

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FIFTY-SEVENTH DAY

Bismarck, March 25, 1983

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

The prayer was offered by Rev. Ben Dove, First Presbyterian Church, Mandan.

ROLL CALL

The roll was called and all members were present, except Representatives Black, Conmy, Eagles, O. Hanson, Horgan, Opedahl, Riley, Unhjem, and Whalen.

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 Fifty-sixth day and recommend that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2196, after line 7 insert lines 24 through 26

We have reexamined the Journal of the Thirty-sixth day and recommend that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1458, line 7, delete "; and to declare an emergency"

REP. LAUGHLIN, Chairman

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

MESSAGES FROM THE SENATE

SENATE CHAMBER

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

HB 1159, HB 1338, HB 1369, HB 1681, HB 1696, HB 1723,
HCR 3014, HCR 3015, HCR 3016

Very respectfully,
LEO LEIDHOLM, Secretary

JOURNAL OF THE HOUSE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2142, and subsequently passed the same.

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1254, HB 1289, HB 1316, HB 1349, HCR 3011, HCR 3026,
HCR 3044, HCR 3068, HCR 3069, HCR 3071, HCR 3073, HCR 3076,
HCR 3077, HCR 3079, HCR 3082, HCR 3087

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1003, HB 1011, and HB 1269 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1003

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

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

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the appropriation for legal expenses for the Association for Retarded Citizens lawsuit by \$378,175. This reinstates the funds originally requested as a deficiency appropriation to pay the legal fees which have been assessed.

SENATE AMENDMENTS TO HB 1011

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

"SECTION 4. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are affected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

FRIDAY, MARCH 25, 1983

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SENATE AMENDMENTS TO HB 1011

On page 1, line 14 of the engrossed bill, delete the numerals "112,374" and insert in lieu thereof the numerals "109,374"

On page 1, line 16 of the engrossed bill, delete the numerals "753,368" and insert in lieu thereof the numerals "731,368"

On page 1, line 17 of the engrossed bill, delete the numerals "\$1,024,454" and insert in lieu thereof the numerals "\$999,454"

On page 1, line 19 of the engrossed bill, delete the numerals "\$356,086" and insert in lieu thereof the numerals "\$331,086"

SENATE AMENDMENTS TO HB 1269

On page 4, overstrike lines 4 through 6

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

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

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2187 and SB 2358, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2187: Sens. Stenehjem, Christensen, Kusler

SB 2358: Sens. Mutch, Erickson, Dotzenrod

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2004, SB 2316, SB 2351, HCR 3089, HMR 2

CHARLES FLEMING, Chief Clerk

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2043, SB 2064, SB 2157, SB 2176, SB 2270, SB 2339,
 SB 2343, SB 2364, SCR 4005, SCR 4011, SCR 4022, SCR 4031,
 SCR 4046, SCR 4052

CHARLES FLEMING, Chief Clerk

MOTION

REP. BACKES MOVED that SB 2015 and SB 2239 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2226: A BILL for an Act to amend and reenact section 15-40.1-05 of the North Dakota Century Code, relating to the schedule for distribution of foundation program payments to school districts.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 2075 and 2076, the roll was called and there were 85 YEAS, 11 NAYS, 10 ABSENT AND NOT VOTING.

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

NAYS: Boyle; Corder; Halmrast; Hill; Kingsbury;
 Lautenschlager; Murphy; O'Connell; Sanstead;
 Schoenwald; Williams, C.

ABSENT AND NOT VOTING: Black; Conmy; Eagles; Hanson, O.;
 Horgan; Opedahl; Riley; Rued; Unhjem; Whalen

SB 2226 passed and the title was agreed to.

SB 2227: A BILL for an Act to amend and reenact section 6-09-15.1 of the North Dakota Century Code, relating to loans by the Bank of North Dakota to the state general

fund; to provide a continuing appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 2076, the roll was called and there were 89 YEAS, 6 NAYS, 11 ABSENT AND NOT VOTING.

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

NAYS: Kent; Kingsbury; Lipsiea; Melby; Murphy; Thompson

ABSENT AND NOT VOTING: Black; Conmy; Eagles; Hanson, O.; Horgan; Opedahl; Riley; Rued; Strinden; Unhjem; Whalen

SB 2227 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4040: A concurrent resolution directing the Legislative Council to study preference laws for North Dakota contractors and employees in regard to bids and sales for public contracts and the implementation of prevailing wage laws.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4040 was declared adopted on a voice vote.

