

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FORTY-EIGHTH DAY

Bismarck, March 14, 1983

The Senate convened at 1:00 p.m., with President Sands presiding.

The prayer was offered by Laurie Natwick, former page and now Campus Minister at Christus Rex Lutheran Student Center, University of North Dakota, Grand Forks.

Lord God, Giver of all good things, we thank You for this day and for the gift of life which You breathe into us.

We thank You for the opportunity to serve this state, though at times the responsibility seems overwhelming.

When we are overwhelmed, remind us that we are in Your loving embrace. When we make mistakes, when we fail, when we do not serve to the best of our ability--forgive us.

Fill us with Your grace, that we might live in Your forgiveness, moving forward as Your grace-filled people, serving with compassion and kindness, intelligence, and wisdom.

In the midst of the serious business we are about, we ask that You would guide us and bless us with a sense of humor which helps keep all things in perspective.

This we pray in the name of God, our Creator, Sustainer, and Redeemer. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Lodoen, Maixner, and Redlin.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-seventh day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1425, line 26, delete the word "with" and insert in lieu thereof the words "who have". Also on line 26, delete the word "and" and insert in lieu thereof the word "an"

SEN. TWETEN, Chairman

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2131, SB 2133, SB 2152, SB 2181, SB 2198, SB 2241,
SB 2243, SB 2280, SB 2285, SB 2297, SB 2305, SB 2310,
SB 2311, SB 2353, SB 2359, SB 2387, SB 2419, SB 2424,
SB 2426, SB 2436, SB 2454, SB 2476, SB 2489, SCR 4017,
SCR 4041

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1085, HB 1433, HB 1481, HB 1525, HB 1596, HB 1685,
HB 1691

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1068, HB 1109, HB 1117, HB 1297, HB 1331, HB 1385,
HB 1511, HB 1520, HCR 3032, HCR 3040, HCR 3052, HCR 3054,
HCR 3055, HCR 3056, HCR 3057, HCR 3063, HCR 3065, HCR 3070,
HCR 3085

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1253, HB 1630, HB 1647, HB 1653, HCR 3020, HCR 3050

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

HB 1054, HB 1055

Very respectfully,
CHARLES FLEMING, Chief Clerk

MONDAY, MARCH 14, 1983

1451

HOUSE CHAMBER

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

HB 1564

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371,
SB 2437, SCR 4033, SCR 4047

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2303, SB 2444, SCR 4026, SCR 4049

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2066, SB 2101, SB 2112, SB 2139, SB 2214, SB 2219, SB 2229, SB 2255, SB 2318, and SB 2319 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2066

On page 1, line 26, after the comma ", " add the word
"separate"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2101

On page 1 of the engrossed bill, line 13, delete the word
"twenty-five" and insert in lieu thereof the word
"twenty"

On page 1 of the engrossed bill, line 20, delete the word
"forty" and insert in lieu thereof the word
"thirty-five"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2112

On page 1, line 5, delete the words "reinstatement of corporations by the secretary of state" and insert in lieu thereof the words "action of secretary of state regarding corporations not filing annual report on time"

On page 1, line 12, delete the word "- Reinstatement"

On page 1, line 28, delete the words "For good cause shown to the"

On page 2, delete lines 1 through 4

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2139

On page 1, after line 13 insert the following subsection:

"2. To assist during the necessary absence from office by the requesting officer."

On page 1, line 21, delete the word "juisdiction" and insert in lieu thereof the word "jurisdiction"

And renumber the lines, subsections, and pages accordingly

HOUSE AMENDMENTS TO SB 2214

On page 1, line 13, delete the word "All" and insert in lieu thereof the words "Unless otherwise provided by statute, all"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2219

On page 1 of the engrossed bill, line 3, delete the words "from the state"

On page 1 of the engrossed bill, line 10, overstrike the words "from the state"

On page 1 of the engrossed bill, line 12, delete the words "a state" and insert in lieu thereof the word "an"

On page 1 of the engrossed bill, line 15, overstrike the words "during that" and delete the word "fiscal" and overstrike the word "year"

On page 2 of the engrossed bill, line 7, overstrike the words "from the state"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2229

On page 1 of the engrossed bill, line 3, delete the word "and", and after the word "penalty" and before the period insert the following: "; and to declare an emergency"

On page 2 of the engrossed bill, line 11, after the numeral "19" insert the words "of the North Dakota Century Code"

On page 2 of the engrossed bill, after line 24, insert the following new section:

"SECTION 6. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2255

On page 1, line 20, overstrike the words "seizing, detaining,"

On page 1, line 21, overstrike the word "or"

On page 1, line 25, overstrike the word "any" and overstrike the word "place" and delete the words "used for purposes prohibited by"

On page 1, line 26, delete the words "subsection 1"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2318

On page 4, line 9, delete the word "to"

On page 4, line 10, delete the words "the right and" and delete the words ", near the margin,"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2319

On page 1 of the reengrossed bill, line 2, after the numeral "38-11.1-05," insert the numeral "38-11.1-08,"

On page 1 of the reengrossed bill, line 3, delete the words "oil and gas production damage" and insert in lieu thereof the words "the definition of "drilling operations," surface damage and disruption payments, notice of oil and gas drilling operations to surface owners, offers of settlement for damages resulting from drilling operations, and legal actions in regard to damages resulting from drilling operations"

On page 1 of the reengrossed bill, line 4, delete the word "compensation"

On page 1 of the reengrossed bill, line 14, after the word "therefrom" insert the words ", provided, however,"

that this subsection is applicable only to seismograph activities commenced subsequent to June 30, 1983"

On page 2 of the reengrossed bill, line 14, delete the word "ten" and insert in lieu thereof the word "twenty"

On page 2 of the reengrossed bill, line 15, after the period insert the following sentence: "If the mineral developer plans to begin drilling operations within twenty days of the termination date of the mineral lease, the required notice under this section may be given at any time prior to commencement of drilling operations."

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

"SECTION 4. AMENDMENT. Section 38-11.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-11.1-08. Agreement - Offer of settlement. Unless both parties provide otherwise by written agreement, within sixty days after the mineral developer receives notice of damages at the time the notice required by section 38-11.1-05 is given, the mineral developer shall make a written offer of settlement to the person seeking compensation for the damages when the notice required by section 38-11.1-05 is given. The person seeking compensation may accept or reject any offer so made."

