

FRIDAY, MARCH 11, 1983

1799

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FORTY-SEVENTH DAY

The House convened at 1:00 p.m., with Acting Speaker E. Pomeroy presiding.

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

ROLL CALL

The roll was called and all members were present, except Representatives Backes, Dotzenrod, L. Hanson, Hausauer, Peterson, G. Pomeroy, Sanstead, Stofferahn, and Speaker Kelly.

A quorum was declared by the Acting Speaker.

REQUEST

REP. MUSHIK REQUESTED that the record show that Representatives Stofferahn and G. Pomeroy are absent today, because they are in Minneapolis attending a conference on hazardous wastes sponsored by the Council of State Governments, which request was granted.

REVISION AND CORRECTION OF THE JOURNAL

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

REP. LAUGHLIN, Chairman

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

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

SB 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,
SB 2301, SB 2449, SCR 4014, SCR 4015, SCR 4019
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 2073, SB 2295, SB 2316, SB 2350
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:

SCR 4009

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 Senate has passed and your favorable consideration is requested on:

SCR 4055

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

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, HCR 3009, HCR 3023, HCR 3041, HCR 3042

Very respectfully,
LEO LEIDHOLM, Secretary

RECOGNITION

ACTING SPEAKER E. POMEROY ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Roy Larson, and Representative Larson was thereupon introduced to the House.

SIXTH ORDER OF BUSINESS

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2125 as recommended by the Committee on Judiciary as printed on page 1792 of the House Journal be adopted, which motion prevailed.

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2128 as recommended by the Committee on Judiciary as printed on page 1792 of the House Journal be adopted, and when so adopted recommends that SB 2128 be referred to the Committee on Appropriations, which motion prevailed.

ACTING SPEAKER E. POMEROY ANNOUNCED that SB 2128 was rereferred to the Committee on Appropriations.

REP. S. F. HOFFNER MOVED that the amendments to SB 2156 as recommended by the Committee on Industry, Business, and Labor as printed on page 1793 of the House Journal be adopted, which motion prevailed.

REP. S. F. HOFFNER MOVED that the amendments to Engrossed SB 2224 as recommended by the Committee on Industry, Business, and Labor as printed on page 1793 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to SB 2331 as recommended by the Committee on Education as printed on page 1793 of the House Journal be adopted, and when so adopted recommends that SB 2331 be referred to the Committee on Appropriations, which motion prevailed.

ACTING SPEAKER E. POMEROY ANNOUNCED that SB 2331 was rereferred to the Committee on Appropriations.

REP. E. POMEROY MOVED that the amendments to SB 2367 as recommended by the Committee on Judiciary as printed on page 1794 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to Engrossed SB 2386 as recommended by the Committee on Education as printed on page 1794 of the House Journal be adopted, which motion prevailed.

REP. L. HANSON MOVED that the amendments to SCR 4043 as recommended by the Committee on State and Federal Government as printed on page 1794 of the House Journal be adopted, 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 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

REP. G. MARTIN, Chairman

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

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4007: A concurrent resolution directing the Legislative Council to study the feasibility of combining the Department of Labor, Job Service North Dakota, the North Dakota Workmen's Compensation Bureau, and other state agencies whose primary responsibilities are related to labor and employment services.

SCR 4020: A concurrent resolution directing the Legislative Council to study and review the most effective method of providing for water management in North Dakota and the

selection of water managers for water management in North Dakota.

SCR 4021: A concurrent resolution directing a Legislative Council study of the implementation of water use fees and the use of those fees to develop water projects.

SCR 4023: A concurrent resolution directing the Legislative Council to study the various methods for development of a program for the financing of water resource programs throughout the state.

SCR 4028: A concurrent resolution urging the Federal Reserve Board to adopt policies that will lessen the volatility of interest rates.

SCR 4034: A concurrent resolution directing a Legislative Council study of joblessness, particularly among young persons, with the goal of reducing unemployment and underemployment to the lowest possible level and to determine the need for legislation to achieve that goal.

SCR 4035: A concurrent resolution directing the Legislative Council to study natural gas pipelines in this state.

SCR 4036: A concurrent resolution directing the Legislative Council to study and review the financing and funding needs for development of North Dakota's water resources, and to study the manner in which the resource trust fund will provide financial assistance for the development of water supply facilities in the state of North Dakota.

SCR 4037: A concurrent resolution directing the Legislative Council to study methods of requiring annual payments in certain eminent domain proceedings.

SCR 4042: A concurrent resolution directing the Legislative Council to study financial incentives provided by the state for development of the agriculturally derived fuel industry.

SCR 4050: A concurrent resolution directing the Legislative Council to study the investment, lending, and bonding programs of the Industrial Commission of North Dakota, Bank of North Dakota, State Department of Agriculture, Economic Development Commission, Board of University and School Lands, State Investment Board, and other appropriate agencies.

Which have been read.

ROLL CALL

The question being on the final adoption of the resolutions, the roll was called and there were 90 YEAS, 5 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gordier; Gullickson; Halmrast; Hamerlik; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; 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; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Swiontek; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gunsch; Hanson, O.; Kingsbury; Thompson; Whalen

ABSENT AND NOT VOTING: Backes; Dotzenrod; Hanson, L.; Hausauer; O'Shea; Peterson; Pomeroy, G.; Sanstead; Stofferahn; Strinden; Speaker Kelly

So the resolutions were adopted.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3087: A concurrent resolution directing the Legislative Council to study funding of regional airports.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3087 was declared adopted on a voice vote.

MOTION

REP. MUSHIK MOVED that a committee of two be appointed to escort the Honorable Byron L. Dorgan, Congressman of North Dakota, to the rostrum to address the Assembly, which motion prevailed.

ACTING SPEAKER E. POMEROY APPOINTED Representatives S. F. Hoffner and Hjelle to such escort committee, and Congressman Dorgan was escorted to the rostrum.