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:

HCR 3089

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 2043, SB 2064, SB 2157, SB 2176, SB 2270, SB 2339,
SB 2343, SB 2364, SCR 4005, SCR 4011, SCR 4022, SCR 4031,
SCR 4046, SCR 4052

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 2004, SB 2316, SB 2351

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2026, SB 2251, SB 2268, SB 2345, SB 2355

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 2047, SB 2067, SB 2249, SB 2265, SB 2394, SB 2402

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 2332

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTIONS

REP. BACKES MOVED that consideration of amendments to SB 2032, SB 2037, and SB 2309 be laid over one legislative day, which motion prevailed.

REP. BACKES MOVED that the House consider SB 2095 on the Sixth order of business, which motion prevailed.

CONSIDERATION OF AMENDMENTS

REP. SINNER MOVED that the amendments to Engrossed SB 2095 as recommended by the Committee on Finance and Taxation as printed on pages 2101-2105 of the House Journal be adopted and when so adopted, recommends that SB 2095 be referred to the Committee on Appropriations, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2095 was rereferred to the Committee on Appropriations.

MOTIONS

REP. SANSTEAD MOVED that the House reconsider its action whereby HB 1482 passed, which motion prevailed.

REP. SANSTEAD MOVED that HB 1482 be laid over one legislative day, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your procedural Committee on Delayed Bills respectfully reports that it has considered requests for the introduction of HCR 3094 and HCR 3095, which request has been approved.

REP. BACKES, Chairman

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Watne introduced:

(Approved by the Committee on Delayed Bills)

HCR 3094: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a fund for loans to farmers funded privately by earnings from mineral royalties.

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

Reps. B. Larson, W. Meyer introduced:

(Approved by the Committee on Delayed Bills)

HCR 3095: A concurrent resolution directing the Legislative Council to study secured transaction laws as they relate to the sales and purchases by merchants and buyers of secured farm products in an effort to establish a legal relationship between merchants and buyers of farm products and lending institutions with security interests in those farm products which is equitable to all parties.

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

FIRST READING OF SENATE BILL

SB 2499: A BILL for an Act to establish a life and health insurance guaranty association.
Was read the first time and referred to the Committee on Industry, Business, and Labor.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1583 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1658 of the House Journal and that Engrossed HB 1583 be further amended as follows:

On page 7 of the engrossed bill, line 4, delete the words "thirty-one days" and insert in lieu thereof the words "fifteen days for monthly premiums and thirty-one days for all others"

And renumber the lines and pages accordingly

For the Senate: Sens. Todd, Kilander, Krauter

For the House: Reps. DeMers, Melby, W. Williams

Engrossed HB 1583 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 25, 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 25, 1983, I signed the following:

HB 1253, HB 1278, HB 1530.

Sincerely,

ALLEN I. OLSON
Governor

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED the appointment of Representative Retzer to replace Representative Vander Vorst on the Conference Committee to SB 2350.

MESSAGE TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed Representative Retzer to replace Representative Vander Vorst on the Conference Committee on SB 2350.

Very respectfully,
CHARLES FLEMING, Chief Clerk

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., Monday, March 28, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Judiciary to which was rereferred Engrossed SB 2413 has had the same under consideration and recommends by a vote of 10 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to Engrossed Senate Bill 2413 adopted by the House as found on page 2007 of the House Journal, Senate Bill No. 2413 is amended as follows:

On page 1 of the engrossed bill, line 16, after the word "to" insert the word "such" and after the word "damages" insert the words "as defined in section 32-21-02."

On page 1 of the engrossed bill, line 16, delete the word "for:"

On page 1 of the engrossed bill, delete lines 17 through 24

And renumber the lines and pages accordingly

REP. E. POMEROY, Chairman

Engrossed SB 2413 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 HCR 3091 has had the same under consideration and recommends by a vote of 10 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. BROKAW, Chairman

HCR 3091 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Political Subdivisions to which was referred Engrossed SCR 4053 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

REP. DOTZENROD, Chairman

Engrossed SCR 4053 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 SCR 4054 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. R. MEIERS, Chairman

SCR 4054 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