On page 2 of the reengrossed bill, line 28, overstrike the words "receives a written rejection,"

On page 2 of the reengrossed bill, line 29, overstrike the words "or receives no reply,"

On page 2 of the reengrossed bill, line 35, delete the word "settlement" and insert in lieu thereof the words "compensation awarded by the court"

And renumber the lines, sections, and pages accordingly

Very respectfully,

CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2104: Reps. Gullickson, W. Williams, Kloubec

SB 2199: Reps. Halmrast, O'Connell, Black

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1055, HB 1058, HB 1095, HB 1143, HB 1206, HB 1250,
HB 1300, HB 1312, HB 1366, HB 1379, HB 1384, HB 1389,
HB 1426, HB 1431, HB 1535, HB 1560, HB 1563, HB 1573,
HB 1579, HB 1587, HB 1649, HCR 3012, HCR 3013, HCR 3017,
HCR 3019, HCR 3021, HCR 3022, HCR 3031, HCR 3034

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

SB 2216, SB 2234, SB 2464, SB 2492

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2216, SB 2234, SB 2464, SB 2492

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. DYKSHOORN MOVED that the amendments to HB 1474 as recommended by the Committee on State and Federal Government as printed on page 1432 of the Senate Journal be laid over one legislative day, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1585 as recommended by the Committee on Finance and Taxation as printed on page 1433 of the Senate Journal be adopted, which motion prevailed. HB 1585 is placed on the calendar without recommendation.

MOTIONS

SEN. LEIBHAN MOVED that HB 1641 be referred back to the Committee on Agriculture, which motion prevailed.

SEN. KILANDER MOVED that HB 1693 be laid over three legislative days, which motion prevailed.

SEN. LEE MOVED that HB 1706 be laid over one legislative day, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4053: A concurrent resolution directing the Legislative Council to conduct a study of state laws governing the possession, sale, and use of weapons.

Which has been read.

MOTIONS

SEN. HOLMBERG MOVED that SCR 4053 be amended as follows:

On page 1, line 14, delete the words "and sometimes endangered"

On page 1, line 15, delete the words "the public"

And renumber the lines accordingly

SEN. HOLMBERG MOVED that SCR 4053 be moved to the foot of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1003: A BILL for an Act making an appropriation for defraying legal expenses of the attorney general; and declaring an emergency.

Which has been read.

MOTION

SEN. LIPS MOVED that HB 1003 be amended as follows:

On page 1 of the engrossed bill, line 13, delete the numerals "183,198" and insert in lieu thereof the numerals "561,373"

On page 1 of the engrossed bill, line 16, delete the numerals "214,825" and insert in lieu thereof the numerals "593,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the appropriation for legal expenses for the Association for Retarded Citizens lawsuit by \$378,175. This reinstates the funds originally

requested as a deficiency appropriation to pay the legal fees which have been assessed.

MOTIONS

SEN. LIPS MOVED that the proposed amendments be adopted, which motion lost for lack of a majority.

SEN. LIPS MOVED that HB 1003 be placed at the foot of the calendar, which motion prevailed.

HB 1057: A BILL for an Act to amend and reenact sections 25-01.2-14, 25-04-13.1, 27-07.1-11, subsections 7 and 17 of section 30.1-01-06, sections 30.1-28-03, 30.1-28-04, 30.1-28-11, subsection 1 of section 30.1-28-12, sections 30.1-28-13, 30.1-29-08, 30.1-29-20, 30.1-29-21, and 50-06-05.3 of the North Dakota Century Code, relating to requirements for the individual habilitation plan, to the superintendent of Grafton state school acting as guardian, and a limited guardianship or conservatorship under the Uniform Probate Code; to repeal section 25-04-13.1 of the North Dakota Century Code, relating to the superintendent of Grafton state school acting as guardian; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Maixner; Redlin

HB 1057 passed and the title was agreed to.

HB 1060: A BILL for an Act to create and enact a new subsection to section 54-11-01 and four new subsections to section 54-44-04 of the North Dakota Century Code, relating to duties of the state treasurer and the director of the

office of management and budget and implementation and operation of an accrual fund accounting system; and to amend and reenact sections 15-10-12, 54-27-08, 54-27-11, and 54-44.1-11 of the North Dakota Century Code, relating to an accrual fund accounting system.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Maixner; Redlin; Tallackson

HB 1060 passed and the title was agreed to.

HB 1103: A BILL for an Act to amend and reenact section 47-16-37 of the North Dakota Century Code, relating to actions to obtain release of mineral lease.

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, 38 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Miller Heinrich; Hilken; Krauter; Kusler; Matchie; Meyer, D.; Meyer, J.; Walsh; Wogsland

NAYS: Adams; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: Lodoen; Maixner; Redlin;
Tallackson

HB 1103 was declared lost.

HB 1133: A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, prohibiting discriminatory practices with respect to residential housing.

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 12 YEAS, 37 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Matchie; Satrom; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Kilander; Lee; Leibhan; Lips; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Holmberg; Lodoen; Maixner; Redlin

HB 1133 was declared lost.

HB 1319: A BILL for an Act relating to the marking of containers used for liquefied petroleum gas, and regulating the filling, transferring, and possession of marked containers; making an exemption; and to provide a penalty.

Which has been read and is being reconsidered.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 34 YEAS, 16 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Hilken; Kilander; Krauter; Lee; Leibhan; Lips; Moore; Mutch; Naaden; Nelson; Nothing; Parker; Peterson; Reiten; Streibel;

Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Berube; Fritzell; Grotberg; Heigaard;
Miller Heinrich; Holmberg; Kusler; Lashkowitz; Matchie;
Meyer, D.; Meyer, J.; Olson; Redlin; Satrom; Stenehjem;
Wogsland

ABSENT AND NOT VOTING: Goodman; Lodoen; Maixner

HB 1319 passed and the title was agreed to.

