

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-EIGHTH DAY

Bismarck, March 14, 1983

The House convened at 1:00 p.m., with Speaker Kelly presiding.

The prayer was offered by Father Stan Sticka, Corpus Christi, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Retzer and C. Williams.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

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

REP. LAUGHLIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker 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

CHARLES FLEMING, Chief Clerk

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

CHARLES FLEMING, Chief Clerk

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

CHARLES FLEMING, Chief Clerk

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

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

CHARLES FLEMING, Chief Clerk

MESSAGES TO THE SENATE  
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 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

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 amended:

SB 2066, SB 2101, SB 2112, SB 2139, SB 2214, SB 2219,  
SB 2229, SB 2255, SB 2318, SB 2319

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
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 HB 1253, HB 1630, HB 1647, HB 1653, HCR 3020, and HCR 3050 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1253

- On page 4 of the engrossed bill, line 2, remove the overstrike over the words "~~of not to exceed twenty-five percent~~"
- On page 4 of the engrossed bill, line 5, remove the overstrike over the words "~~If the question submitted is for an increase of~~"
- On page 4 of the engrossed bill, line 6, remove the overstrike over the words "~~more than twenty-five percent and not to exceed seventy-five percent~~"
- On page 4 of the engrossed bill, line 7, remove the overstrike over the words "~~in the levy over the legal limit, a favorable vote upon such~~"
- On page 4 of the engrossed bill, line 8, remove the overstrike over the words "~~question by~~" and after the overstruck word "~~sixty~~", insert the word "fifty-five" and remove the overstrike over the words "~~percent of the electors voting on such question~~"
- On page 4 of the engrossed bill, line 9, remove the overstrike over the words and period "~~shall be sufficient to authorize such excess levy.~~"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1630

- On page 2 of the engrossed bill, after line 13, insert the following new section:

"Exemption. This chapter does not apply to any person who only leases aircraft to state institutions of higher education."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1647

On page 1 of the engrossed bill, line 26, overstrike the words "and elsewhere" and insert immediately thereafter the words "or other places open to the public for the operation of vehicles"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1653

On page 2 of the engrossed bill, line 11, after the period insert the following sentence "An individual is not entitled to more than one location license."

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3020

On page 1, line 2, immediately after the numeral "1983" insert the word and numeral "and 1984"

On page 1, line 28, immediately after the numeral "1983" insert the word and numeral "and 1984"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HCR 3050

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

On page 1, line 2, delete the words "wages base"

On page 1, after line 5, insert the following:

"WHEREAS, many states now allow the employer the option either to be insured with a private insurance carrier, a state Workmen's Compensation Program or a self-insured insurance plan; and"

On page 1, line 24, after the word "and" insert the following: "the option of coverage through a private Workmen's Compensation Insurance Program, the North Dakota Workmen's Compensation Insurance Program or a self-administered insurance plan; and"

And renumber the lines and pages accordingly

Very respectfully,  
LEO LEIDHOLM, Secretary

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2104:

Reps. Gullickson, W. Williams, Kloubec

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2199:

Reps. Halmrast, O'Connell, Black

POINT OF PERSONAL PRIVILEGE

REP. RAYL: Madam Speaker: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

This past weekend, at Minot State College, the West Fargo High School Packers won the North Dakota State Class A Basketball championship. It is with great pleasure and pride that I, as well as Representative Rodney Larson and Senator Clayton Lodoen, extend our congratulations to the players, coaches, cheerleaders, students, parents, and all others who supported the Packers throughout their somewhat up-and-down season.

My son is a member of the Packer team, and obviously, I am very proud of his achievements. Winning a championship, however, is not the only thing that makes somebody a winner. Playing to the best of your capabilities, giving one hundred percent, makes you a winner. Graciously accepting both victory and defeat makes you a winner. In these respects, players, coaches, and fans at the tournament are all winners. They demonstrated what true sportsmanship really is.

We in West Fargo are immensely proud of the Packers, and you can be sure that the celebrating will continue for some time. Just getting to the state tournament was a tough battle, as it was for all of the teams involved, and we're trying to recuperate from three hectic and emotional days of tournament play.

Again, congratulations to the Packers, and to all other teams, coaches, and fans who participated in a great tournament.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1661 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1569 and 1570 of the House Journal and that Engrossed HB 1661 be further amended as follows:

On page 1 of the engrossed bill, line 15, after the period insert the following sentence: "In no instance shall the board be either all male or all female."

And renumber the lines and pages accordingly

**For the Senate:** Sens. Wright, Miller Heinrich, Christensen

**For the House:** Reps. R. Meiers, A. Olson, Stofferahn

Engrossed HB 1661 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

**REP. R. MEIERS MOVED** that the amendments to SB 2121 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on pages 1823-1825 of the House Journal be adopted, which motion prevailed.

**REP. W. MEYER MOVED** that the amendments to SB 2244 as recommended by the **Committee on Agriculture** as printed on page 1826 of the House Journal be adopted, which motion prevailed.

**REP. R. MEIERS MOVED** that the amendments to SB 2291 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1826 of the House Journal be adopted, which motion prevailed.

**REP. BROKAW MOVED** that the amendments to Engrossed SB 2344 as recommended by the **Committee on Natural Resources** as printed on page 1827 of the House Journal be adopted, which motion prevailed.

**REP. HJELLE MOVED** that the amendments to Engrossed SB 2358 as recommended by the **Committee on Transportation** as printed on page 1827 of the House Journal be adopted, which motion prevailed.

**REP. R. MEIERS MOVED** that the amendments to Engrossed SB 2447 as recommended by the **Committee on Social Services and Veterans Affairs** as printed on page 1827 of the House Journal be adopted, which motion prevailed.

**REP. DOTZENROD MOVED** that the amendments to SB 2465 as recommended by the **Committee on Political Subdivisions** as printed on page 1828 of the House Journal be adopted, which motion prevailed.

**REP. L. HANSON MOVED** that the amendments to Engrossed SB 2474 as recommended by the **Committee on State and Federal Government** as printed on pages 1828-1830 of the House Journal be adopted, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural Committee on Delayed Bills respectfully reports that it has considered a request from Representative E. Pomeroy for the introduction of HB 1730 and HB 1731, which request has been approved.

REP. BACKES, Chairman

FIRST READING OF HOUSE BILLS

Rep. E. Pomeroy introduced:

(Approved by the Committee on Delayed Bills)

HB 1730: A BILL for an Act to amend and reenact subsection 3 of section 5-02-02 of the North Dakota Century Code, relating to qualifications for a retail liquor license; and to declare an emergency.

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

Rep. E. Pomeroy introduced:

(Approved by the Committee on Delayed Bills)

HB 1731: A BILL for an Act to amend and reenact section 16.1-11-04 of the North Dakota Century Code, relating to the presidential preference primary.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Lashkowitz, Tallackson introduced:

(Approved by the Committee on Delayed Bills)

SCR 4055: A concurrent resolution requesting that Lydia O. Jackson be designated as Poet Laureate of North Dakota.

MOTION

REP. BACKES MOVED that the rules be suspended, that SCR 4055 not be printed, be read in its entirety, not be referred to committee, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Lashkowitz, Tallackson introduced:

SENATE CONCURRENT RESOLUTION NO. 4055

A concurrent resolution requesting that Lydia O. Jackson be designated as Poet Laureate of North Dakota.

WHEREAS, Corbin A. Waldron was designated as Poet Laureate of the State of North Dakota by the Thirty-fifth Legislative Assembly and served with honor and distinction in that capacity until his death in April 1978; and

WHEREAS, Lydia O. Jackson and Henry R. Martinson were designated Associate Poet Laureates of the State of North Dakota by the Forty-fourth Legislative Assembly; and

WHEREAS, Henry R. Martinson, who honorably served this state well through his contributions to the political and

economic life of this state and through his service as Deputy Commissioner of Labor for many years and more recently as Associate Poet Laureate, died in November 1981; and

WHEREAS, Lydia O. Jackson, who was born on March 5, 1902, in Grafton Township, Walsh County, North Dakota, later taught in a rural school district, and married Arthur S. Jackson, is now a highly respected and beloved poet and lifelong resident of this state; and

WHEREAS, Lydia O. Jackson is a member of several groups of distinguished poets including the National League of American Pen Women, the Midwest Federation of Chaparral Poets, the American Poetry League, the American Poets Fellowship Society, the Poetry Society of London, the World Poetry Day Association, the World Poetry Society, and Centro Studi E Scambi Internazionali of Rome, Italy; and

WHEREAS, Lydia O. Jackson has received numerous awards for her literary work including the Centro Studi E Scambi Internazionali Medal of Honor, the Diploma of Merit-the-Bronze Medal in 1965, the Merit-the-Silver Medal in 1967, an artistic Certificate of Merit in 1968 for her poem entitled Without Foundations, a Certificate of Merit for her poem Neil A. Armstrong, a Diploma Di Benemerenza in 1974 for her contribution to the special issue of Masters of Modern Poetry by Centro Studi E Scambi Internazionali, and the National Farmers Union Writers Award in 1950; and

WHEREAS, Lydia O. Jackson, who is the author of several books of poems including Rhymes for Every Season (1943), Selected Poems (1962), and Pardon My Gaff (1965), also compiled a book of poems entitled Peace Garden of Verses (1967), and has written many poems which have particular significance and meanings for the state of North Dakota, including Sakakawea in Bronze; and

WHEREAS, Lydia O. Jackson has received the unusual honor and distinction of having her work acclaimed by her contemporaries in the field of poetry, as evidenced by the inclusion of a biographical sketch of her life in the International Who's Who in Poetry on several occasions and as evidenced by her designation as Poet Laureate by the American Poets Fellowship Society in 1972-73 and as evidenced by her designation as Associate Poet Laureate by the Forty-fourth Legislative Assembly;

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

That Lydia O. Jackson of Grafton, North Dakota, is hereby designated and shall serve as Poet Laureate of the State of North Dakota until a successor is named by the Legislative Assembly; and



BE IT FURTHER RESOLVED, that a duly enrolled copy of this resolution be forwarded by the Secretary of State to Mrs. Lydia O. Jackson.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4055: A concurrent resolution requesting that Lydia O. Jackson be designated as Poet Laureate of North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4055 was declared adopted on a voice vote.