REMARKS OF
CONGRESSMAN BYRON DORGAN

Mr. Speaker, Representatives, Ladies and Gentlemen: It's a pleasure to be invited to spend a few minutes with you today. I know that Senator Andrews has had a chance to visit with you about what's happening in Washington, and I was asked to visit for a few minutes about the state of things in Washington, D.C.

We in Washington have pretty much the same problems that you're grappling with here in the state legislature, at least as I read in the newspapers. We're faced with the problems of deficits, taxes, spending. Probably sounds very familiar to all of you.

Your invitation today is especially welcome because we do have a very, very special kind of situation confronting us in our economy. It appears to me that after about four years of virtually no growth in the gross national product of this country, we are moving toward some sort of economic recovery. The question is what kind of recovery, how long will it last, how strong will it be, and what effect will it have on our constituents and our government.

In the legislature we're confronted with a set of facts and we hope that reasonable people will view those same facts and develop similar conclusions. That doesn't always happen. I recall a southern Congressman at a hearing not too long ago. He was telling a story about Carrie Nation, a great American woman who carried the crusade for the temperance movement and went around busting up saloons. She was holding forth in a city park in Kentucky, talking about the devil's brew and the scourge of drinking, and she had two jars, two gallon jars--one water and one whiskey. Carrie took a worm and threw it in the water. The worm sort of wiggled around, and Carrie took it out of the water and threw it in the whiskey. The worm immediately shriveled up and died. And Carrie said to the Kentuckians "You tell me now, what is the moral about the devil's brew, this evil scourge called drink, from this demonstration?" And some old Kentuckian in the back of the crowd said, "Looks to me like you keep drinkin' Kentucky whiskey, you ain't gonna get no worms." Well, both Carrie and the Kentuckian had the same facts, but different conclusions. That's probably the basis for the political differences that we have. We have two major political parties. And I think that both parties have as their main concern the best interests of this state and the best interests of the country. I know that's true in Washington and I also know it's true here in the state legislature.

As you know, I spent ten or eleven years working in this building in the executive branch, appearing before hearings of the North Dakota legislature. Many of you know that my good friend, Earl Strinden, who is in Washington today, and I used to debate vigorously and aggressively the issue of the coal severance tax, among other things, and engaged in what is called verbal combat. Some said we were unarmed. Earl and I didn't say that, of

course. But I think that represents the very best of government, the very best of what we are, and I'm convinced that Republicans and Democrats who make up the legislative bodies of this country, have the best interests of our nation at heart and do the best job they can.

Now let me, in that context, just mention a couple of the issues that we're facing.

The question of economic recovery will rest largely on how we deal with federal deficits. The deficit this year will probably be \$208 billion. Next year it's estimated to be \$189 billion. A historical perspective: Prior to last year, the highest deficit in the history of America was \$66 billion in 1976. We have some real taxing and spending problems that are creating some significant deficits, in addition to the steep and long downturn in the economy, which contribute to the deficit.

But I want to leave you with this thought about spending: If you set aside defense spending, because that is increasing, if you set aside Medicare and Medicaid because we really don't control the costs of hospitals and doctors, and that's increasing; set aside unemployment comp because that's increasing--more people are out of work; and set aside interest on the debt, because interest rates have been higher and that's been increasing. Set those elements of the federal budget aside and all of the other parts of the federal budget in the aggregate have been cut below their 1981 spending level. Not just cutting the rate of growth, but in the aggregate, if you set those major items aside, which are controlled largely by inflation and the recession, we have cut the aggregate of other programs below the 1981 level. What that means, I think, is that Congress will continue to cut in those areas, and I think that the funds that state government relies on that come from the federal government will continue to be under pressure for more budget cuts. I know that's not good news, but I think that's a reality. I think there's going to be continued pressure for more budget cuts in those areas. I expect that we'll also see a move in Congress, one which I support, to moderate the increase in defense spending. I think all of us want a strong country. You can't put a price on freedom. We need to make certain we're strong, but you can't throw money at the military and make it stick any more than you can at social programs. And we're going to have to have a more moderate rate of growth in defense in order to deal with this budget problem.

We probably also will see an attempt, which I think is reasonable, to put some kind of limits on the third year of the tax cut, because when we face a federal deficit next year of \$189 billion, we've got to do something to deal with it. We've got to deal with the deficit to bring interest rates down and when interest rates come down, we want them to stay down so that we can see a broad and healthy economic climate for growth and jobs in the future. That's the goal that all of us have.

I'd like to mention foreign policy just for a minute. We have had foreign policy difficulties under Republicans and Democrats, and it's difficult for all of us to know what to do, with respect to our neighbors on this planet. The foreign policy item in the news probably more than any other area recently has been El Salvador. We've spent nearly one billion dollars of taxpayers' funds in El Salvador since 1980: a lot of money. The problem is, that money isn't doing any good. We have to be concerned about what's going on in those countries. I understand that. It would be dangerous for America's vital interests around the world to ignore those happenings. But neither should we continue to throw money down ratholes that don't bring us any return, and arms aid to dictators around the world that misuse arms aid is not doing the countries any good that we're sending aid to, and it's not doing this country any good either. The Communist government of Poland is in default on loans to American banks. We take money out of the United States Department of Agriculture commodity credit funds to pay the interest on loans that the Communist government of Poland owes to the United States banks. We've got plenty of problems here at home to begin using that kind of money for. We've got small businesses that are failing. We've got farms that are going under. We've got people that can't pay their heat bill. We've got plenty of problems to deal with here at home, if we've got money resources left to use. And I think we'd be well advised to begin considering some of those problems as seriously as we consider continuing to send arms aid to El Salvador.