HB 1425: A BILL for an Act to amend and reenact section
47-16-07.1 of the North Dakota Century Code, relating to
rental property security deposits.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
called and there were 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David;
Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;
Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg;
Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Matchie;
Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson;
Nething; Olson; Parker; Peterson; Redlin; Reiten;
Satrom; Stenehjem; Streibel; Stromme; Tallackson;
Tennefos; Thane; Todd; Tweten; Vosper; Waldera;
Wenstrom; Wogsland; Wright

NAYS: Lashkowitz; Walsh

ABSENT AND NOT VOTING: Lodoen; Maixner

HB 1425 passed and the title was agreed to.

MOTIONS

SEN. CHRISTENSEN MOVED that HB 1432 be laid over one legislative
day, which motion prevailed.

SEN. PARKER MOVED that HB 1479 be laid over one legislative day,
which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1601: A BILL for an Act to amend and reenact section 23-01-02
of the North Dakota Century Code, relating to the
composition of the health council membership.

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 4 YEAS, 46 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Hilken; Lashkowitz; Walsh; Wenstrom

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Barth; Lodoen; Maixner

HB 1601 was declared lost.

HB 1656: A BILL for an Act to create and enact a new subdivision to subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to optional exclusion from unemployment compensation coverage.

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

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 1 YEA, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Wogsland

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Lodoen; Maixner

HB 1656 was declared lost.

HB 1657: A BILL for an Act to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, to provide boards of county commissioners with licensing authority over businesses or activities conducted within the county if not governed by city ordinance.

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 1 YEA, 48 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Wogsland

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom

ABSENT AND NOT VOTING: Lodoen; Maixner; Parker; Wright

HB 1657 was declared lost.

POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President, Ladies and Gentlemen of the Senate: Last week the National Conference of State Legislatures hosted a meeting of legislative leaders from throughout the United States in Washington, D.C. There were six legislators from each state that were invited, and about one hundred fifty people attended this conference. At this time I would like to give you a brief report and then would ask that Senator Thane and Senator Redlin also give you their perspective.

The conference opened Thursday afternoon, at which time there was what was called a media training session, which was an opportunity for legislative leaders to visit with consultants about press dealings. Our delegation foreclosed that opportunity and instead utilized that time to visit with our Congressional people. Representative Strinden and Senator Thane and I had the opportunity to visit with Senator Andrews and Senator Burdick. We talked

with them about some general things, primarily the Garrison project itself, which they seemed to be fairly optimistic about from their perspective, primarily because they believe they have strong support from the administration. We know of some of the feeling of the past that it does exist in the House, but of course, they were unable to comment on that.

We were unable to visit with Congressman Dorgan as he was on his way returning to North Dakota so that he would have an opportunity to address the legislature.

That evening we were entertained at the New Zealand embassy, which is one of the newer embassies in Washington, and the New Zealand ambassador was present, as well as some of his other people. I find that they are an extremely hospitable group and it was very enjoyable.

The next morning we were to have met with several Congressional leaders, and I think this was probably the most disappointing part of our entire conference because only Senator Ernest Hawlins showed up to visit with us about some of the matters dealing with the states and federal government from his perspective. They had commitments from five other Senators and Congressmen, and none of them showed. I don't know if it's because of their lack of interest in state legislatures or if it really is because of the press of the business that's pending in Washington. I suspect it's probably the latter.

The afternoon, then, of Friday, we had a very interesting afternoon. We were at the White House and all of the security clearances had been made ahead of time so our arrival there was what you might call uneventful. We met in the East Room of the White House, and it was a rather impressive meeting. President Reagan addressed us first. It's quite a thrill to be sitting just a couple of chairs away when, I don't know where the voice comes from, but it just seems to come out of the wall, that says, "Ladies and Gentlemen, the President of the United States," and at this particular time Vice President Bush also was with him and we heard from the President. He talked initially about the federalism program, which he has forwarded to Congress. Basically, this program is quite a scaled-back version from what he had intended when he made his initial announcement in January of 1982. There are several important aspects to it. I guess the main thrust is the block grant aspect. There will be a state block grant which is going to combine twenty-two health, social services, education, and community development programs all together. That's about an \$11 billion project totally, on an annual basis. There's what they call a local block grant, which grants to localities the general revenue sharing program and the entitlement portion of the community development block

grant. That's about a \$7 billion program. There's a transportation block grant that will provide to the states consolidation of six highway programs. It covers urban and secondary system, bridges other than primary, and safety activities, and that's a \$2 billion program. And then there is a rural housing block grant, which consolidates four programs for low-income rural housing construction.

I think that all of the block grants, if they will not put too many strings to the block grants, I think it's a reasonable approach to his federalism initiative. There is one concern we have, and that is the transportation block grant, because it does appear that there are several strings there that are going to be more harmful than helpful.

The President also talked about the economic indicators as he sees them. He was very enthusiastic about what he perceives to be the upsurge in the economy. Of course, it's difficult for us to grab all of the figures that are talked about, but in general, why, it seemed like the President is very enthused.

After the President spoke, we then had about fifteen minutes or so for questions, and you can well imagine the number of questions that there were. He likened it to a news conference where there's always people with more questions than there is time for him to answer. He did indicate that he felt more regret at not being able to answer all of our questions than he did at some of the press conferences that he'd had.

We then heard from Dave Stockman, the director of the Office of Management and Budget, and as you might expect, most of his comments related to the budget itself. He did comment specifically about reductions in Medicaid and Medicare programs, but he pointed out that they are structured so that the states will have the opportunity that, instead of reducing programs, they can do some things which would reduce the amount of money needed. A couple of the things that he meant were the error rate reduction, whereby they monitor the programs closer to see to it that the money goes where it's intended, and then, secondly, he indicated that there's a possibility for many states to tighten up on their eligibility requirements. Again, he answered questions, and I think he impressed all of us, maybe not so much with his answers, but at least with his ability to field the tough questions and the grasp and knowledge that he has of the various subjects.

We then heard from Ed Meese, the counselor to the president. I think there were a couple of things that I felt were very positive that he talked about. He indicated to us the administration's efforts in dealing with crime,

and their biggest thrust has been that of dealing with narcotics. They've had a pilot program going in the state of Florida, and that program is basically designed to bring all of the efforts that the federal government has into dealing with this problem. He talked about the security, utilizing the Coast Guard, the U.S. Navy, the U.S. Air Force, with these AWACS type of planes for detection purposes; utilizing the Secret Service, the FBI, practically every law enforcement agency and with our military assistance to get a better handle on this, and they believe that the program has worked very well, and they are expanding it now to the United States.

One of the interesting things that Mr. Meese mentioned was the utilization of the state department in dealing with the foreign countries where most of the original narcotics shipments come from, and to utilize the pressure of that department to get these foreign countries involved to clamp down on what is being done there, and, to me, it's almost mind boggling that there would be resistance from the State Department, but there has been resistance, and the administration now feels they've overcome that, and feel very positive.

Mr. Meese also told us about the administration's effort in dealing with the federal court system and their desire and what they're trying to do to remove the dual handling of criminal cases, and he pointed out that what they wanted to deal with specifically is where an individual goes through the state court system for conviction of a crime, and they exhaust the remedies there, and then they move into the federal court and they have another trial on the whole matter again, only at that time, the states have to come in and defend all of these allegations that are made by these convicted criminals. It's a very burdensome thing, very time consuming and very expensive, and the administration has now taken it as a major goal to offer changes in federal law to eliminate that.

And then a question was asked of Mr. Meese, the state of Wisconsin wanted to start a pilot program, and I believe it again was in the area of Medicare or AFDC, or one of those that come under the health and human services cabinet position, and they pointed out that in order to implement this pilot program they need to get waivers from the agency. And they asked Mr. Meese for his assistance, and he immediately pledged the assistance of the White House, through the Office of Intergovernmental Affairs, and also encouraged any other states that do have pilot programs, if they're having difficulty getting waivers to be sure and call the White House for their assistance, and I thought that was very positive, and I think we'll be watching what happens in Wisconsin with their program.

He also indicated that, and I guess I can well understand it, if you wouldn't think it would be this way, but he said, "You know, we don't know what's going on in the agencies all the time," and I guess when you look at the maze of buildings and offices and traffic during rush hour, you can readily understand that. And he said, "If you don't get your waiver the first time, don't give up. Come back and we'll help you the second time, and if it doesn't work the second time, come back the third time." And so I believe they made a real commitment to the states in this regard.

Then we had a reception with Vice President Bush. We moved from the East Room of the White House to the State Room, and the reception was rather informal--coffee and cookies--and had an opportunity to mingle and then the Vice President came in and Mrs. Bush, and they made some comments, and basically the thrust of his comments were the attitudes that he perceives as he's traveled away from the United States, primarily in Europe, as to the attitude of changing towards the United States. He indicated he believes it's a very positive attitude and he was very pleased with that.

That pretty much consumed the afternoon. I should mention that we did receive a variety of briefing papers from the National Conference of State Legislatures. It covered the federalism initiative, the jobs program, deficit reduction and revenue-raising measures, costs to states of unemployment insurance loans. I guess the "buzzword" in Washington today is what they call interest structure, and it took me a long time to learn what it was, but interest structure is basically the concerns about our road system, our water systems, our sewer systems, anything that has to do with that type of magnitude.

At that point I left our delegation and went to the airport. I had a meeting Saturday morning in Charleston, South Carolina, with the advisory commission on Intergovernmental Relations, and at that particular meeting, it was not as eventful as the previous day had been; however, there is a big debate going on in Congress now as to whether or not revenue sharing should be returned to the states as opposed to just the local units of government, and our advisory commission did recommend, and simply recited that the position of support had been there in the past, and continue, so, Mr. President, that's a report from my perspective. I would like to yield then to Senator Thane.

POINT OF PERSONAL PRIVILEGE

SEN. THANE: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I considered it a rare opportunity and a distinct privilege to be able to represent the North Dakota Senate at this leadership conference in Washington. I will not go into any detail on the White House meeting, except to say that the remarks that the majority leader made are essentially what I would have said, had I wanted to be repetitive.

The following morning we had the opportunity to meet with several of the secretaries of cabinet level. We had breakfast with Secretary John Block, Secretary of Agriculture, and I'll keep these remarks brief. If members of the Senate wish to see a more detailed summary, I have them available in typewritten form and I'd be more than glad to share them with you at any time.

I visited personally with Secretary Block and his aides. We talked briefly about the PIK program and also the restrictions of \$100 thousand in FHA loans. I informed Mr. Block that the limitation fell far short in providing financial assistance to many North Dakota farmers who need several times that amount in yearly operating loans. Mr. Block, in his brief remarks following breakfast, stressed that agriculture is the largest industry in the United States, and that it contributes over twenty percent of the gross national product and that twenty-three million people owe their jobs to agriculture. The issue of the day and the talk of the town is the PIK program. Bumper crops back to back in 1981 and 1982 created excessive stocks of grain and bulging bins, and of course the only answer and the responsibility of the American farmer to the problem is to reduce production, and the PIK program made sense because of budgetary problems, and the existence of the large stocks. Mr. Block believes the signup is above expectations, but the department will have more accurate figures this particular week. He knows that we have serious financial distress in rural America. He continued to stress that FHA has adequate funding for those in need who are under the \$100,000 limitation. He was optimistic in his remarks. He spoke of the growing international market, and our ability to meet or exceed that market, and this is a quote of his: "In the next twenty years, nations producing food and farming in abundance will hold an international trump card." In the short question and answer period, he was asked the question why we don't give away commodities other than butter and cheese and that it was very difficult for hungry people to spread their butter on their cheese. He replied that additional commodities were being considered, such as nonfat dry milk, and that wheat and other grains needed to be converted first. So much for that, Mr. President.

I think very interesting were the remarks of Dr. Martin Feldstein, the chairman of the president's Board of Economic Advisors, and I'll just touch briefly on some of

the comments that he made. He felt that the month of December was the bottom of the recession, and that the months of January and February, showed by the indicators a three and a half percent upturn. He said that employment increases and working hours per week were very encouraging and that both housing starts and new orders in business are up. He, however, stressed that a little caution had to be observed when you're looking at batches of economic statistics on a monthly basis. When asked how long and how sustained the recovery might be, he said that he thought that a five percent increase could occur if inflation stayed low and interest rates did not advance. He indicated that one of the key things that must be done, that the deficits in the federal budget must be reduced for interest rates to decline further. He also believed that the Federal Reserve Board has taken a prudent course and has provided, through their monetary policy, acceptable liquidity in the money supply, and still has kept interest rates on the decline, and inflation at a reasonable level. In referring to the deficit again, he says it is not acceptable that it is six percent of our gross national product and discourages and undoes all the basis of capital formation. Their plan, if it works out, is to reduce this deficit to \$100 billion by 1988. And, of course, it's up to Congress to assume the responsibility and get the job done.

Mr. President, Ladies and Gentlemen of the Senate, we also had Secretary Terrell Bell, department of education, speak to us. I won't go into that in the interest of time, but I do have the comments on paper if you wish to see them. Also, Secretary Elizabeth Dole, the new head of the Department of Transportation, has only been aboard five weeks, and has already been viewed as one of the two hundred new faces of the future by Time magazine. She's a very impressive lady, and I think she's going to do a fantastic job for us. I have some short comments there, but I'll pass, and allow the minority leader to comment further. Thank you.

POINT OF PERSONAL PRIVILEGE

SEN. REDLIN: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I apologize to the Senate for playing hooky for an extra day. I want you to know that the expenses for that extra day are my own and not yours, and I want you to know that one of the reasons I did is because there's a very dear relative of ours who lives in that area, having health problems. She's one of the pioneers of northwest North Dakota, and I didn't feel it was right to leave Washington without having had a good day with that lady. And I know you would agree with that as well.

I won't go into the agenda. The majority leader and our president pro tem have done an excellent job of relating to you the various people with important responsibilities in Washington that we were privileged to listen to. I was pleased to have the opportunity to go, and I do want you to know that your delegation from North Dakota, in my opinion, tended to business. They were at the sessions that they were expected to be and many times took part in the question and answer period. I think that it was all worthwhile. I believe that I will make just a few remarks on general observations because I think it's necessary to make them.

I, for instance, was deeply disappointed that I did not see the solid commitment to reduce the horrendous projected federal deficit of over \$200 billion, particularly with the realization that it's costing us nearly \$100 billion in interest to pay for the cost of facing our present debt as it stands today. I say that, in all seriousness, because I believe the suggestions from whomever, that we can take cuts here and a little cut there, have been mighty miniscule as far as dealing with the entire problem, and I think that we have to have Congress and the administration with more courage to rise to the occasion and say we have to raise revenue, because if we are in danger, with a deficient defense posture, then I maintain that the American people are willing to pay the bill, as we go, rather than bury ourselves in an interest load down the road. And I have heard this story too often from both political parties, "Well, we aren't going to balance the budget this particular biennium, but down the road we've got it all figured out how it's going to happen." And very rarely does it happen unless we take care of it at the moment and in the time present.

I believe there was some good news from the Office of Management and Budget in relation to attacking health care costs because they are becoming a most serious problem with people of all walks of life all over America. I believe that some of the inferences at least, that I gained from Mr. Stockman, were that we have had a situation where the medical profession and hospital administrators have combined in too many instances to milk and misuse the Medicare plan and third-party payers. And I am hopeful that this trend will be arrested and that we will deal forthrightly with that kind of an approach because I believe it's long overdue.

I too was a bit amazed that we did not see more in the press in the nation's capitol regarding the reactions of farm organizations. I don't know whether they've become lackadaisical or asleep or what happened, but there are no headlines, and here we are in a situation with the most distressful situation that agriculture has faced since the

1930's. And I was disappointed because, having been there, I recall a time when the cost of production ratio to income was a great deal different from what it is now, a great deal better even. And there was calumny down upon the heads of Congress many times over, and I wish those voices would rise to the occasion again, because in my opinion we do need a supply management type of program, and while it's true we had a bumper crop, we can't expect to seed over eighty million acres against good prices when we seeded sixty-five or fifty-five and expect the price structure not to collapse. We're all hoping the PIK program will be a great help. I'm disappointed in some of the reports I've gotten, however, that the signup in western North Dakota is going to be more difficult because of the summer fallow practices here. I hope that this does show some daylight down the road, but I think we have to have a tighter grip on supply management before we're going to see daylight in the price structure for farmers.

I would like to comment on two more brief things--one of them related to the secretary of education, the Honorable Mr. Bell. You will recall the administration is committed to eliminating this department. I thought it was interesting that Secretary Bell said, "Well, I tried to do that, and I could only get nineteen votes in the Senate in my own party, so I don't think it's going to happen." Now from my point of view, I don't think that we've had enough of a track record on the department of education to say that it ought to be eliminated, and I was one of those who believed that it deserved the kind of consideration it now receives in cabinet status, and I am pleased that Secretary Bell has come to that conclusion as well.

Lastly, I think it was interesting to hear Mrs. Dole, the new Secretary of the Transportation, tell us that plans are afoot now to put Conrail back in private enterprise, and that may be good, bad, or indifferent, but I do think that it needs to be known, that after the United States government pumped a couple of billion dollars into it, it ought to be able to do something on its own, and I am hopeful that if it does, and if it can be put together, that we can add to private enterprise in America, but I don't want people to lose sight of the fact that the entire industry, through Amtrak and through Conrail and other devices that you and I paid for, we're able to put it back in shape, and I hope that the practices that put the rail system in the shape it was in, meaning that we lose branch lines in North Dakota as part of the result, we will have a type of plowing the road, or projecting the future from the private ownership of Conrail so that we can develop a transportation system on rails which I believe cannot be replaced in any other way.

Mr. President, I again want to say I've appreciated this opportunity very much, and I believe above it all, I want you to know that I think that democracy is still the greatest form of government on earth, and as Winston Churchill said many times over, "It may be the worst form of government on earth except every other kind." With all of its shortcomings, I believe it's a process that increases my pride by having been in the nation's capital again.

POINT OF PERSONAL PRIVILEGE

SEN. MOORE: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Senator Todd and I also were attending a conference this last weekend, primarily on Friday, sponsored by the Council of State Governments in the city of Minneapolis, dealing with low-level radioactive waste disposal.

Low-level is not the type that we get from an atom bomb. It is the type of thing that we get primarily from hospitals where you have clothing that's been exposed to radiation, glassware, liquids, and so forth. It does include filtered sludge from atomic energy plants, which we do not have in the state of North Dakota.

This is a problem which, of course, all the nation is facing: how to dispose of this type of low-level radioactive material. There has been federal legislation concerning this, asking that the states take the responsibility, primarily a request from the states, and Congress has passed legislation allowing us to set up compacts whereby the states can go together and determine where sites shall be for the disposal of this type of material. It calls for action by July 1, 1984. Clearly, many of the states are not going to meet that deadline.

We did have a bill in the North Dakota House, which has been rejected, which would have put us in a Midwest compact, including many states from here going east. We have, it's been determined, about five cubic meters of low-level waste material, which is an extremely small amount, and, of course, it would cost considerable amounts of money on a per cubic foot basis for disposal if we were to establish our own disposal site in North Dakota, and meet the requirements that we must meet.

There were six disposal sites in the United States, three of which have been closed, and three of which are still operating--one in South Carolina, one in Nevada, and one in the state of Washington. The south, the northwest area, which includes the disposal site in Washington has established a compact. There's a compact in the Rocky Mountain states, which has the site in Nevada, and the

state of Colorado has volunteered to be an additional site for that area. There are others: in the southeast there is a compact in operation, which includes the South Carolina disposal site.

We will eventually have to be in a compact. We don't necessarily have to be in the Midwest one for which we were considering legislation, and as indicated was rejected in the House. I might add that South Dakota was in the same criteria, and they have also rejected that legislation. Minnesota is expected to probably reject it at this time. You can petition into a compact at a later time and we would not have to participate in the Midwest, but could very well petition into one of the other compacts.

There is also a central states compact, which would include states like Nebraska, Kansas, and Oklahoma. The states of Texas and California have decided to go it alone.

So this is a problem that we will have to address. I understand that there is a study resolution that was amended in the House to ask that this issue be studied during the interim to determine what direction the state of North Dakota might want to go in aligning ourselves with some other states in forming a compact for the disposal low radioactive waste material.

The conference I found extremely interesting and extremely educational. It was an area in which I had no great expertise, and found it very rewarding, and I certainly am grateful to the North Dakota Senate for allowing me to be one of your representatives at this conference. I thank you very much.

POINT OF PERSONAL PRIVILEGE

SEN. TODD: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I also learned a great deal at this conference. I think one of the primary things that I did learn is that the state of North Dakota is now in a position where we are going to have to petition to be included in another compact. The requirements are that all compact arrangements be settled by July 1, 1984, and with the failure of House Bill No. 1240, that completely eliminates us from the possibility of at least participating right up front in the formation of the Midwest pact.

As the Senator from district 28 indicated, North Dakota does not have a great deal of nuclear waste and it probably would be far more cost effective for us to either enter another compact or contract with another compact for the disposal of our waste.

MOTION

SEN. MATCHIE MOVED that HCR 3046 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution directing the Legislative Council to analyze the needs of this state for a safe disposal site for low-level radioactive waste generated in this state and to make a recommendation whether this state should become a member of an Interstate Low-Level Radioactive Waste Compact; and to study the handling, storage, use, transport, and processing of toxic or hazardous substances which may endanger the health, welfare, and safety of persons who live and work in this state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3046 was declared adopted on a voice vote.

MOTIONS

SEN. NOTHING MOVED that the Senate reconsider the action whereby HB 1482 passed, which motion prevailed.

SEN. NOTHING MOVED that HB 1482 be laid over one legislative day, which motion prevailed.

SEN. LIPS MOVED that HB 1667 be laid over four legislative days, which motion prevailed.

SEN. HOLMBERG MOVED that HB 1683 be laid over one legislative day.

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. WRIGHT MOVED that the Senate do not concur in the House amendments to SCR 4025 as printed on page 1358 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4025:

Sens. Wright, Christensen, J. Meyer

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2066, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2066:

Sens. Holmberg, Olson, Waldera

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2219, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2219:

Sens. Olson, Holmberg, Waldera

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2255, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2255:

Sens. Reiten, Lodoen, Matchie

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2491, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2491:

Sens. Olson, Lodoen, Matchie

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2446, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2446:

Sens. Christensen, Olson, Lashkowitz

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1208, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1208:

Sens. Stenehjem, Olson, Maixner

POINT OF PERSONAL PRIVILEGE

SEN. STROMME: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

MONDAY, MARCH 14, 1983

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Mr. President, ladies and gentlemen of the Senate: Today I had placed on your desk a button and a short history of Ramsey County and Devils Lake and at this time, I would like to invite all of you Senators, your families, and everyone else to Devils Lake to partake in the festivities sometime between the first and seventh of July. Thank you.

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1055, HB 1058, HB 1095, HB 1143, HB 1206, HB 1250,
HB 1300, HB 1312, HB 1366, HB 1379, HB 1384, HB 1389,
HB 1426, HB 1431, HB 1535, HB 1560, HB 1563, HB 1573,
HB 1579, HB 1587, HB 1649, HCR 3012, HCR 3013, HCR 3017,
HCR 3019, HCR 3021, HCR 3022, HCR 3031, HCR 3034

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1055, HB 1058, HB 1095, HB 1143, HB 1206, HB 1250,
HB 1300, HB 1312, HB 1366, HB 1379, HB 1384, HB 1389,
HB 1426, HB 1431, HB 1535, HB 1560, HB 1563, HB 1573,
HB 1579, HB 1587, HB 1649, HCR 3012, HCR 3013, HCR 3017,
HCR 3019, HCR 3021, HCR 3022, HCR 3031, HCR 3034

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2081, SB 2094, SB 2115, SB 2171, SB 2188, SB 2247,
SB 2279, SB 2323, SB 2400, SB 2405, SB 2461

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2058, SB 2102, SB 2105, SB 2141, SB 2154, SB 2161,
SB 2210, SB 2212, SB 2215, SB 2230, SB 2333, SB 2363,
SB 2450, SB 2471

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2071, SB 2275, SB 2284, SB 2320, SB 2360, SB 2391,
SB 2396, SB 2399, SB 2403, SB 2406, SB 2434

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:26 p.m., March 14, 1983:

SB 2081, SB 2094, SB 2115, SB 2171, SB 2188, SB 2247,
SB 2279, SB 2323, SB 2400, SB 2405, SB 2461

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:26 p.m., March 14, 1983:

SB 2071, SB 2275, SB 2284, SB 2320, SB 2360, SB 2391,
SB 2396, SB 2399, SB 2403, SB 2406, SB 2434

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:26 p.m., March 14, 1983:

SB 2058, SB 2102, SB 2105, SB 2141, SB 2154, SB 2161,
SB 2210, SB 2212, SB 2215, SB 2230, SB 2333, SB 2363,
SB 2450, SB 2471

SEN. FRITZELL, Chairman

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Joint Committee on Constitutional Revision to which was referred SCR 4002 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 2, line 33, delete the words "speaker of" and
insert in lieu thereof "president of the North Dakota
education association"

- On page 2, line 34, delete the words "the house of representatives"
- On page 3, line 3, delete the words "speaker of the house of representatives" and insert in lieu thereof "president of the North Dakota education association"
- On page 3, line 8, delete the word "four" and insert in lieu thereof the word "two"
- On page 3, line 9, delete the words "the fifth year" and insert in lieu thereof the words "each of the next five years", and delete the word "ten" and insert in lieu thereof the word "fourteen"
- On page 3, line 10, delete the word "consecutive" and delete the words "in a fifteen-year period"
- On page 3, line 12, delete the word "five" and insert in lieu thereof the word "seven"
- On page 4, after line 20, insert the following new subdivision:

"d. The board shall appoint an executive officer for vocational-technical education who is qualified for the position by experience and education. The executive officer is the chief administrator for all levels of vocational education and is responsible to the board."

And renumber the lines and pages accordingly

SEN. WENSTROM, Chairman

SCR 4002 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Joint Committee on Constitutional Revision to which was referred SCR 4008 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

- On page 2, line 23, after the word "concurrent" and before the period insert the words "; except in districts having more than one senator elected on a staggered basis, the terms of the representatives must be staggered proportionately the same as for senators"

And renumber the lines accordingly

SEN. WENSTROM, Chairman

SCR 4008 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1159 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HB 1159 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1182 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 20, delete the word
 "resident"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1182 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1189 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1189 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1228 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HB 1228 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1246 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 7, delete the words
 "or contemplated"

On page 1 of the engrossed bill, line 17, delete the words
 "or contemplated"

On page 1 of the engrossed bill, line 22, after the period
 insert the following: "Nothing herein shall be

construed to prohibit the department of human services or county social service board from immediately implementing a decision, where the best interests of the child require such immediate action, as long as notice is given to the foster parent as soon as possible."

On page 2 of the engrossed bill, after line 27, insert a new subsection as follows:

"7. Nothing herein shall be construed to require a grievance proceeding under this Act, where the department of human services or county social service board is acting to implement a specific placement decision issued by a court with competent jurisdiction."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

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

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1254 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1254 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1269 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 4, overstrike lines 4 through 6

On page 4, line 7, overstrike the words "such district for the previous three school years, and no" and insert immediately thereafter the word "No"

On page 4, line 9, overstrike the word "thereafter"

And renumber the lines accordingly

SEN. PETERSON, Chairman

HB 1269 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1404 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 of the engrossed bill, line 12, delete the word "their" and after the word "conditions" insert the words ", in an acute care hospital, skilled care facility, or rehabilitation facility,"

On page 2 of the engrossed bill, line 13, delete the words "physician licensed in the state" and insert in lieu thereof "licensed physician"

On page 2 of the engrossed bill, line 14, delete the words "of North Dakota"

On page 10 of the engrossed bill, line 22, delete the numeral "15" and insert in lieu thereof the numeral "16"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

HB 1404 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1408 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 3, delete the word "and"

On page 1 of the engrossed bill, line 6, immediately after the word "hospital" insert the following: "; and to repeal section 43-17-23 of the North Dakota Century Code, relating to recording physician's licenses in registry of deeds"

On page 2 of the engrossed bill, after line 3, insert the following new section:

"SECTION 3. REPEAL. Section 43-17-23 of the North Dakota Century Code is hereby repealed."

And renumber the lines, sections, and pages accordingly

SEN. WRIGHT, Chairman

HB 1408 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1435 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HB 1435 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1445 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 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 62-04 of the North Dakota Century Code, relating to regulation of firearms and ammunition.

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

SECTION 1. A new section to chapter 62-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Limitation on authority of political subdivision regarding firearms. No political subdivision, including home rule cities or counties, may enact any ordinance relating to the purchase, sale, ownership, transfer of ownership, registration, and licensing of firearms and ammunition which is more restrictive than state law. All such existing ordinances are null and void."

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

HB 1445 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1447 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 of the engrossed bill, line 13, delete the words "A group home may not be located"

On page 2 of the engrossed bill, line 14, delete the words "within six hundred feet of an existing licensed group home."

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

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

MR. PRESIDENT: Your Committee on Education to which was referred HB 1458 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 23 of the engrossed bill, line 11, overstrike the word "district" and overstrike the words "an accredited high"

On page 23 of the engrossed bill, line 12, overstrike the words "if the" and overstrike the words "to be dissolved is contiguous to such a"

On page 23 of the engrossed bill, line 13, overstrike the words "district or districts"

And renumber the lines accordingly

SEN. PETERSON, Chairman

HB 1458 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1478 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. VOSPER, Chairman

HB 1478 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1493 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

HB 1493 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1518 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 8, delete the words "to provide an appropriation;"

On page 8 of the engrossed bill, delete lines 25 through 35

On page 9 of the engrossed bill, delete lines 1 through 5

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes the appropriation to the Aeronautics Commission in House Bill No. 1518. The appropriation is to be incorporated into House Bill No. 1016, which contains the regular appropriation for the Aeronautics Commission's 1983-85 budget.

SEN. LIPS, Chairman

HB 1518 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1523 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 1, delete the words
"to create and enact a new subsection to section"

On page 1 of the engrossed bill, delete lines 2 and 3

On page 1 of the engrossed bill, line 4, delete the words
"industrial commission; and"

On page 1 of the engrossed bill, line 5, delete the numerals "38-08-09.5" and insert in lieu thereof the numerals "38-08-09.8", and after the word "Code" and before the period insert the words ", relating to unitization of oil and gas under the control and regulation of the industrial commission"

On page 4 of the engrossed bill, line 11, delete the words
"plan of unitization must provide" and insert in lieu thereof the words "unit may be dissolved ten years after the unit agreement becomes effective upon a petition to the commission by the royalty owners who are credited with at least eighty percent of the production and proceeds thereof, and a subsequent hearing and order by the commission. The commission may not dissolve any unit if the dissolution would be likely to result in waste or the violation of the correlative rights of any owner. This provision does not limit or restrict any other authority which the commission has."

On page 4 of the engrossed bill, delete lines 12 through 35 and insert in lieu thereof the following:

"SECTION 2. AMENDMENT. Section 38-08-09.8 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-08-09.8. Modification of property rights, leases, and contracts - Title to property - Distribution of proceeds - Effect of operations. Property rights, leases, contracts, and all other rights and obligations shall be regarded as amended and modified to the extent necessary to conform to the provisions and requirements of sections 38-08-09.1 through 38-08-09.16 and to any valid and applicable plan of unitization or order of the commission made and adopted pursuant hereto, but otherwise to remain in full force and effect.

Nothing contained in sections 38-08-09.1 through 38-08-09.16 shall be construed to require a transfer to or vesting in the unit of title to the separately owned tracts or leases thereon within the unit area, other than the right to use and operate the same to the extent set out in the plan of unitization; nor shall the unit be regarded as owning the unit production. The unit production and the proceeds from the sale thereof shall be owned by the several persons to whom the same is allocated under the plan of unitization. All property, whether real or personal, which the unit may in any way acquire, hold, or possess shall not be acquired, held, or possessed by the unit for its own account but shall be so acquired, held, and possessed by the unit for the account and as agent of the several lessees and shall be the property of such lessees as their interests may appear under the plan of unitization, subject, however, to the right of the unit to the possession, management, use, or disposal of the same in the proper conduct of its affairs.

The amount of the unit production allocated to each separately owned tract within the unit, and only that amount, regardless of the well or wells in the unit area from which it may be produced, and regardless of whether it be more or less than the amount of the production from the well or wells, if any, on any such separately owned tract, shall for all intents, uses, and purposes be regarded and considered as production from such separately owned tract, and, except as may be otherwise authorized in sections 38-08-09.1 through 38-08-09.16, or in the plan of unitization approved by the commission, shall be distributed among or the proceeds thereof paid to the several persons entitled to share in the production from such separately owned tract in the same manner, in the same proportions, and upon the same conditions that they would have participated and

shared in the production or proceeds thereof from such separately owned tract had not said unit been organized, and with the same legal force and effect. If adequate provisions are made for the receipt thereof, the share of the unit production allocated to each separately owned tract shall be delivered in kind to the persons entitled thereto by virtue of ownership of oil and gas rights therein or by purchase from such owners subject to the rights of the unit to withhold and sell the same in payment of unit expense pursuant to the plan of unitization, and subject further to the call of the unit on such proportions of the gas for operating purposes as may be provided in the plan of unitization.

Operations carried on under and in accordance with the plan of unitization shall be regarded and considered as a fulfillment of and compliance with all of the provisions, covenants, and conditions, express or implied, of the several oil and gas mining leases upon lands included within the unit area, or other contracts pertaining to the development thereof, insofar as said leases or other contracts may relate to the common source of supply or portion thereof included in the unit area. Wells drilled or operated on any part of the unit area no matter where located shall for all purposes be regarded as wells drilled on each separately owned tract within such unit area.

Nothing herein or in any plan of unitization shall be construed as increasing or decreasing the express or implied covenants of a lease in respect to a unit source of supply or lands not included within the unit area of a unit. However, when an oil and gas lease covers and affects lands partially within and partially without the unit area, unit operations and unit production allocated to the lease, as provided in this section, shall not be deemed operations on or production from the lease as to the lands covered by the lease lying outside the unit area after two years from the effective date of the order of the commission creating and approving the unit or the expiration of the primary term of the lease, whichever is the later date. After the later date, the lease as to lands outside the unit area may be maintained in force and effect only in accordance with the terms and provisions contained in the lease."

On page 5 of the engrossed bill, delete lines 1 through 35

On page 6 of the engrossed bill, delete lines 1 through 16

And renumber the lines and pages accordingly

SEN. LEE, Chairman

HB 1523 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1566 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1566 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1568 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HB 1568 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1586 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1586 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1643 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1643 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1681 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HB 1681 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1695 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1695 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was rereferred HB 1718 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 2, after the word "commodities" and before the period insert the words "; and to provide an expiration date"

On page 2 of the engrossed bill, line 15, delete the words "includes wheat, durum," and insert in lieu thereof the words "means wheat, barley, flax, oats, and durum."

On page 2 of the engrossed bill, delete lines 16 through 19

On page 2 of the engrossed bill, line 34, delete the word "eighty" and insert in lieu thereof the word "seventy"

On page 3 of the engrossed bill, after line 33, insert the following new section:

"SECTION 9. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective."

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

HB 1718 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HCR 3014 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HCR 3014 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HCR 3015 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HCR 3015 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HCR 3016 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HCR 3016 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HCR 3038 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 22, delete the words "with emphasis on container deposit requirements,"

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

HCR 3038 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HCR 3079 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HCR 3079 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3083 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 resolution, line 22, delete the word "is" and insert in lieu thereof the word "are"

And renumber the lines accordingly

SEN. WRIGHT, Chairman

HCR 3083 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HCR 3086 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, after line 24, insert the following new language:

"BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of Labor, and each member of the North Dakota Congressional Delegation."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

HCR 3086 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTIONS

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

SEN. LIPS MOVED that at the conclusion of the Fifth order of business, and after the reading of SCR 4053, HB 1688, HCR 3027, HCR 3035, HCR 3043, HCR 3045, HCR 3049, HCR 3051, HCR 3058, HCR 3059, HCR 3060, HCR 3061, HCR 3064, HCR 3074, HCR 3081, HCR 3084, HB 1003, HB 1159, HB 1189, HB 1228, HB 1254, HB 1432, HB 1435, HB 1478, HB 1479, HB 1482, HB 1493, HB 1566, HB 1568, HB 1585, HB 1586, HB 1643, HB 1681, HB 1683, HB 1695, HB 1706, HCR 3014, HCR 3015, HCR 3016, and HCR 3079, the Senate adjourn and convene at 1:00 p.m., Tuesday, March 15, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary