-21-04 of the North Dakota Century Code, relating to the office of public administrator.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Stofferahn; Thompson

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Kent; Unhjem

HB 1060 passed and the title was agreed to.

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**HB 1073:** A BILL for an Act to amend and reenact sections 44-02-03 and 44-02-04 of the North Dakota Century Code, relating to filling a vacancy in the office of district or county judge or supreme court justice.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** None

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Kent; Unhjem

HB 1073 passed and the title was agreed to.

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HB 1074: A BILL for an Act to amend and reenact section 44-06-01 of the North Dakota Century Code, relating to the qualifications of notaries public.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kent; Unhjem

HB 1074 passed and the title was agreed to.

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

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Hanson, O.; Kent; Murphy; Unhjem

HB 1105 passed and the title was agreed to.

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HB 1106: A BILL for an Act to amend and reenact 38-14.1-07 of the North Dakota Century Code, relating to mining prohibited in certain areas.

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, 2 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; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hausauer, A.; Whalen

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kent; Unhjem; Wald

HB 1106 passed and the title was agreed to.

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#### MOTIONS

REP. STRINDEN MOVED that the House waive the reading of the title to HB 1115, which motion prevailed.

REP. STRINDEN MOVED that HB 1115 be removed from the calendar and be rereferred to the Committee on Agriculture, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1115 was rereferred to the Committee on Agriculture.

#### SECOND READING OF HOUSE BILLS

HB 1119: A BILL for an Act to amend and reenact section 4-30-36 of the North Dakota Century Code, relating to the minimum standards for grade A milk.

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; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kingsbury; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn;

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

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kent;  
 Kloubec; Unhjem

HB 1119 passed and the title was agreed to.

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HB 1120: A BILL for an Act to amend and reenact section 15-60-04  
 of the North Dakota Century Code, relating to purposes and  
 amount expended for construction.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
 called and there were 98 YEAS, 3 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; 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; Mertens; Meyer; Moore;  
 Myrdal; Nalewaja; Nicholas; Nowatzki; Oban; O'Connell;  
 Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea;  
 Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riehl;  
 Riley; Rydell; Sauter; Schindler; Schmidt; Schneider;  
 Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.;  
 Solberg, R.; Starke; Stofferahn; Strinden; Thompson;  
 Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne;  
 Wentz; Whalen; Williams, A.; Williams, C.;  
 Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Kingsbury; Melby; Murphy

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kent;  
 Richard; Unhjem

HB 1120 passed and the title was agreed to.

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HB 1140: A BILL for an Act to amend and reenact section 39-20-13 of the North Dakota Century Code, relating to blood tests in motor vehicle accidents resulting in a fatality.

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; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kingsbury; Kloubec; Klundt; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Halmrast; Kent; Knudson; Unhjem

HB 1140 passed and the title was agreed to.

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HB 1176: A BILL for an Act to amend and reenact section 39-10-44 of the North Dakota Century Code, relating to traffic signs.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill;

Hoffner; Hughes; Keller; Kelly; Kingsbury; Kloubec; Klundt; 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; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** None

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Kent; Knudson; Solberg, O.; Unhjem

HB 1176 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3001:** A concurrent resolution directing the Legislative Council to study the statutes governing the rulemaking procedures and grants of rights of appeal from decisions of administrative agencies.

Which has been read.

**ROLL CALL**

The question being on the final adoption of the resolution, the roll was called and there were 98 YEAS, 3 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; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; 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.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

**NAYS:** Hanson, O.; Thompson; Whalen

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Kent;  
Peterson, J.; Unhjem

HCR 3001 was declared adopted on a roll call vote.

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**REPORTS OF STANDING COMMITTEES**

**MR. SPEAKER:** Your Committee on House Appropriations to which was referred HB 1014 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. PETERSON, Chairman**

HB 1014 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on House Appropriations to which was referred HB 1032 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. PETERSON, Chairman**

HB 1032 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MR. SPEAKER:** Your Committee on House Appropriations to which was referred HB 1036 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

**REP. PETERSON, Chairman**

HB 1036 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**FIRST READING OF A SENATE CONCURRENT RESOLUTION**

Sens. Nething, Heigaard and Reprs. Strinden, Mertens, R. Hausauer introduced:

**SCR 4016:** A concurrent resolution authorizing the Speaker of the House and the majority and minority Senate and House leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

Was read the first time.

**MOTION**

**REP. STRINDEN MOVED** that the rules be suspended, that SCR 4016 not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE CONCURRENT RESOLUTION

Sens. Nething, Heigaard and Reprs. Strinden, Mertens, R. Hausauer introduced:

**SCR 4016:** A concurrent resolution authorizing the Speaker of the House and the majority and minority Senate and House leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

Which has been read.

## ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 98 YEAS, 3 NAYS, 5 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; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; 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; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

**NAYS:** Brokaw; Shockman; Winkelman

**ABSENT AND NOT VOTING:** Gullickson; Halmrast; Kent; Unhjem; Wald

SCR 4016 was declared adopted on a roll call vote.

## ANNOUNCEMENT

**SPEAKER R. HAUSAUER ANNOUNCED** that the schedules for the Doctor of the Day would be printed every Friday so that Representatives will be aware of who the Doctor of the Day is for the coming week.

## Doctor of the Day Schedule

January 14: Corey Nyhus, M.D. - Jamestown  
 January 15: James Vook, M.D. - Minot  
 January 16: Herbert J. Wilson, M.D. - New Town  
 January 17: Robert Hankins, M.D. - Minot  
 January 18: Kermit Leonard, M.D. - Garrison

## REQUEST

REP. STRINDEN REQUESTED that the record show that Reps. A. Olson, Hoffner, and Stofferahn will be absent on Monday while attending a Conference on Nuclear Waste Disposal, and requested they be excused, which request was granted.

## MOTIONS

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

REP. STRINDEN MOVED that the House be on the Ninth order of business, and at the conclusion of the Ninth order the House stand adjourned until 1:00 p.m., Monday, January 14, 1985, which motion prevailed.

## FIRST READING OF HOUSE BILLS

Reps. Hoffner, O'Connell, Oban and Sens. Kelsh, Lodoen, Olson introduced:

HB 1236: A BILL for an Act to amend and reenact section 57-15-14.2 of the North Dakota Century Code, relating to special fund mill levies for the removal of asbestos from school buildings.

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

Rep. G. Berg introduced:

HB 1237: A BILL for an Act to provide for expense reimbursement for newly elected members of the legislative assembly for attendance at meetings of the legislative council.

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

Reps. Dorso, Wold introduced:

HB 1238: A BILL for an Act to create and enact a new section to chapter 29-03 of the North Dakota Century Code, relating to venue of multiple theft offenses involving credit cards.

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

Reps. G. Berg, Strinden, Mertens, Conmy introduced:

HB 1239: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to a deferred prosecution program for issuing a check without an account or with insufficient funds.

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

Reps. Hoffner, Klundt, Schindler and Sen. Holmberg introduced:

HB 1240: A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to the educational support for elementary and secondary school pupils during the 1985-86 school year.  
Was read the first time and referred to the **Committee on Education.**

Reps. Hoffner, DeMers and Sen. Peterson introduced:

HB 1241: A BILL for an Act to create a program for reducing the tuition of students attending postsecondary institutions pursuing degrees in elementary or secondary education and with an emphasis in mathematics or science.  
Was read the first time and referred to the **Committee on Education.**

Committee on State and Federal Government introduced:

HB 1242: A BILL for an Act to amend and reenact section 54-52.1-03 of the North Dakota Century Code, relating to membership in the state employees' uniform group insurance program by former members of the legislative assembly.  
Was read the first time and referred to the **Committee on Industry, Business and Labor.**

Committee on State and Federal Government introduced:

HB 1243: A BILL for an Act to amend and reenact sections 54-03-10, 54-03-20, and 54-35-10 of the North Dakota Century Code, relating to compensation and expense reimbursement for members of the legislative assembly; to repeal section 54-03-20.1 of the North Dakota Century Code and chapter 551 of the 1983 Session Laws of North Dakota, relating to compensation and expense reimbursement for members of the legislative assembly; to provide an effective date; and to declare an emergency.  
Was read the first time and referred to the **Committee on Appropriations.**

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

ROY GILBREATH, Chief Clerk