I believe, however, that in the interests of North Dakota, and in the interests of Republicans and Democrats and all Americans, we ought to, wherever possible, and whenever possible, send as much food aid around this world to help the people who are starving, as we can. That will help us in our agriculture base. It will buy friendships forever. And I think it just makes good humanitarian sense.

When I was growing up in Regent I used to think that a care package was a cardboard box into which somebody threw a canned ham, a can of vegetables, maybe a potato or two, and maybe a candy bar for dessert. You'd wrap it up and ship it off and somebody hungry overseas would open it up and with big eyes start eating. That's not a care package. A care package is about this much grain. This much water in this glass represents about eighty grams of grain. That's a care package. That's how Food For Peace keeps one child alive for one day. And we feed nineteen million children in the world with that ration of grain. Eighty grams of grain, ten grams of oil. That's Care. We spend one billion dollars a year for that. One billion dollars a year. Forty-five thousand children under the age of five will die today in this world because they don't have enough to eat. And it seems to me that the aid that makes sense from this country around the world, from us as agricultural producers and from us as Americans, is food aid that helps people in this world who are

starving, because that helps us as well. And that buys friendships which won't break.

I'd like to mention the farm situation. It relates to food aid. The PIK program asks farmers not to produce and in exchange for that we will provide farmers with a certificate that gives them a certain amount of grain in exchange for not producing. We have enormous grain stocks. The Soviets have had four successive crop failures. They're out buying. They're buying from the French; they're buying from the Argentines; they're buying from the Canadians. We won't sell the Soviets American wheat on a long-term grain trade agreement because for foreign policy purposes we're trying to penalize the Soviets for what they've done around the world. I don't mind sanctions. But I do mind it when we say that even though we've got the largest grain stocks that we've had for a long, long while; and the lowest prices we've had for many, many years; and the lowest farm income since the 1930's in real dollars; that we're going to erode part of the farmers' market: their ability to serve on a long-term basis a country that wants long-term agreements, for foreign policy purposes. It's wrong to use farmers' markets for foreign policy purposes. Carter did it and he was dead wrong. This President is dead wrong for not allowing a long-term grain agreement to proceed as well. And we've got to understand that those of us who come from an agricultural region of the country cannot sit back and let Democrats, Republicans, or anybody to continue saying, "Well, let's use a food weapon here. That's a convenient weapon because it only injures our farmers and even injures some severely." It's going to be a long while before we recover from the Soviet market that President Carter injured so severely and that is still being injured today because this President won't allow us a long-term grain trade agreement with the Soviets. I want the PIK program to work, and I think all of us in this room understand that it's in our interest, it's in our critical interest to see the payment-in-kind program work. If we can get enough farmers to participate in the PIK program and take some production that they would have used to produce wheat and so on, out of production, then I think we can reduce those grain stocks and see an increase in prices.

Just this Wednesday we passed a bill that I cosponsored in the Ways and Means Committee that removed the tax penalty that the IRS had imposed upon the PIK program. The Internal Revenue Service said farmers would have to report the certificate they receive under the PIK program when they receive the certificate, even though they haven't received any money at that point. That means the farmer should treat the PIK program for tax purposes differently than the farmer would have treated the crop he grew. That's wrong. So we passed a bill, and just finished the bill last Wednesday--that says the farmer will treat that PIK certificate just as if the farmer had grown the crop. When the farmer sells that certificate, that's when the farmer reports it for tax purposes. That makes good sense, and it's critically important because without that change in law, a lot of farmers

would have judged it not to be in their interest to get involved in the PIK program. In many cases they would have had to pay taxes on last year's crop that they're selling this year and also the PIK certificate that they're receiving this year and doubling up on income. As meager as the income would be, it would drive up the taxes in a progressive manner. So it's important that we all support the PIK program, and it's important that the Administration, which has come up with the PIK program, get as much help as they can to see if this thing can't work. And then we can give the family farmers in this country a chance. And some breathing room. And better prices.

I'd like to say, in conclusion, that the mention I made of having spent eleven years in this building before going to the United States Congress was not mentioned lightly. I have a great regard and a great respect for the governmental process that we have, not only in this country, but especially in this state. I served here for eleven years and understand what frugality is, going through this budget every second year with the legislature. But it's a frugality that makes good sense. I don't think the North Dakota legislature throws money around or wastes money. And I think you can be proud of the record that you've achieved. I think we have significant stimulative debates and we all try to do what's right. And probably more than any time in the last fifteen or twenty years in which we had an expanding economy, an expanding tax base, and an easier time funding the needs--the education needs, the transportation needs, all of the needs that we have in North Dakota--more than any other time you face the toughest job of any legislative group that we've had in a couple of decades, because we don't have that expanded base. You have a shrinking tax base. You face the task of raising taxes. And you face the task of tough spending cuts. That's not easy.

I want to read to you something I came across the other day when I was reading a book about Abraham Lincoln. I had been thinking about the job that we had, for example this week, when we went until late Wednesday night trying to pass the Social Security bill. Believe me, there's something in that bill that everybody can oppose and oppose strongly. But it was the right thing to do, and it was the important thing to do, and we passed it. And you have exactly the same responsibilities and you're meeting them. That's good. Here's what Abraham Lincoln said about the criticism that you're getting now and that you will get. He said, "If I were to read, much less answer, all of the attacks on me, this shop might as well be closed for any other business. I do the very best I know how. The very best I can, and I mean to keep doing so until the end, and if the end brings me out all right, what is said against me won't amount to a thing. But if the end brings me out wrong, ten angels swearing I was right wouldn't make a bit of difference." And he's right about that. I think that's really the testimony to the job before us all, in Washington and in Bismarck, and that's just to do the best we can, to do what we think is right, and if the end brings us out all right, people are going to know that. They'll respect it and

understand it. And I'm especially proud of this process, the process I'm involved in in Washington and the process you're involved in here. It's not been an accident that we live in the best country in the world. People are risking their lives tonight to come here. This very night they'll cross the Rio Grande and risk their lives coming here. They'll jump in a boat trying to get here. Why? Because it's the best place to be. There isn't any place like it. Nobody wants to leave, everybody wants to come. And it's because we've built, in the private sector and the public sector, a very special place.

I'd like, with your indulgence, to tell you that my parents are here today. I'd like to introduce Emmet and Dorothy Dorgan, if they'd stand up. They had to live with the albatross for a long while of having raised a tax collector.

I do again want to say thank you very much for allowing me to say a few words today and again, as I'm sure Senator Andrews said, and Senator Burdick would say, if there's anything that we can do as a group or individually in Washington to help in any matter dealing with any agency, please feel free to call on us. In the meantime, thank you very much for your patience and indulgence.

MOTIONS

REP. MUSHIK MOVED that Congressman Dorgan's remarks be printed in the House Journal, which motion prevailed.

REP. MUSHIK MOVED that SB 2093, SB 2327, and SB 2368 be laid over one legislative day, which motion prevailed.

MESSAGES FROM THE SENATE SENATE CHAMBER

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

HB 1327, HB 1372, HB 1397, HB 1399, HB 1588, HB 1707

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1315, HB 1374, HB 1466, HB 1533, HB 1534, and HB 1559 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1315

On page 1, line 12, delete the words "fails to submit or"

On page 1, line 14, overstrike the words "shall be" and insert immediately thereafter the words ", or who fails to submit the certificate, is"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1374

On page 1 of the engrossed bill, line 23, delete the word "ten" and insert in lieu thereof the word "five"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1466

On page 1, line 3, delete the words "registered livestock" and insert in lieu thereof the words "a registered brand"

On page 1, line 9, overstrike the words "Any person who sells", delete the words "cattle, horses, mules, or", overstrike the word "any", and delete the word "other"

On page 1, line 10, overstrike the words "livestock carrying a", overstrike the word "brand", delete the words "registered to the seller", and overstrike the word "shall"

On page 1, overstrike line 11 and insert immediately thereafter the following: "No person shall sell cattle, horses, mules, or any other livestock carrying a registered brand unless:

1. The seller is the owner of the registered brand and delivers a bill of sale for the cattle, horses, mules, or other livestock to the purchaser; or

2. The seller delivers to the purchaser a bill of sale executed by the owner of the registered brand and endorsed by the seller evidencing the later transaction.

The bill of sale shall contain the"

And renumber the lines and pages accordingly

SENATE AMENDMENTS TO HB 1533

On page 2 of the engrossed bill, line 32, delete the words "Strict liability" and insert in lieu thereof the word "Liability"

On page 3 of the engrossed bill, line 25, delete the word "strictly"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1534

On page 2 of the reengrossed bill, line 16, after the word "activity" insert the words ", unless waived by mutual agreement of both parties"

And renumber the lines accordingly

SENATE AMENDMENTS TO HB 1559

On page 1, line 9, after the first word "any" insert the word "commercial"

And renumber the lines accordingly

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 1237, HB 1264, HB 1402, HB 1455

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

REP. KRETSCHMAR MOVED that the House reconsider its action whereby SCR 4029 failed to pass, which motion prevailed.

REP. KRETSCHMAR MOVED that SCR 4029 be laid over one legislative day, which motion prevailed.

REP. UNHJEM MOVED that the House reconsider its action whereby SB 2056 failed to pass.

REQUEST

REP. SCHOENWALD REQUESTED a recorded roll call vote on the motion to reconsider SB 2056, which request was granted.

ROLL CALL

The question being on the motion to reconsider SB 2056, the roll was called and there were 54 YEAS, 41 NAYS, and 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Conmy; Eagles; Gates; Goetz; Hamerlik; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, S. F.; Hughes; Kent; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Linderman; Martin, C.; Martinson; Meiers, R.; Melby; Mertens; Moore; Mushik; Nalewaja; Nicholas; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Rayl; Retzer; Rice; Riley; Rued; Schindler; Shide; Sinner; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Williams, A.; Wold

NAYS: Black; Brokaw; DeMers; DuBord; Erdman; Gerl; Gullickson; Gunsch; Halmrast; Hoffner, Serenus; Horgan; Jacobson; Keller; Kingsbury; Knudson; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, G.; Meier, A.; Meyer, R.; Meyer, W.; Murphy; Nowatzki; O'Connell; Olafson; Pomeroy, E.; Richard;

Riehl; Schneider; Schoenwald; Shockman; Solberg; Vig;
Watne; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Backes; Dotzenrod; Gorder;
Hanson, L.; Hausauer; Pomeroy, G.; Sanstead;
Stofferahn; Strinden; Whalen; Speaker Kelly

So the motion to reconsider SB 2056 prevailed.

MOTION

REP. UNHJEM MOVED that SB 2056 be laid over one 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 Governor for his approval at the hour of 1:47 p.m., March 11,
1983:

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

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 Secretary of State at the hour of 1:50 p.m., March 11, 1983:

HCR 3009, HCR 3023, HCR 3041, HCR 3042

REP. G. MARTIN, Chairman

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

SECOND READING OF SENATE BILLS

SB 2108: A BILL for an Act to amend and reenact section
20.1-01-03 of the North Dakota Century Code, relating to
ownership in the state over game and fish.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended,
House Journal page 1727, the roll was called and there were
88 YEAS, 3 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle;
Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates;
Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik;
Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus;
Hoffner, S. F.; Horgan; Jacobson; Keller; 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, W.; Moore; Murphy; Mushik; Nalewaja;
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Peterson;
 Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riley;
 Schindler; Schneider; Schoenwald; Shockman; Solberg;
 Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Williams, W.; Wold

NAYS: Meyer, R.; Riehl; Shide

ABSENT AND NOT VOTING: Backes; Dotzenrod; Gunsch;
 Hanson, L.; Hausauer; Hughes; Kent; Pomeroy, G.; Rued;
 Sanstead; Sinner; Stofferahn; Strinden; Unhjem;
 Speaker Kelly

SB 2108 passed and the title was agreed to.

SB 2122: A BILL for an Act to amend and reenact section 28-32-05
 of the North Dakota Century Code, relating to notice
 requirements for administrative agency hearings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended,
 House Journal page 1757, the roll was called and there were
 87 YEAS, 0 NAYS, 19 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle;
 Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates;
 Gorder; Gullickson; Halmrast; Hamerlik; Hanson, O.;
 Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan;
 Hughes; Jacobson; Keller; Kent; Kingsbury; Knudson;
 Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy;
 Larson, B.; Larson, R.; Laughlin; Lautenschlager;
 Linderman; Lipsiea; Lloyd; Martin, C.; Martinson;
 Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.;
 Meyer, W.; Murphy; Mushik; Nalewaja; Nicholas;
 Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.;
 Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer;
 Rice; Richard; Riehl; Riley; Schindler; Schneider;
 Schoenwald; Shide; Shockman; Solberg; Swiontek;
 Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne;
 Wentz; Whalen; Williams, A.; Williams, C.;
 Williams, W.; Wold

NAYS: None

ABSENT AND NOT VOTING: Backes; Dotzenrod; Gerl; Goetz; Gunsch; Hanson, L.; Haugland; Hausauer; Kloubec; Martin, G.; Moore; Peterson; Pomeroy, G.; Rued; Sanstead; Sinner; Stofferahn; Strinden; Speaker Kelly

SB 2122 passed and the title was agreed to.

SB 2177: A BILL for an Act to amend and reenact section 50-22-04.1 of the North Dakota Century Code, relating to limitations on amount of payments for solicitation or funding.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 88 YEAS, 1 NAY, 17 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, O.; 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.; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Gorder

ABSENT AND NOT VOTING: Anderson, R.; Backes; Dotzenrod; Gunsch; Hanson, L.; Haugland; Hausauer; Melby; Olson, A.; Peterson; Pomeroy, G.; Rued; Sanstead; Sinner; Stofferahn; Strinden; Speaker Kelly

SB 2177 passed and the title was agreed to.

SB 2267: A BILL for an Act to amend and reenact sections 62-01-04 and 62-01-20 of the North Dakota Century Code, relating to persons prohibited from possessing pistols; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1757, the roll was called and there were 79 YEAS, 12 NAYS, 15 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; Brokaw; Conmy; DeMers; Eagles; Erdman; Gates; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, O.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martinson; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Schindler; Shide; Shockman; Sinner; Solberg; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: DuBord; Gerl; Gorder; Kingsbury; Kuchera; Martin, G.; Meier, A.; Melby; Olafson; Peltier; Schneider; Schoenwald

ABSENT AND NOT VOTING: Aubol; Backes; Dotzenrod; Gunsch; Hanson, L.; Haugland; Hausauer; Koski; Peterson; Pomeroy, G.; Rued; Sanstead; Stofferahn; Strinden; Speaker Kelly

SB 2267 passed and the title was agreed to.

SB 2296: A BILL for an Act to amend and reenact subsection 1 of section 57-15-56 of the North Dakota Century Code, relating to mill levies by counties and cities for programs for senior citizens; and to provide an appropriation for state matching grants for county and city programs for senior citizens.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 89 YEAS, 1 NAY, 16 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, O.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent;

Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; 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; Mushik; Nalewaja;
 Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Rayl;
 Retzer; Rice; Richard; Riehl; Riley; Schindler;
 Schneider; Schoenwald; Shide; Shockman; Sinner;
 Solberg; Swiontek; Thompson; Timm; Unhjem;
 Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.;
 Williams, C.; Williams, W.; Wold

NAYS: Murphy

ABSENT AND NOT VOTING: Aubol; Backes; Dotzenrod; Gunsch;
 Hanson, L.; Haugland; Hausauer; Koski; Kuchera;
 Peterson; Pomeroy, C.; Rued; Sanstead; Stofferahn;
 Strinden; Speaker Kelly

SB 2296 passed and the title was agreed to.

SB 2299: A BILL for an Act to establish a bill of rights for health care facility residents, to provide for implementation of those rights and to authorize adoption of rules.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 82 YEAS, 3 NAYS, 21 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; Brokaw;
 Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl;
 Goetz; Gorder; Gullickson; Halmrast; Hamerlik; Hill;
 Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan;
 Hughes; 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; Olafson;
 Olsen, D.; Olson, A.; Peltier; Pomeroy, E.; Rayl;
 Retzer; Rice; Richard; Riley; Schindler; Schneider;
 Schoenwald; Shide; Shockman; Sinner; Solberg; Swiontek;
 Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz;
 Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Hanson, O.; Kent; Kingsbury

ABSENT AND NOT VOTING: Aubol; Backes; Dotzenrod; Gunsch; Hanson, L.; Haugland; Hausauer; Jacobson; Keller; Opedahl; O'Shea; Peterson; Pomeroy, G.; Riehl; Rued; Sanstead; Stofferahn; Strinden; Vig; Whalen; Speaker Kelly

SB 2299 passed and the title was agreed to.

SB 2302: A BILL for an Act to amend and reenact section 47-19-07 of the North Dakota Century Code, relating to deeds recorded more than six months after acknowledgment.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 82 YEAS, 3 NAYS, 21 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, O.; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Pomeroy, E.; Rayl; Retzer; Riehl; Riley; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Swiontek; Thompson; Timm; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Kretschmar; Rice; Vander Vorst

ABSENT AND NOT VOTING: Backes; Dotzenrod; Goetz; Gunsch; Hanson, L.; Haugland; Hausauer; Hill; Jacobson; Martinson; Opedahl; Peterson; Pomeroy, G.; Richard; Rued; Sanstead; Stofferahn; Strinden; Vig; Whalen; Speaker Kelly

SB 2302 passed and the title was agreed to.

MESSAGE FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2432, and now wishes to inform you that it

does now concur in the House amendments to SB 2432, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2432.

LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2335: A BILL for an Act to repeal subsection 5 of section 14-03-17 of the North Dakota Century Code, relating to an application for a marriage license.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 79 YEAS, 9 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Haugland; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson; Pomeroy, E.; Rayl; Retzer; Rice; Riehl; Riley; Schneider; Shide; Shockman; Sinner; Swiontek; Thompson; Timm; Unhjem; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Hanson, O.; Laughlin; Melby; Murphy; Olafson; Schindler; Schoenwald; Solberg; Vander Vorst

ABSENT AND NOT VOTING: Backes; Dotzenrod; Goetz; Gunsch; Hanson, L.; Hausauer; Hill; Jacobson; Opedahl; Pomeroy, G.; Richard; Rued; Sanstead; Stofferahn; Strinden; Vig; Whalen; Speaker Kelly

SB 2335 passed and the title was agreed to.

SB 2347: A BILL for an Act to amend and reenact subdivision m of subsection 1 of section 57-38-01.2, subsection 2 of section 57-38-67, and section 57-38-70 of the North Dakota Century Code, relating to definition of a beginning farmer and terms of qualifying contracts for deed.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 88 YEAS, 0 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Keller; Kent; 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; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson; Pomeroy, E.; Rayl; Retzer; Rice; Riehl; Riley; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: None

ABSENT AND NOT VOTING: Backes; Dotzenrod; Goetz; Gunsch; Hanson, L.; Hausauer; Jacobson; Kingsbury; Opedahl; Pomeroy, G.; Richard; Rued; Sanstead; Stofferahn; Strinden; Vig; Whalen; Speaker Kelly

SB 2347 passed and the title was agreed to.

SB 2362: A BILL for an Act to amend and reenact subsection 5 of section 39-06.1-03 of the North Dakota Century Code, relating to jury trial on appeal from noncriminal traffic convictions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1758, the roll was called and there were 69 YEAS, 16 NAYS, 21 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; Conmy; DeMers; DuBord; Eagles; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Larson, R.; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; O'Shea; Peltier;

Pomeroy, E.; Rayl; Retzer; Rice; Riehl; Riley; Shide; Shockman; Sinner; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Aubol; Brokaw; Erdman; Lardy; Larson, B.; Laughlin; Linderman; Meier, A.; Murphy; O'Connell; Olafson; Olsen, D.; Olson, A.; Schindler; Schneider; Schoenwald

ABSENT AND NOT VOTING: Backes; Dotzenrod; Goetz; Gunsch; Hanson, L.; Hausauer; Jacobson; Kingsbury; Nowatzki; Opedahl; Peterson; Pomeroy, G.; Richard; Rued; Sanstead; Solberg; Stofferahn; Strinden; Vig; Whalen; Speaker Kelly

SB 2362 passed and the title was agreed to.

SB 2422: A BILL for an Act to amend and reenact section 6-08-16 and subsections 2 and 5 of section 6-08-16.2 of the North Dakota Century Code, relating to civil penalties for issuing checks with insufficient funds or without an account.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1759-1761, the roll was called and there were 57 YEAS, 31 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Black; Boyle; Conmy; DuBord; Eagles; Gates; Gorder; Gullickson; Hamerlik; Hanson, O.; Haugland; Hjelle; Hoffner, S. F.; Hughes; Keller; Kent; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Linderman; Lipsiea; Martinson; Meier, A.; Melby; Mertens; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; Pomeroy, E.; Rayl; Retzer; Rice; Riley; Schindler; Shide; Sinner; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Williams, A.; Williams, C.; Wold

NAYS: Aubol; Brokaw; DeMers; Erdman; Gerl; Halmrast; Hill; Hoffner, Serenus; Horgan; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Lloyd; Martin, C.; Martin, G.; Meiers, R.; Meyer, R.; Meyer, W.; O'Connell; O'Shea; Peltier; Riehl; Schneider; Schoenwald; Shockman; Solberg; Vig; Watne; Williams, W.

ABSENT AND NOT VOTING: Backes; Dotzenrod; Goetz; Gunsch; Hanson, L.; Hausauer; Jacobson; Kingsbury; Opedahl;

Peterson; Pomeroy, G.; Richard; Rued; Sanstead;
Stofferahn; Strinden; Whalen; Speaker Kelly

SB 2422 passed and the title was agreed to.

SB 2487: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to the registration and titling of motorboats; to amend and reenact section 20.1-13-04 and subsection 78 of section 39-01-01 relating to the definition of vehicle and the licensing of watercraft for hire; to repeal sections 20.1-13-02, 20.1-13-03, 20.1-13-06, and subsections 22 and 23 of section 20.1-03-12 of the North Dakota Century Code, relating to the operation of unlicensed motorcraft, the licensing of motorcraft, exemptions from licensing of motorcraft, and license fees for motorcrafts and motorcrafts for hire; to provide a penalty; 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 14 YEAS, 74 NAYS, 18 ABSENT AND NOT VOTING.

YEAS: Hamerlik; Haugland; Hughes; Koehn; Lang;
Larson, B.; Mertens; Olson, A.; Retzer; Schindler;
Solberg; Thompson; Timm; Unhjem

NAYS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle;
Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates;
Gerl; Gorder; Gullickson; Halmrast; Hanson, O.; Hill;
Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan;
Jacobson; Keller; Kloubec; Knudson; Koski; Kretschmar;
Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman;
Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson;
Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.;
Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki;
O'Connell; Olafson; Olsen, D.; Opedahl; O'Shea;
Peltier; Pomeroy, E.; Rayl; Rice; Riehl; Riley;
Schneider; Schoenwald; Shide; Shockman; Sinner;
Swiontek; Vander Vorst; Vig; Watne; Wentz;
Williams, A.; Williams, C.; Williams, W.; Wold

ABSENT AND NOT VOTING: Backes; Dotzenrod; Goetz; Gunsch;
Hanson, L.; Hausauer; Kent; Kingsbury; Kuchera;
Peterson; Pomeroy, G.; Richard; Rued; Sanstead;
Stofferahn; Strinden; Whalen; Speaker Kelly

SB 2487 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4030: A concurrent resolution urging the President and Congress of the United States to stop the sales and supplies of American technical or military equipment and technology to the Soviet Union and other Communist nations.

Which has been read.

MOTION

REP. R. ANDERSON MOVED the previous question, which motion prevailed.

The question being on the final adoption of the resolution as amended.

SCR 4030 was declared adopted on a verification vote.

SCR 4038: A concurrent resolution directing a Legislative Council study of the office of state's attorney.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4038 was declared lost on a voice vote.

SCR 4039: A concurrent resolution directing the Legislative Council to study present land use planning and zoning laws.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4039 was declared adopted on a voice vote.

SCR 4048: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of discontinuing state participation under Federal Order No. 68 for the Upper Midwest area.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4048 was declared adopted on a voice vote.

FRIDAY, MARCH 11, 1983

1823

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 11, 1983

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

Dear Madam Speaker:

This is to inform you that on March 11, 1983, I signed the following House Bills:

HB 1128, HB 1138, HB 1200, HB 1270, HB 1282, HB 1350,
HB 1457, HB 1471, HB 1485, HB 1498.

Sincerely,

ALLEN I. OLSON
Governor

MOTIONS

REP. AUBOL MOVED that the House reconsider its action whereby SB 2487 failed to pass, which motion lost on a verification vote.

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

REP. MUSHIK 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., Monday, March 14, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred SB 2121 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 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 section 37-18.1-01 and subsection 1 of section 37-18.1-03 of the North Dakota Century Code, relating to the membership on the administrative committee on veterans' affairs and membership of subcommittees of that committee.

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

SECTION 1. AMENDMENT. Section 37-18.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-18.1-01. Administrative committee on veterans' affairs - Membership - Appointment. There is hereby created an administrative committee on veterans' affairs, which, for purposes of this chapter, ~~shall hereinafter be~~ is referred to as the committee. The committee ~~shall consist~~ consists of four ex officio nonvoting members and ~~twelve~~ eleven voting members for calendar year 1983, thirteen voting members for calendar year 1984, and fifteen voting members after calendar year 1984. The adjutant general, the center director of the veterans' administration, the executive director of job service North Dakota, and the director of institutions ~~shall be~~ are the ex officio nonvoting members who shall serve in an advisory capacity to the committee. ~~On or before June 29, 1971, the American legion, the veterans of foreign wars, the disabled American veterans, and the veterans of World War I, U-S-A-, incorporated, shall each prepare a list containing the names of six persons qualifying as veterans under the provisions of section 37-01-40, for appointment as voting members of the committee. On or before July 1, 1971, the governor shall select twelve nominees, three from each list, four of whom shall be appointed to a term of three years, four of whom shall be appointed to a term of two years, and four of whom shall be appointed to a term of one year, or until their successors are appointed and qualified. On or before the twentieth day of June in each year, beginning in the year 1972, each of the above-listed nominating organizations the American legion, the veterans of foreign wars, the disabled American veterans, the Vietnam veterans of America and AMVETS shall each submit a list containing the names of two persons who qualify as veterans under the provisions of section 37-01-40, to the governor for appointment or reappointment as voting members of the committee. On or before the first day of July in first of each year, beginning in the year 1972, the governor shall select one nominee from each list, a total of four five nominees, to fill expiring terms or commenced terms of voting members of the committee. Each such appointment shall be is for a term of three years, or until a successor is appointed and qualified. All terms shall begin on the first day of July first and end on the thirtieth day of June thirtieth in the year specified. In case of the inability or failure~~

of any voting member of the committee to serve, the governor shall appoint another member from a list of two persons qualifying as veterans under the provisions of section 37-01-40, submitted by the nominating organization represented by the member who was unable or failed to serve. ~~Such~~ The appointments shall be made for the remainder of the unexpired term.

SECTION 2. AMENDMENT. Subsection 1 of section 37-18.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The chairman and secretary of the committee, acting jointly, shall appoint from the voting membership of the committee, two subcommittees: a five-member subcommittee to be the respective membership of which shall be the result of division of the administrative committee such that one subcommittee shall have one or more members than the other subcommittee. The subcommittee with the lesser number of members shall be responsible for supervision and government of the soldiers' home, and a seven-member with the subcommittee to be having the greater number of members being responsible for supervision and government of the department of veterans' affairs. Once appointed, a subcommittee member shall continue to serve as long as he remains a voting member of the committee, unless removed from the subcommittee by the committee chairman and secretary, acting jointly. in no case shall any one A voting member may not serve on both subcommittees at the same time, and each nominating organization listed in section 37-18.1-01 shall have at least one voting member nominated by it serving on each subcommittee. From the membership of each subcommittee, a chairman will be selected by majority vote to preside over it for the term of one year. No person shall be permitted to serve as chairman of the committee and as chairman of a subcommittee simultaneously. A majority of the members of the subcommittee shall be required for a quorum, and a majority of the members present voting in favor thereof shall be required for any action."

And renumber the lines and pages accordingly

REP. R. MEIERS, Chairman

SB 2121 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 SB 2244 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 5, line 12, delete the word "Such" and insert in lieu thereof the word "A"

On page 5, line 13, delete the first word "shall" and insert in lieu thereof the word "must" and delete the word "such" and insert in lieu thereof the word "a"

On page 5, line 18, delete the word "shall" and insert in lieu thereof the word "must" and delete the word "such" and insert in lieu thereof the word "the"

On page 5, line 25, delete the word "Such" and insert in lieu thereof the word "The"

On page 5, line 26, delete the first word "shall" and insert in lieu thereof the word "must" and delete the second word "shall" and insert in lieu thereof the word "must"

On page 5, line 31, delete the word "shall" and insert in lieu thereof the word "must"

On page 6, line 6, delete the word "or"

On page 6, line 7, delete the word "members"

And renumber the lines and pages accordingly

REP. W. MEYER, Chairman

SB 2244 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 SB 2291 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, line 26, delete the word "winter"

And renumber the lines accordingly

REP. R. MEIERS, Chairman

SB 2291 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred Engrossed SB 2344 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 11, delete the word "July" and insert in lieu thereof the word "January"

On page 1 of the engrossed bill, line 14, delete the word "July" and insert in lieu thereof the word "January"

And renumber the lines accordingly

REP. BROKAW, Chairman

Engrossed SB 2344 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 2358 has had the same under consideration and recommends by a vote of 9 YEAS, 3 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 20, after the word "highways" insert the words "and subject to the approval of the highway commissioner"

And renumber the lines and pages accordingly

REP. HJELLE, Chairman

Engrossed SB 2358 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 2447 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 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 4, after the word "may" insert the word "annually" and after the word "the" insert the words "principal balance of the"

On page 3 of the engrossed bill, line 5, overstrike the word "annually" and insert immediately thereafter the words "from the revolving fund"

And renumber the lines accordingly

REP. R. MEIERS, Chairman

Engrossed SB 2447 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 2465 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, after the word "regular" insert the word "township", and after the word "election" and before the period insert the words ", for organized townships, or at the next regular election, for unorganized townships"

And renumber the lines accordingly

REP. DOTZENROD, Chairman

SB 2465 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on State and Federal Government to which was referred Engrossed SB 2474 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 2 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 1, after the comma insert the numerals "54-52.2-02, 54-52.2-03,"

On page 1 of the engrossed bill, line 2, after the first comma insert the numerals "54-52.2-06,"

On page 1 of the engrossed bill, line 3, after the word "to" insert the words "the administration, exemption from judicial process, assignability of benefits, and"

On page 1 of the engrossed bill, after line 25, insert the following new sections:

"SECTION 2. AMENDMENT. Section 54-52.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-02. Deferred employee's compensation - Agreements. The director or the principal officer ~~deferred compensation committee~~ acting on behalf of each state agency, department, board, commission, or institution is hereby authorized to may enter into ~~such~~ contractual agreements with employees of ~~that~~ particular a state agency, department, board, commission, or institution on behalf of the state to defer any portion of that employee's compensation

allowed under section 457 of the Internal Revenue Code [26 U.S.C. 457].

SECTION 3. AMENDMENT. Section 54-52.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-03. Deferred compensation program Administration - Contract for services. The administration of the deferred compensation program ~~with~~ for each state agency, department, board, commission, or institution shall be under the direction of ~~the director or principal officer of that particular agency, department, board, commission, or institution~~ the state deferred compensation committee. The committee shall consist of three persons who cannot participate in the deferred compensation program. The governor shall appoint the initial committee and shall appoint persons to fill any vacancy occurring at the expiration of a term. Committee members shall select the person to fill any vacancy occurring prior to the expiration of a term. The initial terms of office are as follows: one member shall serve a one-year term, one member shall serve a two-year term, and one member shall serve a three-year term. The term of office thereafter is three years. Each county, city, ~~town~~, or other political subdivision shall designate an officer to administer the deferred compensation program or appoint the state deferred compensation committee to administer the program in its behalf. Payroll reductions shall be made in each instance, by the appropriate payroll officer. The ~~administrator~~ deferred compensation committee of the deferred compensation program may contract with a private corporation or institutions for providing consolidated billing and other administrative services.

The deferred compensation committee shall administer the deferred compensation program based on a plan in compliance with the appropriate provisions of the Internal Revenue Code and regulations adopted under those provisions."

On page 2 of the engrossed bill, after line 10, insert the following new section:

"SECTION 5. AMENDMENT. Section 54-52.2-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-06. Deferred compensation program - Benefits - Taxation - Exemption from judicial process - Assignment. The deferred compensation program

established by this chapter shall exist and serve in addition to retirement, pension, or benefit systems established by the state, county, city, town, or other political subdivision, and no deferral of income under the deferred compensation program shall effect a reduction of any retirement, pension, or other benefit provided by law. However, any sum deferred under the deferred compensation program shall not be subject to taxation until distribution is actually made to the employee. Any unpaid benefits under the deferred compensation program established by this chapter are not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever. Neither the employee, the employee's beneficiary, nor any designee of the employee or the employee's beneficiary has the right to commute, sell, assign, transfer, or otherwise convey the right to receive payments under this chapter."

And renumber the lines, sections, and pages accordingly

REP. L. HANSON, Chairman

Engrossed SB 2474 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SB 2064 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

SB 2064 was placed on the Fourteenth 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 2070 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. R. MEIERS, Chairman

Engrossed SB 2070 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred Engrossed SB 2109 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. BROKAW, Chairman

Engrossed SB 2109 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SB 2157 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

SB 2157 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred SB 2339 has had the same under consideration and recommends by a vote of 13 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

SB 2339 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4011 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. BROKAW, Chairman

SCR 4011 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Natural Resources to which was referred SCR 4031 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. BROKAW, Chairman

SCR 4031 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

CHARLES FLEMING, Chief Clerk