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#### MOTION

REP. BACKES MOVED that SCR 4004, SB 2176, SB 2327, SB 2368, and SCR 4029 be moved to the head of the calendar, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly enrolled:

HB 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,  
HB 1711, HCR 3053, HCR 3067

REP. G. MARTIN, Chairman

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

#### MESSAGES TO THE SENATE 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

#### 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 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 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 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

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution requesting the Congress of the United States to again propose for ratification by the states an amendment to the federal constitution to provide that equality of rights under the law would not be denied or abridged by the United States or by any state on account of sex, and that the Congress would have the power to enforce, by appropriate legislation, the provisions of such an article.

Which has been read.

#### MOTION

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

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 69 YEAS, 36 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Black; Conmy; DeMers; Eagles; Erdman; Gates; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riley; Sanstead; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Boyle; Brokaw; Dotzenrod; DuBord; Goetz; Gorder; Gunsch; Hanson, O.; Haugland; Hill; Kent; Kloubec; Knudson; Lang; Lloyd; Martin, C.; Melby; Meyer, R.; Meyer, W.; Murphy; Olafson; Olsen, D.; Olson, A.; Peterson; Retzer; Rice; Riehl; Rued; Schindler; Shide; Shockman; Thompson; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Williams C.

SCR 4004 was declared adopted.

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## SECOND READING OF SENATE BILLS

SB 2176: A BILL for an Act to create and enact two new sections to chapter 54-30 of the North Dakota Century Code, relating to real estate mortgage backed bonds as legal investments and retroactive application; to amend and reenact sections 54-30-02, 54-30-03, 54-30-04, 54-30-05, 54-30-07, 54-30-11, 54-30-12, 54-30-14, 54-30-15, 54-30-16, 54-30-25, 54-30-27, and 54-30-28 of the North Dakota Century Code, relating to the issuance by the state of real estate mortgage backed bonds and exemption from taxation; and to repeal sections 54-30-13, 54-30-18, 54-30-19, 54-30-21, 54-30-22, 54-30-24, 54-30-30, 54-30-30.1, and 54-30-31 of the North Dakota Century Code, relating to the servicing and the foreclosure of the real estate mortgages assigned to the state treasurer as security for the real estate bonds, the substitution of mortgages securing real estate mortgage backed bonds, and the transfer of real estate to the Bank of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 66 YEAS, 37 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Boyle; Brokaw; Conmy; Dotzenrod; DuBord; Eagles; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Jacobson; Keller; Koski; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Melby; Mertens; Meyer, R.; Meyer, W.; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Vig; Watne; Wentz; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Aubol; Black; DeMers; Erdman; Gates; Goetz; Gunsch; Hanson, O.; Hoffner, Serenus; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Lipsiea; Meiers, R.; Moore; Murphy; Olafson; Olsen, D.; Olson, A.; Retzer; Riley; Rued; Schindler; Shide; Strinden; Thompson; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Backes; Unhjem; Williams, C.

SB 2176 passed and the title was agreed to.

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SB 2327: A BILL for an Act to amend and reenact section 57-38-42 of the North Dakota Century Code, relating to information at source returns for income tax purposes and to provide for a penalty for failure to file such returns.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1757 and 1758, the roll was called and there were 80 YEAS, 24 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Knudson; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn;

Strinden; Swiontek; Thompson; Unhjem; Vander Vorst;  
Vig; Watne; Williams, A.; Williams, W.; Speaker Kelly

NAYS: Anderson, R.; Goetz; Gunsch; Hanson, O.; Hughes;  
Kingsbury; Kloubec; Koehn; Lang; Larson, R.; Melby;  
Moore; Murphy; Olafson; Olsen, D.; Olson, A.; Retzer;  
Rued; Schindler; Shide; Timm; Wentz; Whalen; Wold

ABSENT AND NOT VOTING: Peterson; Williams, C.

SB 2327 passed and the title was agreed to.

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#### MESSAGES FROM THE SENATE 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 failed to pass:

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

Very respectfully,  
LEO LEIDHOLM, Secretary

#### SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to amend and reenact section  
44-08-04.2 of the North Dakota Century Code, relating to  
travel advances for state officers and employees.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
called and there were 53 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord;  
Erdman; Gates; Gerl; Goetz; Hamerlik; Hanson, L.;  
Hjelle; Hoffner, S. F.; Horgan; Knudson; Koehn; Koski;  
Kretschmar; Kuchera; Lardy; Larson, B.; Laughlin;  
Lautenschlager; Linderman; Lloyd; Martin, C.;  
Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens;  
Meyer R.; Mushik; Nalewaja; Nicholas; Nowatzki;  
O'Connell; Pomeroy, E.; Pomeroy, G.; Rayl; Riehl;

Sanstead; Schneider; Schoenwald; Shockman; Sinner; Vig;  
Watne; Williams, A.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Backes; Dotzenrod;  
Eagles; Gorder; Gullickson; Gunsch; Halmrast;  
Hanson, O.; Haugland; Hausauer; Hill; Hoffner, Serenus;  
Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec;  
Lang; Larson, R.; Lipsiea; Melby; Meyer, W.; Moore;  
Murphy; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea;  
Peltier; Peterson; Retzer; Rice; Richard; Riley;  
Schindler; Shide; Solberg; Stofferahn; Strinden;  
Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz;  
Whalen; Wold

**ABSENT AND NOT VOTING:** Rued; Williams, C.

SB 2368 was declared lost for want of a Constitutional majority.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4029:** A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and memorializing the Congress of the United States and the President of the United States to exercise responsibility and authority in resolving them.

Which has been read.

#### REQUEST

**REP. RICHARD REQUESTED** a recorded roll call vote on SCR 4029, which request was granted.

#### ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 63 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson, R.; Aubol; Backes; Boyle; Conmy; Eagles;  
Erdman; Gates; Goetz; Hamerlik; Hanson, L.; Hanson, O.;  
Haugland; Hausauer; Hill; Hughes; Jacobson; Kent;  
Kingsbury; Kloubec; Knudson; Koehn; Kretschmar;  
Kuchera; Lardy; Larson, R.; Laughlin; Lautenschlager;  
Lipsiea; Martin, C.; Meier, A.; Meiers, R.; Melby;  
Moore; Murphy; Nalewaja; Olafson; Olson, A.; Opedahl;  
O'Shea; Peltier; Peterson; Pomeroy, E.; Rayl; Rice;  
Riley; Rued; Sanstead; Schindler; Schoenwald; Shide;  
Sinner; Strinden; Swiontek; Thompson; Timm; Unhjem;  
Vander Vorst; Watne; Wentz; Whalen; Williams, A.;  
Speaker Kelly

**NAYS:** Anderson, C.; Black; Brokaw; DeMers; Dotzenrod;  
Gorder; Gullickson; Gunsch; Halmrast; Hjelle;

Hoffner, Serenus; Hoffner, S. F.; Horgan; Keller;  
Koski; Lang; Larson, B.; Linderman; Lloyd; Martin, G.;  
Martinson; Mertens; Meyer, R.; Meyer, W.; Mushik;  
Nicholas; Nowatzki; O'Connell; Olsen, D.; Pomeroy, G.;  
Retzer; Richard; Riehl; Schneider; Shockman; Solberg;  
Stofferahn; Vig; Williams, W.; Wold

ABSENT AND NOT VOTING: DuBord; Gerl; Williams, C.

SCR 4029 was declared adopted.

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# SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to amend and reenact section 13-01-14  
of the North Dakota Century Code, relating to late payment  
charges on accounts receivable.

Which has been read.

## MOTION

REP. O'CONNELL MOVED the previous question, which motion  
prevailed.

## ROLL CALL

The question being on the final passage of the bill, the roll was  
called and there were 59 YEAS, 46 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle;  
Conny; Dotzenrod; Eagles; Gates; Goetz; Gorder;  
Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hjelle;  
Hoffner, S. F.; Horgan; Hughes; Jacobson; Kent;  
Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.;  
Lautenschlager; Linderman; Lipsiea; Martinson; Melby;  
Mertens; Moore; Murphy; Nalewaja; Olsen, D.; Olson, A.;  
Opedahl; Peltier; Peterson; Rayl; Retzer; Rice; Riley;  
Rued; Schindler; Shide; Stofferahn; Strinden; Swiontek;  
Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen;  
Williams, A.; Wold

NAYS: Black; Brokaw; DeMers; DuBord; Erdman; Gerl;  
Gullickson; Gunsch; Halmrast; Hausauer; Hill;  
Hoffner, Serenus; Keller; Kingsbury; Knudson; Koski;  
Lardy; Larson, B.; Laughlin; Lloyd; Martin, C.;  
Martin, G.; Meier, A.; Meiers, R.; Meyer, R.;  
Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell;  
Olafson; O'Shea; Pomeroy, E.; Pomeroy, G.; Richard;  
Riehl; Sanstead; Schneider; Schoenwald; Shockman;  
Sinner; Solberg; Vig; Watne; Williams, W.;  
Speaker Kelly

ABSENT AND NOT VOTING: Williams, C.

SB 2056 passed and the title was agreed to.

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## PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 14, 1983

The Honorable Tish Kelly  
Speaker of the House  
House Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on March 14, 1983, I signed the following House Bills:

HB 1039, HB 1153, HB 1222, HB 1378, HB 1383, HB 1413,  
HB 1419, HB 1522, HB 1584, HB 1606, HB 1632, HB 1650,  
HB 1686, HB 1722.

Sincerely,

ALLEN I. OLSON  
Governor

MESSAGE FROM THE SENATE  
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

## SECOND READING OF SENATE BILLS

SB 2064: A BILL for an Act to amend and reenact sections  
61-05-01, 61-05-03, 61-05-07, 61-05-08, 61-05-10, 61-05-13,  
61-05-14, 61-05-15, 61-05-20, 61-06-01, 61-06-09, 61-06-10,  
61-06-13, 61-06-15, 61-06-17, 61-06-21, 61-06-22, 61-07-01,  
61-07-03, 61-07-04, 61-07-08, 61-07-09, 61-07-15, 61-07-16,  
61-07-18, 61-07-19, 61-07-20, 61-07-33, 61-08-05, 61-08-12,  
61-08-25, 61-08-32, 61-09-01, 61-09-02, 61-09-03, 61-09-13,  
61-09-20, 61-10-01, 61-10-05, 61-10-12, 61-10-25, 61-10-26,  
61-10-32, 61-10-33, 61-10-38, 61-11-03, 61-11-05, 61-11-08,  
61-11-11, 61-11-13, 61-13-02, 61-14-01, 61-14-03, 61-14-07,



61-14-08, 61-14-09, and 61-14-15 of the North Dakota Century Code, relating to the organization, government, powers, fiscal affairs, boundaries, and dissolution of irrigation districts, assessments in irrigation districts, flood irrigation districts, organization of corporations for irrigation purposes, and general rules governing irrigation; and to repeal section 61-10-16 of the North Dakota Century Code, relating to exclusion of lands from an irrigation district; and to provide a penalty.

Which has been read.

#### ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Olafson; Olson, A.

ABSENT AND NOT VOTING: Gorder; Solberg; Unhjem; Williams, C.

SB 2064 passed and the title was agreed to.

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SB 2070: A BILL for an Act to provide for the appointment of state and regional long-term care ombudsmen and prescribing the powers and duties of long-term care ombudsmen.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 56 YEAS, 42 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** Aubol; Black; Brokaw; DeMers; DuBord; Gates; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koehn; Koski; Kretschmar; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Mushik; Nicholas; Nowatzki; O'Connell; Opedahl; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Swiontek; Vig; Wentz; Williams, A.; Williams, W.; Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Backes; Boyle; Conmy; Dotzenrod; Eagles; Erdman; Goetz; Gorder; Gunsch; Hanson, O.; Hausauer; Hjelle; Hughes; Kent; Kingsbury; Kloubec; Knudson; Lang; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Olafson; Olsen, D.; Olson, A.; Peterson; Retzer; Rice; Riley; Shide; Sinner; Strinden; Thompson; Timm; Vander Vorst; Watne; Wold

**ABSENT AND NOT VOTING:** Kuchera; Meyer W.; O'Shea; Feltier; Rued; Unhjem; Whalen; Williams, C.

SB 2070 passed and the title was agreed to.

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## MOTION

**REP. BACKES** MOVED that the rules be suspended and that the deadlines provided in House Rule 402, section 4, and House Rule 507 be extended to the fifty-first legislative day, which motion prevailed.

## REPORTS OF PROCEDURAL COMMITTEE

**MADAM SPEAKER:** Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 3:13 p.m., March 14, 1983:

HCR 3012, HCR 3013, HCR 3017, HCR 3019, HCR 3021, HCR 3022, HCR 3031, HCR 3034

**REP. G. MARTIN, Chairman**

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

**MADAM SPEAKER:** Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 3:35 p.m., March 14, 1983:

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

REP. G. MARTIN, Chairman

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

#### MOTIONS

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

REP. BACKES MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 1:00 p.m., Tuesday, March 15, 1983, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Joint Committee on Constitutional Revision to which was referred HCR 3011 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 10, delete the numerals "1986" and insert in lieu thereof the numerals "1989", and after the period insert the words "The legislative assembly intends that the duties now performed by the state treasurer would be performed by other agencies as provided by law."

On page 1, line 18, delete "primary" and insert in lieu thereof "general"

On page 4, line 29, delete the numerals "1986" and insert in lieu thereof the numerals "1989", and delete the words ", and the treasurer elected"

On page 4, line 30, delete the words "in the 1984 general election shall serve only until January 1, 1986"

And renumber the lines and pages accordingly

REP. SANSTEAD, Chairman

HCR 3011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Joint Committee on Constitutional Revision to which was referred HCR 3026 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 7, delete the word "not" and insert in lieu thereof "no longer" and delete the word "statute" and insert in lieu thereof the word "law"

On page 2, line 10, overstrike the word "the"  
REP. SANSTEAD, Chairman

HCR 3026 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Joint Committee on Constitutional Revision to which was referred HCR 3029 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, delete lines 8 and 9 and insert in lieu thereof the words "This amendment creates five new sections to article IV of the North Dakota Constitution establishing basic procedures for the operation of the legislative assembly. It further provides that all meetings of the legislative assembly and its committees be open and public, and provides a method for the legislative assembly to propose constitutional amendments to be submitted to the voters for approval or disapproval. The"

On page 1, line 17, delete the numeral "20" and insert in lieu thereof the following: "20 and 21 and sections 25"

On page 1, line 20, delete the word "primary" and insert in lieu thereof "general"

On page 2, line 4, delete the word "exclusively"

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

On page 3, line 28, delete the words "or breach of"

On page 3, line 29, delete the words "the peace"

And renumber the lines and pages accordingly  
REP. SANSTEAD, Chairman

HCR 3029 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred Engrossed SB 2084 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 20, delete the words "is at his place of residence or the person is"

On page 1 of the engrossed bill, line 21, delete the words "threatening to return to his place of residence"

On page 1 of the engrossed bill, line 23, after the word "his" insert the words "or her" and after the word "spouse" insert the words ", other family member, former spouse,"

On page 1 of the engrossed bill, line 24, delete the word "other" and insert in lieu thereof the word "any" and delete the word "he" and insert in lieu thereof the words "the person"

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2084 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2142 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 17, delete the words "in the following manner:" and insert in lieu thereof a period

On page 1 of the engrossed bill, delete lines 18 through 27

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

And renumber the lines, sections, and pages accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2142 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Transportation to which was referred SB 2145 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 7, delete the word "fifteen" and insert in lieu thereof the word "twenty"

On page 3, line 19, delete the word "fifteen" and insert in lieu thereof the word "twenty"

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

SB 2145 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: A majority of your Committee on Industry, Business, and Labor to which was referred SB 2182 has had the same under consideration and recommends that the same DO PASS.

Rep. Vander Vorst  
Rep. Peltier  
Rep. Haugland  
Rep. Whalen  
Rep. Lang  
Rep. Retzer  
Rep. Dotzenrod  
Rep. Gullickson  
Rep. R. Larson  
Rep. Rued  
Rep. Hjelle

MADAM SPEAKER: A minority of your Committee on Industry, Business, and Labor to which was referred SB 2182 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 amend and reenact subsection 2 of section 52-04-06 of the North Dakota Century Code, relating to unemployment compensation contribution rates; to provide an effective date and an expiration date; and to declare an emergency.

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

SECTION 1. AMENDMENT. Subsection 2 of section 52-04-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. For the calendar year 1983 and each calendar year thereafter the bureau shall determine the ratio of reserves for the payment of benefits as of September thirtieth of the preceding calendar year to the highest amount of benefits paid, less reimbursables, in any one of the preceding five 12-month periods ending on September thirtieth. If such ratio is:

- a. Less than .5, the schedule of rates at column I will be in effect.

- b. .5 but less than .7, the schedule of rates at column II will be in effect.
- c. .7 but less than .9, the schedule of rates at column III will be in effect.
- d. .9 but less than 1.1, the schedule of rates at column IV will be in effect.
- e. 1.1 but less than 1.3, the schedule of rates at column V will be in effect.
- f. 1.3 but less than 1.5, the schedule of rates at column VI will be in effect.
- g. 1.5 but less than 1.7, the schedule of rates at column VII will be in effect.
- h. 1.7 or more, the schedule of rates at column VIII will be in effect.

The percent of the average annual payroll by which the cumulative contributions paid by an employer on or before October thirty-first of any year, with respect to wages paid by him prior to the first day of October of that calendar year, exceeds the cumulative benefits which were chargeable to his account and paid on or before September thirtieth of that year, shall be such employer's reserve ratio. The contribution rate for the ensuing calendar year of an employer eligible under section 52-04-05 will be the rate of contribution on the line in the schedule of rates opposite his reserve ratio as established for that year.

SCHEDULE OF RATES - FUND RESERVE RATIO  
(Reserve for payment of benefits to benefits paid)

	Col. I	Col. II	Col. III	Col. IV	Col. V	Col. VI	Col. VII	Col. VIII
EMPLOYER'S	But	.5	.7	.9	1.1	1.3	1.5	1.7
RESERVE	Less	Less	Less	Less	Less	Less	Less	Less
RATIO	Than	Than	Than	Than	Than	Than	Than	Over
	.5	.7	.9	1.1	1.3	1.5	1.7	
Minus Balance or Standard Rate	6.0%	5.0%	4.8%	4.6%	4.4%	4.2%	4.2%	4.2%
		6.2%						

0% but less than 1%	4.5%	<del>4.3%</del> 5.0%	4.1%	3.9%	3.7%	3.5%	3.3%	3.1%
1% but less than 2%	4.3%	<del>4.1%</del> 4.8%	3.9%	3.7%	3.5%	3.3%	3.1%	2.9%
2% but less than 3%	4.1%	<del>3.9%</del> 4.6%	3.7%	3.5%	3.3%	3.1%	2.9%	2.7%
3% but less than 4%	3.9%	<del>3.7%</del> 4.4%	3.5%	3.3%	3.1%	2.9%	2.7%	2.5%
4% but less than 5%	3.7%	<del>3.5%</del> 4.2%	3.3%	3.1%	2.9%	2.7%	2.5%	2.3%
5% but less than 6%	3.5%	<del>3.3%</del> 4.0%	3.1%	2.9%	2.7%	2.5%	2.3%	2.1%
6% but less than 7%	3.3%	<del>3.1%</del> 3.8%	2.9%	2.7%	2.5%	2.3%	2.1%	1.9%
7% but less than 8%	3.1%	<del>2.9%</del> 3.6%	2.7%	2.5%	2.3%	2.1%	1.9%	1.7%
8% but less than 9%	2.9%	<del>2.7%</del> 3.4%	2.5%	2.3%	2.1%	1.9%	1.7%	1.5%
9% but less than 10%	2.7%	<del>2.5%</del> 3.2%	2.3%	2.1%	1.9%	1.7%	1.5%	1.3%
10% but less than 11%	2.7%	<del>2.3%</del> 3.0%	2.1%	1.9%	1.7%	1.5%	1.3%	1.1%
11% but less than 12%	2.7%	<del>2.1%</del> 2.8%	1.9%	1.7%	1.5%	1.3%	1.1%	0.9%
12% but less than 13%	2.7%	<del>1.9%</del> 2.6%	1.7%	1.5%	1.3%	1.1%	0.9%	0.7%
13% but less than 14%	2.7%	<del>1.7%</del>	1.5%	1.3%	1.1%	0.9%	0.7%	0.5%



		<u>2.4%</u>						
14% but less than 15%	2.7%	<del>1.5%</del> <u>2.2%</u>	1.3%	1.1%	0.9%	0.7%	0.5%	0.3%
15% but less than 16%	2.7%	<del>1.3%</del> <u>2.0%</u>	1.1%	0.9%	0.7%	0.5%	0.3%	0.3%
16% but less than 17%	2.7%	<del>1.1%</del> <u>1.8%</u>	0.9%	0.7%	0.5%	0.3%	0.3%	0.3%
17% but less than 18%	2.7%	<del>0.9%</del> <u>1.6%</u>	0.7%	0.5%	0.3%	0.3%	0.3%	0.3%
18% but less than 19%	2.7%	<del>0.7%</del> <u>1.4%</u>	0.5%	0.3%	0.3%	0.3%	0.3%	0.3%
19% and over	2.7%	<del>0.5%</del> <u>1.2%</u>	0.3%	0.3%	0.3%	0.3%	0.3%	0.3%

## SECTION 2. EFFECTIVE DATE - EXPIRATION DATE.

This Act is effective January 1, 1983, for the calculation of variations in standard unemployment compensation rate contributions for employers and shall remain in effect until job service North Dakota determines that the unemployment trust fund reserve equals forty percent of the average annual amount of benefits paid, and thereafter is ineffective. The provisions of subsection 2 of section 52-04-06 as that subsection existed on December 31, 1982, shall be in effect after job service North Dakota has made the determination provided for in this section.

**SECTION 3. EMERGENCY.** This Act is hereby declared to be an emergency measure and shall be in effect from and after its passage and approval."

And renumber the lines and pages accordingly

Rep. Gerl  
Rep. DuBord  
Rep. Schoenwald  
Rep. Lloyd  
Rep. S. F. Hoffner

**REP. S. F. HOFFNER, Chairman**

SB 2182 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Social Services and Veterans Affairs to which was referred Engrossed SB 2189 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the word "section" and insert in lieu thereof the word "sections" and after the numerals "37-04-05" insert the numerals ", 37-07.1-04, 37-07.2-02,"

On page 1 of the engrossed bill, line 4, after the word "officers," insert the words "limitations on waiver of tuition fees, limitations on grants,"

On page 2 of the engrossed bill, line 7, delete the word "Section" and insert in lieu thereof the word "Sections" and after the numerals "37-04-05" insert the numerals ", 37-07.1-04, 37-07.2-02,"

And renumber the lines accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2189 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Transportation to which was referred Engrossed SB 2196 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the word "are"

On page 1 of the engrossed bill, line 15, delete the words "equipped with more than one passenger-bearing seat" and insert in lieu thereof the words "have a seating capacity for four or more passengers"

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

Engrossed SB 2196 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM SPEAKER:** Your Committee on Transportation to which was referred Engrossed SB 2294 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1 of the engrossed bill, line 10, delete the word "or" and insert in lieu thereof an underscored comma, and after the word "county" and before the period insert the words ", or state"
- On page 1 of the engrossed bill, line 13, after the word "from" insert the words ", and shall control noxious weeds on"
- On page 1 of the engrossed bill, line 17, delete the words "to remove and clear the property"
- On page 1 of the engrossed bill, line 18, delete the underscored period and insert in lieu thereof the following: ", take the action required by this section. On request of any state agency having an interest in any property abutting an abandoned railway line right of way, the commission shall require the railroad corporation, as to that railway line right of way, within a reasonable time, to take the action required by this section."
- On page 1 of the engrossed bill, line 18, overstrike the word "may" and insert immediately thereafter the word "shall"
- On page 1 of the engrossed bill, line 21, delete the words "a city" and insert in lieu thereof the words "the requesting entity"
- On page 1 of the engrossed bill, line 22, delete the words "in the"
- On page 1 of the engrossed bill, line 23, delete the words "city limits and a" and insert in lieu thereof the words "under that entity's jurisdiction. A"
- On page 1 of the engrossed bill, line 25, delete the word "jurisdiction" and insert in lieu thereof the word "entity"
- On page 1 of the engrossed bill, line 28, delete the word "jurisdiction" and insert in lieu thereof the word "entity"

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

Engrossed SB 2294 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Agriculture to which was referred Reengrossed SB 2321 has had the same under consideration and recommends by a vote of 17 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 2 of the reengrossed bill, delete lines 4 through 34 and delete the rest of the bill and insert in lieu thereof the following new language:

- "4. Before a merchant who purchases or a commission merchant who sells farm products for another for a fee or commission issues a check or draft to the seller in payment for farm products, the merchant must require the seller to execute a certificate of ownership, on the form as prescribed by the commissioner of agriculture, disclosing the names, social security numbers, addresses and home counties of the owners for five years prior thereto, the county of location of the property prior to the sale, and the names of the parties to whom security interests have been given against the farm products or representing that security interests do not exist. The merchant is required to enter on the check or draft the name of the secured party disclosed in the certificate, or actually known by the merchant at the time, as payee with the seller. The certificate must include a warning to the seller that an untrue statement as to any portion of the certificate constitutes a class C felony if the value of the property exceeds five hundred dollars, or a class A misdemeanor if the property does not exceed five hundred dollars in value.
5. A lender who relies upon a security interest shall advise the borrower at the time of the loan is made that the law requires the borrower to disclose to the purchasers or merchants of the collateral the names of the secured parties, and that the purchasers or commission merchants are required to enter the names of the secured parties on the check or draft issued in payment for the farm products, and that failure to make the disclosure will constitute a crime.
6. A lender shall make a good faith effort against the borrower of funds, where farm products are used as collateral, for collection of any loss sustained by the lender through the transaction, before the

lender pursues collection from the merchant.

7. A merchant who purchases from or a commission merchant who sells farm products for another for a fee or commission takes free of security interest created by the seller if:

  - a. The merchant has complied with the requirements of subsection 4 of this section, and
  - b. In the case where the seller disclosed no security interests, the merchant has requested information from the register of deeds in the counties of the sellers' residences over the five years prior thereto, as disclosed in the certificate, (or from the office of secretary of state if section 41-09-40 provides for filing in that office) as to the existence of financing statements naming the seller, and has received from the filing officer a certificate verifying disclosures obtained by such inquiry, and has entered on the check or draft the names of any secured parties named in the certificate as payees with the seller, and
  - c. The merchant does not have actual knowledge at the time of transaction of the existence of security interests, and
  - d. The merchant maintains records of such actions to support any criminal proceedings against the seller for violation of section 12.1-23-08.
8. In order to comply with the provisions of subsection 7, inquiry need not be made of the register of deeds office one year after the effective date of the Act which provides for filing in the office of the secretary of state. Certified copies of security documents filed with the register of deeds may be filed with the secretary of state and the priority of filing of such documents will be based on the original filing date with the register of deeds."

And renumber the lines and pages accordingly

REP. W. MEYER, Chairman

Reengrossed SB 2321 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred SB 2404 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 9, overstrike the words "an assessed" and insert immediately thereafter the word "taxable"

On page 1, line 10, overstrike the word "forty" and insert immediately thereafter the word "twenty"

On page 1, line 18, delete the word "assessed" and insert in lieu thereof the word "taxable"

On page 1, line 19, delete the word "forty" and insert in lieu thereof the word "twenty"

And renumber the lines accordingly

REP. DOTZENROD, Chairman

SB 2404 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2448 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3 of the engrossed bill, line 16, after the word "chapter" insert the words "and the term  
"coinsurance" includes reinsurance"

On page 6 of the engrossed bill, line 25, after the word "the" insert the word "respective"

On page 6 of the engrossed bill, line 31, after the word "loans" insert the words "guaranteed by each  
respective fund"

On page 7 of the engrossed bill, line 30, after the word "trusts" insert the numeral "(1)", and after the word "guaranteed" insert the words "or reinsured student  
loans", and after the word "and" insert the numeral  
"(2)"

On page 7 of the engrossed bill, line 31, after the word "loans" insert an underscored comma

On page 8 of the engrossed bill, line 3, overstrike the word "a"

On page 8 of the engrossed bill, line 8, after the word "authorized" insert the words "- Establishment of secondary market program"

On page 8 of the engrossed bill, line 10, after the word "guaranteed" insert the words "or reinsured"

On page 8 of the engrossed bill, line 29, after the first word "of" insert the words "the separate" and after the word "generated" insert the word "respectively"

On page 8 of the engrossed bill, line 30, after the word "of" insert the numeral "(1)"

On page 8 of the engrossed bill, line 31, after the first word "guaranteed" insert the words "or reinsured", and after the word "or" insert "(2)", and after the word "shall" insert the word "respectively"

On page 8 of the engrossed bill, line 33, after the period insert the following new language: "Without limiting the foregoing, the commission may request the organization of a nonprofit corporation meeting the requirements of section 103(e) of the Internal Revenue Code of 1954, as amended, and enter into one or more agreements with such corporation providing for the establishment of a secondary market program in the state of North Dakota for the acquisition by the corporation of such loans made pursuant to title IV, part B of the Higher Education Act of 1965, as amended, as the commission shall, in its discretion, deem advisable."

And renumber the lines and pages accordingly

REP. JACOBSON, Chairman

Engrossed SB 2448 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred SCR 4006 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, delete lines 25 through 27

And renumber the lines and pages accordingly

REP. DOTZENROD, Chairman

SCR 4006 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Joint Committee on Constitutional Revision to which was referred HCR 3005 has had the same under consideration and recommends that the same DO NOT PASS.

REP. SANSTEAD, Chairman

HCR 3005 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred SB 2043 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. JACOBSON, Chairman

SB 2043 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2270 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

Engrossed SB 2270 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred SB 2343 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. S. F. HOFFNER, Chairman

SB 2343 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SB 2364 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. DOTZENROD, Chairman

Engrossed SB 2364 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.



MONDAY, MARCH 14, 1983

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MADAM SPEAKER: Your Committee on Judiciary to which was referred SCR 4005 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. E. POMEROY, Chairman

SCR 4005 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Judiciary to which was referred SCR 4022 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. E. POMEROY, Chairman

SCR 4022 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred SCR 4052 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. L. HANSON, Chairman

SCR 4052 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk