

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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SEVENTY-FIRST DAY

Bismarck, April 15, 1983

The House convened at 8:00 a.m., with Speaker Kelly presiding.

The prayer was offered by Reverend Don Klingensmith, Retired, First United Methodist Church, Mandan.

ROLL CALL

The roll was called and all members were present, except Representatives Black, DuBord, Eagles, Gerl, Goetz, Keller, Kent, Lipsiea, Martinson, R. Meyer, E. Pomeroy, Retzer, and Shide.

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 Seventieth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2073, SB 2431

CHARLES FLEMING, Chief Clerk

MESSAGE FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate requests the return of HB 1687.

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1004: Sens. Lips, Streibel, Tallackson

HB 1006: Sens. Naaden, Tweten, Walsh

Very respectfully,  
LEO LEIDHOLM, Secretary

## POINT OF PERSONAL PRIVILEGE

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

Madam Speaker, and members of the Assembly and especially our Speaker Tish Kelly, Majority Leader Dick Backes, and Minority Leader Earl Strinden: This morning I want to ask a very pointed question of you three. I would have liked to put the same question to the Senate leaders, but they are not here.

Just when is this Legislative Assembly going to come to a close? When the agreement was reached last Saturday on wages for state employees, we all thought the end was in sight, but here is another Saturday coming and it appears we are no closer to finishing than we were then. We have become the laughing stock back home. People are calling and wondering when are we going to shut down this silly circus and they are serious.

It's become a costly affair for me. I'd arranged my calving season for two weeks later this season because of the session, but because of the dillydallying around here, I'm losing calves back home since I'm not there to run the night shift. My wife is losing patience with me and I sit down here twiddling my thumbs. Very frustrating!

Representative Backes, I know it takes two to tangle and it's not all your fault. Still, I remember the campaign last fall. You said many times you were going to be Majority Leader and then things would be different. I know, because you and I were opponents and shared the same platforms. I don't think this is what you meant when you said that.

Back home on the ranch when it's a busy season, calving, spring's work, harvesting, etc., we work long hours, sunup to sundown and longer. It's the only way to get work done. Here we are working practically banker's hours and some not working at all during the week, yet I hear rumors that we will be working the same schedule tomorrow, which is Saturday. I'm scheduled to take part in a roast of our good friend, Eric Berntson, Deputy Premier of Saskatchewan, a long way north of here, tomorrow afternoon, and yet we are doing nothing.

Politics is the art of compromise and I know you've said you've come as far as you intend to. We have bills still in committee, let alone conference committees, let's get them out, bring them to the floor, and see what will fly. You leaders should be meeting more than for a half-hour a day. Somehow, somewhere, this charade must end. As a parting thought, I've run out of shirts and shorts! Good luck!

## POINT OF PERSONAL PRIVILEGE

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

Madam Speaker: A colleague and friend has been somewhat maligned recently with regard to the weather modification program. I am going to say some things that I don't think Senator Streibel would say, but most certainly should be said.

Back some years ago during the Carter administration, Senator Streibel was appointed by President Carter to the National Weather Modification Board. This is a nonsalaried board. He served for a number of years, traveling extensively, spending a good deal of his own money and time, studying and reviewing the weather modification programs not only nationally, but having access to information of what is happening in other countries. In his capacity as a member of this board, he met some of the finest minds in the nation with regard to this aspect of research.

Through his efforts, million of dollars of research moneys have come to the state of North Dakota. There is a potential, I do believe, for North Dakota to become the leading research center on weather modification, not only in the nation, but in the world.

I really believe that Senator Streibel would have felt strongly about weather modification regardless of any involvement by a member of his family. I truly believe that to be incidental. Most recently there was a correction in the Grand Forks Herald. Among other things it said "Streibel's son, Kent Streibel, is assistant flight instructor in the UND Aviation Department. He does not work for the weather modification program."

There are those who feel strongly both ways about weather modification, but we should clearly and completely understand the involvement this individual has had, and what his motives really are, not to have those motives or that involvement misunderstood or misrepresented.

Thank you, Madam Speaker.

## POINT OF PERSONAL PRIVILEGE

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

Madam Speaker and members of the Assembly:

You know, I read a letter to the editor this morning and some individual was saying that it is a big joke down here

and we are not earning our \$90. Legislators are often criticized, but I think the legislative process is very thorough and I don't like to see it criticized.

In these closing days we are making some very major decisions. Now, there isn't a member in this legislative assembly that has not worked real hard and put in long days through this whole process and for someone to say now that we have to rush and get out of here, get things bundled up in a hurry, is wrong.

Let's do the job we were elected to do. Some of these bills that we are dealing with are going to take a two-thirds vote and that is very difficult. You know we talk about the legislature being a board of directors; sure, we are a board of directors, we are two boards of directors, one in each chamber. We meet separately and have big decisions to make.

Each party has a different philosophy on some measures. This is the way the process works and I like that process. I think the challenge is good, we need that. We all need to be challenged and it is good when the public criticizes us, but I do not like to see the unjustified criticisms come from within.

I have been proud of the floor leaders on both sides and both parties: the way they sat down and tried to work out the differences. Now, if you know of another process, let us hear it. Maybe we should all meet in joint session, but our process is open - the floor leaders in this chamber are under extreme pressure. They are before the cameras in the open. They can be quoted or misquoted, and they can be saying something that is not quite right at the spur of the moment.

I hope that we do not just scramble to get out of here. I hope we make these major decisions and we make them right. We know we are taxing people. We know we are taxing businesses, and we are spending money for education, etc. I hope in these closing days that we do not panic and say, "Let's get out of here because we are over sixty days." That is very important and I am confident that things will be worked out and we will try to be fair to businesses and to individuals. Tax reform is taking place right now. That is very important and deserves some very, very close attention.

#### MOTION

REP. MERTENS MOVED that HB 1687 be returned to the Senate at their request, which motion prevailed.

MESSAGES TO THE SENATE  
HOUSE CHAMBER

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

SB 2073, SB 2431

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1031

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee reports and subsequently passed the same:

SB 2144, SB 2197

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 2496

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit HB 1687 which the Senate has requested.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MOTION

REP. MUSHIK MOVED that the House stand in recess until 9:30 a.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

HB 1001, HB 1010, HB 1011, HB 1014, HB 1020, HB 1021,  
HB 1023, HB 1024, HB 1032, HB 1033, HB 1034, HB 1035,  
HB 1037, HB 1038, HB 1539

Very respectfully,  
LEO LEIDHOLM, Secretary

#### 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 2068, and wishes to inform you that it does now concur in the House amendments to SB 2068, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2068.

Very respectfully,  
LEO LEIDHOLM, Secretary

#### ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that the Conference Committee on SB 2068 was dissolved.

#### MOTION

REP. BACKES MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

#### PRESENTATION OF PETITIONS AND COMMUNICATIONS

#### STATE OF NORTH DAKOTA EXECUTIVE OFFICE BISMARCK

April 15, 1983

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

Dear Madam Speaker:

House Bill 1482 would repeal section 15-28-02 of the North Dakota Century Code, relating to rural resident membership on school boards. This section now provides that one or more school board members be "residents upon farms" within a given school district depending upon total district population, city population and assessed rural and city taxable valuation.

While there may be justification for removing as a basis for determining school board membership the assessed taxable valuation of urban and rural property within a district, I do not

believe the basic residency requirements contained in section 15-28-02 should be discarded.

The success of school district reorganization in this state during the past several decades was in large measure a result of rural cooperation and contribution effected by rural membership on school boards. Without the full participation of the rural population, reorganization would have failed and neither urban nor rural school systems would today be offering quality education. The fact is that consolidation of rural and urban school systems has resulted in modern facilities and comprehensive curricula which neither system could separately maintain.

In addition, primary and secondary schools are a central factor in the quality of North Dakota rural life. The importance of this fact should not be underestimated or disregarded.

Having reviewed the provisions of section 15-28-02 and recent United States Supreme Court decisions relating to voter equality, I believe existing law, for the most part, respects constitutional guarantees and does not discriminate against urban voters. Rather, rural membership has provided the necessary active participation by our rural population in school administration.

Because of my strong commitment to maintaining quality rural life and community for our citizens who choose it, I view House Bill 1482 as having a possible negative impact on the need to keep the basic framework which fosters cooperative school administration and voluntary reorganization.

Therefore, I veto House Bill 1482.

Sincerely,

ALLEN I. OLSON  
Governor

#### MOTION

REP. BACKES MOVED that HB 1482 be placed on the calendar this afternoon for the purpose of reconsideration as a vetoed message, pursuant to Section 79 of the Constitution of the State of North Dakota, which motion prevailed.

#### MOTION

REP. BACKES MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

## 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 1008, HB 1013, HB 1015, HB 1016, HB 1018, HB 1019,  
HCR 3091, HCR 3100

REP. G. MARTIN, Chairman

REP. RAYL 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 1500, HCR 3098

CHARLES FLEMING, Chief Clerk

MESSAGE 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 1500, HCR 3098

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## MOTION

REP. BACKES MOVED that the House stand in recess until 2:30 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.

MESSAGE FROM THE SENATE  
SENATE CHAMBER

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

HB 1500, HCR 3098

Very respectfully,  
LEO LEIDHOLM, Secretary

## MOTION

REP. BACKES MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Kelly presiding.



## REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State at the hour of 2:40 p.m., April 15, 1983:

HCR 3098

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 bill was delivered to the Governor for his approval at the hour of 2:41 p.m., April 15, 1983:

HB 1500

REP. G. MARTIN, Chairman

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

RECONSIDERATION OF VETOED MEASURES  
SECOND READING OF HOUSE BILLS

SECTION 10 of HB 1421: A BILL for an Act to establish a North Dakota centennial commission, to set forth its powers and duties, to provide for payment of commissioners' expenses, and to provide for termination of the commission; to provide an appropriation; and to provide an effective date.

Which has been read.

## ROLL CALL

The question being on the final passage of Section 10 of HB 1421, as enrolled, over the Governor's veto, the roll was called and there were 43 YEAS, 56 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Brokaw; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Haugland; Hjelle; Hoffner, S. F.; Jacobson; Kingsbury; Koski; Kretschmar; Lardy; Larson, B.; Laughlin; Lautenschlager; Lloyd; Martin, G.; Meiers, R.; Mertens; Meyer, R.; Mushik; Nowatzki; O'Connell; Opedahl; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Stofferahn; Vig; Wentz; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Black; Boyle; Conmy; DeMers; Dotzenrod; Gates; Goetz; Gunsch; Hamerlik; Hanson, O.; Hausauer; Hill; Horgan; Hughes; Keller; Kent; Kloubec; Knudson; Koehn; Kuchera; Lang; Larson, R.; Linderman; Lipsiea; Martin, C.; Martinson; Meier, A.; Melby; Meyer, W.; Moore; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Rice;

Richard; Riley; Rued; Schindler; Solberg; Strinden;  
Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne;  
Whalen; Williams, A.; Williams, C.; Wold

**ABSENT AND NOT VOTING:** Eagles; Gorder; Hoffner, Serenus;  
Murphy; Retzer; Shide; Sinner

Section 10 of HB 1421 was declared lost and the Governor's veto was sustained.

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HB 1482: A BILL for an Act to amend and reenact section 15-20.1-09 of the North Dakota Century Code, relating to school board composition; to provide for a transition period; and to repeal section 15-28-02 of the North Dakota Century Code, relating to rural representation on school boards; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as enrolled, over the Governor's veto, the roll was called and there were 34 YEAS, 66 NAYS, 6 ABSENT AND NOT VOTING.

**YEAS:** Black; Boyle; DeMers; DuBord; Gates; Gerl;  
Halmrast; Hamerlik; Hanson, L.; Haugland;  
Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson;  
Koski; Kuchera; Lardy; Larson, B.; Larson, R.;  
Lautenschlager; Martin, G.; Martinson; Meier, A.;  
Nalewaja; Peterson; Pomeroy, G.; Rayl; Sanstead;  
Schoenwald; Swiontek; Unhjem; Wentz; Wold;  
Speaker Kelly

**NAYS:** Anderson, C.; Anderson, R.; Aubol; Backes; Brokaw;  
Conmy; Dotzenrod; Erdman; Goetz; Gullickson; Gunsch;  
Hanson, O.; Hausauer; Hill; Hjelle; Hughes; Keller;  
Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar;  
Lang; Laughlin; Linderman; Lipsiea; Lloyd; Martin, C.;  
Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.;  
Murphy; Mushik; Nicholas; Nowatzki; O'Connell; Olafson;  
Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier;  
Pomeroy, E.; Rice; Richard; Riehl; Riley; Rued;  
Schindler; Schneider; Shockman; Solberg; Stofferahn;  
Strinden; Thompson; Timm; Vander Vorst; Vig; Watne;  
Whalen; Williams, A.; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Eagles; Gorder; Moore; Retzer;  
Shide; Sinner

So the bill was declared lost and the Governor's veto was sustained.

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## SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact sections 4-14.1-01, 4-14.1-02, and 4-14.1-03 of the North Dakota Century Code; and to amend and reenact sections 57-43.1-02, 57-43.1-03, 57-43.1-06, and 57-43.1-08 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to agriculturally derived motor fuel and motor fuel taxes.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 70 YEAS, 32 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Erdman; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Hausauer; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kingsbury; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Larson, B.; Laughlin; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Sanstead; Shockman; Stofferahn; Thompson; Vander Vorst; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Black; Conmy; Gates; Gerl; Goetz; Hamerlik; Haugland; Hjelle; Hughes; Kloubec; Kuchera; Larson, R.; Lautenschlager; Martinson; Moore; Murphy; Nalewaja; Peltier; Riley; Rued; Schindler; Schneider; Schoenwald; Solberg; Strinden; Swiontek; Timm; Wentz; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Shide; Sinner; Unhjem

SB 2095 passed and the title was agreed to.

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## MOTION

REP. HORGAN MOVED that the House reconsider its action whereby it did not concur in the Senate amendments to HB 1006, and that the House do concur in the Senate amendments to HB 1006, and that the Conference Committee on HB 1006, be dissolved, which motion prevailed.

REP. HORGAN MOVED that HB 1006 be placed on the Eleventh order of business for second reading and final passage, which motion prevailed.

### SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act making an appropriation for defraying the expenses of the state board of vocational education of the state of North Dakota.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 97 YEAS, 4 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; 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; Larson, B.; Larson, R.; Laughlin; 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; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Melby; Murphy; Thompson; Whalen

ABSENT AND NOT VOTING: Eagles; Lardy; Shide; Sinner; Unhjem

HB 1006 passed and the title was agreed to.

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### REPORT OF STANDING COMMITTEE

MADAM SPEAKER: Your Committee on Appropriations to which was referred HB 1736 has had the same under consideration and recommends by a vote of 14 YEAS, 5 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 16, delete the numerals "164,884" and insert in lieu thereof the numerals "160,600"

On page 1, line 20, delete the words "all funds", and delete the numerals "1,896,451" and insert in lieu thereof the numerals "1,892,167"

On page 1, after line 20, insert the following new line:

"Less budget adjustment 17,843"

On page 1, line 21, delete the numerals "1,722,717" and insert in lieu thereof the numerals "1,708,263"

On page 1, line 22, delete the numerals "173,734" and insert in lieu thereof the numerals "166,061"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Weather Modification Board

The salaries and wages line item is decreased by \$4,284 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$1,050 over the executive budget for health insurance premiums.

After the above adjustment, the appropriation is reduced by a budget adjustment of \$17,843 (two percent), of which \$14,454 is from other funds and \$3,389 is from the general fund. The Weather Modification Board shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$17,843 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

REP. MERTENS, Chairman

HB 1736 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. BACKES MOVED that the rules be suspended, that HB 1736 be placed on the Sixth order, and subsequently the Eleventh order of business, for second reading and final passage, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to HB 1736 as recommended by the Committee on Appropriations be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1736: A BILL for an Act making an appropriation for defraying the expenses of the weather modification board of the state of North Dakota; and to repeal House Bill No. 1017, as approved by the forty-eighth legislative assembly, relating to an appropriation to the weather modification board.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 34 YEAS, 63 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Boyle; Dotzenrod; DuBord; Erdman; Gullickson; Halmrast; Hoffner, S. F.; Jacobson; Kloubec; Larson, B.; Laughlin; Linderman; Lloyd; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; O'Connell; Olafson; Olson, A.; Opedahl; O'Shea; Rayl; Riehl; Schoenwald; Solberg; Thompson; Vig; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Aubol; Black; Brokaw; Conmy; DeMers; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Horgan; Hughes; Keller; Kent; Kingsbury; Knudson; Koehn; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Lautenschlager; Lipsiea; Martin, C.; Martin, G.; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Retzer; Rice; Riley; Rued; Sanstead; Schindler; Schneider; Shockman; Stofferahn; Swiontek; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Wold

ABSENT AND NOT VOTING: Backes; Eagles; Gerl; Koski; Olsen, D.; Richard; Shide; Sinner; Strinden

HB 1736 was declared lost.

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## MOTION

REP. BACKES MOVED that immediately following consideration of the conference committee reports, where appropriate, the bills be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## REPORT OF SELECT COMMITTEE

REP. ERDMAN MOVED that the conference committee report on HB 1025 as printed on pages 2767 and 2768 of the House Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act making an appropriation for defraying the expenses of the economic development commission of the state of North Dakota; and providing for a transfer.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 52 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Conmy; Erdman; Gates; Goetz; Gullickson; Gunsch; Hamerlik; Hanson, O.; Hausauer; Hjelle; Horgan; Hughes; Kent; Kingsbury; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Laughlin; Lipsiea; Martinson; Meyer, R.; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Peltier; Peterson; Pomeroy, E.; Rayl; Retzer; Rice; Riehl; Riley; Rued; Schindler; Solberg; Strinden; Swiontek; Thompson; Timm; Unhjem; Whalen; Wold; Speaker Kelly

NAYS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; DeMers; Dotzenrod; DuBord; Gerl; Gorder; Halmrast; Hanson, L.; Haugland; Hill; Hoffner, Serenus; Hoffner, S. F.; Jacobson; Keller; Knudson; Koski; Lardy; Larson, B.; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Murphy; Mushik; O'Connell; Olafson; Opedahl; O'Shea; Pomeroy, G.; Richard; Sanstead; Schneider; Schoenwald; Shockman; Stofferahn; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Eagles; Shide; Sinner

HB 1025 was declared lost.

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## REPORT OF SELECT COMMITTEE

REP. RAYL MOVED that the conference committee report on HB 1030 as printed on pages 2768-2770 of the House Journal be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1030: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute of the state of North Dakota.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 95 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; 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.; Mertens; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Black; Melby; Murphy; Olafson; Thompson; Vander Vorst

ABSENT AND NOT VOTING: Eagles; Meyer, R.; Shide; Sinner

HB 1030 passed and the title was agreed to.

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## PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

April 15, 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 April 15, 1983, I signed HB 1420 and HB 1643.

Sincerely,

ALLEN I. OLSON  
Governor



## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1008, HB 1013, HB 1015, HB 1016, HB 1018, HB 1019,  
HCR 3091, HCR 3100

CHARLES FLEMING, Chief Clerk

MESSAGE 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 1008, HB 1013, HB 1015, HB 1016, HB 1018, HB 1019,  
HCR 3091, HCR 3100

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## POINT OF PERSONAL PRIVILEGE

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

Madam Speaker and members of the assembly: The Governor's Task Force on Drinking and Driving highly appreciates the overwhelming support shown for Senate Bill No. 2373, the bill which will substantially enhance North Dakota's efforts to curtail the tragedies resulting from drinking and driving. The Task Force would especially like to thank the sponsors of the bill and the committee members whose time, diligence, and advocacy have helped to make the enactment of this legislation possible. With the demonstrated support of this Legislature, and with the continued support of North Dakota's citizens, we are confident that impaired driving will come to be seen for what it is: a crime against life and a behavior which is directly contradictory to North Dakota's tradition of respect and concern for all citizens and neighbors. Thank you, again.

## POINT OF PERSONAL PRIVILEGE

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

Governor Allen I. Olson and the North Dakota Legislative Assembly have again given their support to the North Dakota National Guard. Legislation has been approved which would maintain a reasonable paid military leave for public employees, modernize the laws governing the State Guard, provide flexibility to the tuition programs and, of course, provide necessary funding for the next biennium. The National Guard Officer Association of North Dakota, therefore, commends Governor Allen I. Olson and the North

Dakota Legislative Assembly for their continuing support to the North Dakota National Guard. I will read the following letter:

NATIONAL GUARD ASSOCIATION  
OF  
NORTH DAKOTA

April 12, 1983

Representative Tish Kelly  
Speaker of the House  
State Capitol  
Bismarck, North Dakota 58505

Dear Representative Kelly:

It is with great pleasure that I forward to you the enclosed policy statement which was unanimously passed during the Annual Conference of the North Dakota National Guard Officer Association held on 9-10 April 1983 at Fargo, ND.

The Association will appreciate it very much if the House members are made aware of this policy statement.

Respectfully yours,

Richard A. Kupitz  
Secretary/Treasurer  
NDNG Officer Association

SIXTH ORDER OF BUSINESS

REP. SINNER MOVED that the amendments to SB 2493 as recommended by the Committee on Finance and Taxation as printed on page 2545 of the House Journal be adopted, which motion prevailed.

MOTION

REP. BACKES MOVED that the rules be suspended, and that SB 2493 be placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2493: A BILL for an Act to amend and reenact sections 26-01-11, 26-16-10, 26-27-13, and 26-40-14 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17, 26.1-09-10, 26.1-14-13, and 26.1-17-10 of the North Dakota Century Code as created by House Bill No. 1054 and amended by House Bill No. 1068, as approved by the forty-eighth legislative assembly, relating to insurance premium taxes; to provide for retroactive application; to provide a penalty; and to declare an emergency.

Which has been read.

# ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 97 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Black; Lardy; Laughlin; Meier, A.; Vig

ABSENT AND NOT VOTING: Eagles; Knudson; Shide; Strinden

SB 2493 passed, the title was agreed to, and the emergency clause carried.

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## MESSAGES TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1030

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HB 1006, and now wishes to inform you that it does now concur in the Senate amendments to HB 1006, and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1006.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

SB 2095

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report on HB 1025, and subsequently failed to pass the same.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee reports and subsequently passed the same:

SB 2027, SB 2029, SB 2067, SB 2244

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1008, HB 1013, HB 1015, HB 1016, HB 1018, HB 1019,  
HCR 3091, HCR 3100

Very respectfully,  
LEO LEIDHOLM, Secretary

## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed SB 2027 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 2322-2324 of the House Journal and that Engrossed SB 2027 be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 17, delete the numerals "2,068,155" and insert in lieu thereof the numerals "2,103,375"

On page 1 of the engrossed bill, line 23, delete the words "all funds", and delete the numerals "3,578,467" and insert in lieu thereof the numerals "3,613,687"

On page 1 of the engrossed bill, after line 23, insert the following new line:

"Less budget adjustment 61,268"

On page 1 of the engrossed bill, line 25, delete the numerals "3,178,467" and insert in lieu thereof the numerals "3,152,419"

On page 1 of the engrossed bill, after line 27, insert the following new line:

"Capital improvements \$157,000"

On page 1 of the engrossed bill, line 28, delete the dollar sign

On page 2 of the engrossed bill, line 1, delete the numerals "342,000" and insert in lieu thereof the numerals "499,000"

On page 2 of the engrossed bill, line 2, delete the numerals "3,520,467" and insert in lieu thereof the numerals "3,651,419"

On page 2 of the engrossed bill, line 4, delete the numerals "3,920,467" and insert in lieu thereof the numerals "4,051,419"

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

"SECTION 3. APPROPRIATION. The superintendent of the North Dakota state historical board shall be authorized to offer up to \$50,000 of the operating expenses line item appropriated in subdivision 1 of section 1 of this Act to the North Dakota humanities council, inc., in expectation of return of the appropriation and match from the national endowment for the humanities. Any such funds that may be received by the superintendent are hereby

appropriated to the state historical board for the development of the exhibits at the heritage center."

On page 2 of the engrossed bill, after line 20, insert the following new section:

"SECTION 5. EMERGENCY. The capital improvement funds in the amount of \$157,000 as appropriated in subdivision 2 of section 1 of this Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Historical Board

The salaries and wages line item has a net increase of \$35,220 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$18,001 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$61,268 (two percent) from the general fund. The superintendent shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$61,268 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

The amendment also authorizes the superintendent to offer \$50,000 to the North Dakota Humanities Council, Inc., in anticipation of receiving matching moneys from the National Endowment for the Humanities to be used for the development of exhibits at the Heritage Center.

International Peace Garden

To add \$157,000 from the general fund for a new sewage line at the International Peace Garden. An emergency clause is also added.

For the Senate: Sens. Naaden, Tennefos, Stromme

For the House: Reps. Sanstead, Peterson, Solberg

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

## SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act making an appropriation for defraying the expenses of the state historical board and international peace garden of the state of North Dakota; and to declare an emergency.

Which has been read.

## ROLL CALL

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

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; 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; Kloubec; Knudson; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; 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.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Sanstead; Schindler; Schoenwald; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Gorder; Melby; Murphy; Rued; Thompson

ABSENT AND NOT VOTING: Eagles; Kingsbury; Koehn; Lloyd; Peterson; Riley; Schneider; Shide; Sinner; Vig; Williams, C.

SB 2027 passed, the title was agreed to, and the emergency clause carried.

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## REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2029 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1488 and 1489 of the House Journal and that SB 2029 be amended as follows:

On page 1, line 14, delete the numerals "425,909" and insert in lieu thereof the numerals "412,528"

On page 1, line 19, delete the words "general fund appropriation", and delete the numerals "1,152,209" and insert in lieu thereof the numerals "1,138,828"

On page 1, after line 19, insert the following new lines:

"Less budget adjustment	<u>14,177</u>
Total general fund appropriation	\$1,124,651"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Soil Conservation Committee

The salaries and wages line item has a net reduction of \$13,381 from the general fund. This will allow funds for the state to provide a two percent contribution to retirement on wages earned after July 1, 1983, and an additional two percent contribution amounting to a full four percent on wages earned after July 1, 1984. It also provides \$5,249 over the executive budget for health insurance premiums.

The appropriation is reduced by a budget adjustment of \$14,177 (two percent). The Soil Conservation Committee Executive Secretary shall take such administrative action as may be necessary to spend less than the total of the line items in the appropriation to achieve the \$14,177 budget reduction. Line items other than salaries and wages, operating expenses, data processing, and equipment are not to be affected by the budget reduction.

For the Senate: Sens. Nething, Nelson, Redlin

For the House: Reps. Mertens, Mushik, Strinden

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

#### SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 94 YEAS, 4 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman;



Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kloubec; Knudson; 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; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Rued; Sanstead; Schindler; Schoenwald; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Black; Melby; Murphy; Thompson

ABSENT AND NOT VOTING: Eagles; Kingsbury; Koehn; Riley; Schneider; Shide; Sinner; Vig

SB 2029 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2067 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1963 and 1964 of the House Journal and that SB 2067 be amended as follows:

In lieu of all previous conference committee amendments to Senate Bill No. 2067, Senate Bill No. 2067 is amended as follows:

On page 2 of the engrossed bill, line 31, after the word "occasion" insert the words "per licensing year"

On page 3 of the engrossed bill, line 7, delete the word "fifty"

On page 3 of the engrossed bill, line 12, delete the words "No eligible organization may"

On page 3 of the engrossed bill, delete lines 13 through 15 and insert in lieu thereof the following:

"At sites where the game of twenty-one is conducted, the maximum monthly rent shall not exceed one hundred fifty dollars multiplied by the number of tables on which the game of twenty-one is played for any purposes associated with the right to conduct all games of chance at that site."

- On page 5 of the engrossed bill, line 21, overstrike the words "or a class A misdemeanor"
- On page 7 of the engrossed bill, line 17, after the word "may" insert the words "include any property which may be legally owned and possessed, but may"
- On page 7 of the engrossed bill, line 18, after the period insert the following: "Cash prizes may be awarded in raffles conducted under this chapter provided the value of no single cash prize exceeds five hundred dollars, and provided further that no eligible organization may award cash prizes totaling more than five hundred dollars in the aggregate during any day."
- On page 8 of the engrossed bill, line 21, delete the word "twenty-five" and insert in lieu thereof the words "six hundred"
- On page 8 of the engrossed bill, line 23, delete the word "twenty-five" and insert in lieu thereof the words "six hundred"
- On page 8 of the engrossed bill, line 24, delete the words "and not in excess of one hundred fifty"
- On page 8 of the engrossed bill, line 25, delete the words "thousand dollars", and delete the word "seven" and insert in lieu thereof the word "twenty"
- On page 8 of the engrossed bill, delete lines 26 through 34
- On page 9 of the engrossed bill, delete lines 1 and 2
- On page 9 of the engrossed bill, line 20, overstrike the words "two years thereafter" and insert immediately thereafter the words "a period of time to be determined by the attorney general"
- On page 9 of the engrossed bill, line 24, after the word "The" insert the words "state treasurer, at the direction of the", and after the word "authority" insert an underscored comma
- On page 9 of the engrossed bill, line 25, after the word "pay" insert the word "quarterly"
- On page 9 of the engrossed bill, line 29, after the word "amounts" insert the words "which are hereby appropriated"

On page 9 of the engrossed bill, line 32, delete the word "Two-sevenths" and insert in lieu thereof the word "One-tenth"

On page 9 of the engrossed bill, delete lines 34 and 35

On page 10 of the engrossed bill, delete lines 1 through 6

And renumber the lines and pages accordingly

For the Senate: Sens. Stenehjem, Christensen, J. Meyer

For the House: Reps. Nowatzki, E. Pomeroy, Kretschmar

REP. NOWATZKI MOVED that the report be adopted.

#### MOTION

REP. E. POMEROY MOVED that consideration of the conference committee report on SB 2067 be laid over one legislative day, which motion prevailed.

#### ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that, pursuant to Representative Gerl's request, dress code will not be enforced tomorrow, Saturday.

#### MOTION

REP. KLOUBEC MOVED that a special committee be appointed to supervise dressing Representative Conmy tomorrow, which motion prevailed.

SPEAKER KELLY APPOINTED Representatives Kloubec and Black to such committee.

#### MESSAGE TO THE SENATE HOUSE CHAMBER

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

SB 2493

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred SB 2244 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1826 of the House Journal and that SB 2244 be amended as follows:

On page 1, line 1, delete the word "three" and insert in lieu thereof the word "six"

On page 1, line 5, delete the first word "and", and delete the semicolon and the second word "and" and insert in lieu thereof the words ", to the acquisition of farm or ranch land by certain nonprofit organizations, the

application of the corporate farming law to certain business or industrial uses, and reporting requirements of certain corporations;"

On page 1, line 9, after the word "corporations" and before the period insert the words "; and to provide an expiration date"

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 "their" and insert in lieu thereof the word "its", and 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"

On page 6, line 8, delete the words "shall be" and insert in lieu thereof the word "is"

On page 6, after line 25, insert the following four new sections:

"SECTION 6. A new section to chapter 10-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Certain nonprofit organizations or trusts may own or lease land - Certain nonprofit organizations may continue farming or ranching - Restriction on acquisition and ownership of land.

1. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)]

or a trust for the benefit of an individual or a class of individuals related within the degrees of kinship specified in subsection 2 of section 10-06-07 may own or lease farm or ranch land if that land is leased to a person who farms or ranches the land as a sole proprietorship, partnership, or a corporation allowed to engage in farming or ranching under section 10-06-07.

2. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code and actively engaged in the business of farming or ranching in this state on January 1, 1983, may continue to engage in the business of farming or ranching without interruption after January 1, 1983.
3. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code which owned farm or ranch land for the preservation of unique historical, archaeological, or environmental land prior to January 1, 1983, may continue ownership of such land without interruption after January 1, 1983.
4. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code [26 U.S.C. 501(c)(3)] may acquire farm or ranch land only by inter vivos or testamentary gift. A nonprofit organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code must dispose of all farm or ranch land acquired in fee after January 1, 1983, not more than fifteen years after the date of acquiring ownership in fee.

**SECTION 7.** A new section to chapter 10-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Industrial and business purpose exception. A corporation which is not engaged in the business of farming or ranching may own or lease land used for farming or ranching, only when the land is necessary for residential or commercial development, the siting of buildings, plants, facilities, industrial parks, or similar business or industrial purposes of the corporation, or for uses supportive of or ancillary to adjacent nonagricultural land for the benefit of both land parcels. The farm or ranch land while not

being immediately used for any purpose of the corporation must be available to be leased by persons actually engaged in farming or ranching.

SECTION 8. A new section to chapter 10-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Reports of corporations not engaged in farming or ranching. Any business or nonprofit corporation not engaged in the business of farming or ranching which owns or leases a tract of land used for farming or ranching which is larger than twenty acres [8.09 hectares] in size shall file with the attorney general, prior to July 30, 1983, and within twelve months of any transaction involving the purchase, sale, or surface leasing of such farm or ranch land by that corporation, a report containing all of the following information:

1. The name of the corporation and its place of incorporation and, if a nonprofit corporation, a copy of its section 501(c)(3) exemption letter from the internal revenue service.
2. The address of the registered office of the corporation in this state and the name and address of its registered agent in this state.
3. The acreage [hectarage] and location listed by section, township, range, and county of all such land in the state owned or leased by the corporation and used for farming or ranching.
4. The date and method of acquisition or disposal of such farm or ranch land.

SECTION 9. EXPIRATION DATE. Subsection 4 of section 6 and section 7 of this Act are effective through June 30, 1985, and after that date are ineffective."

And renumber the lines and pages accordingly

For the Senate: Sens. Bakewell, Vosper, Barth (refused to sign)

For the House: Reps. W. Meyer (refused to sign), Nowatzki, Koehn

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

## POINT OF PERSONAL PRIVILEGE

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

I was the only member of the House majority party who signed this conference report, and I would like to state some reasons why I did and then why I think the amendments should be adopted and the bill passed.

The whole question that we're discussing here today relates to land ethics, the principle that land should be owned by private people, private ownership of land. You can go all the way back to feudal days to make a strong case for that. The reasons why I signed this report and why I think these amendments represent a reasonable compromise and, I think, are progressive in nature, and still protect the reasonableness of this so-called "private land ethics" that we are concerned about. Some of the reasons are as follows:

First of all, I think that Senate Bill No. 2244 taken as a whole does significantly improve the workability of the present corporate farming act of North Dakota. It allows the husband and wife to incorporate if they are farming. It allows a single person, be he a widow, a bachelor, or just a single person, to incorporate and to take advantage of the corporate farm structure and I think that is a significant improvement. Presently it requires three people to incorporate.

Another reason why I signed this report: Where it does differ significantly from the bill that was vetoed by the Governor as I interpret it, when studying this report and studying its amendments, from now on, under the provisions of this bill and the amendments that it contains, nonprofit 501(c)(3) trust can only accept land by will. They cannot rent lands, they cannot purchase lands. Furthermore, if they do accept land by will, the law as it would state in these amendments would indicate that these trusts would have to divest of their property within fifteen years.

And, thirdly, and perhaps the most important reason why I signed this report and why I urge the passage of these amendments and the bill, is that I think there is a moral responsibility to honor wills that were made in good faith in years past. I know of a number of people that have donated properties to churches, universities, or wherever, significantly to the 501(c)(3) group as defined by the present IRS code. These wills were made in good faith, not knowing that we were going to change the law as of today. I think that we have a right to honor those wills that were made in good faith and I think that is thoroughly just as important as the land ethics that we think of in terms of private ownership and, as I said earlier, a significant

change of these amendments from the vetoed bill puts people, attorneys, estate planners, whoever, it clearly puts them on warning that from today on, that property that is willed to these nonprofit charitable organizations of 501(c)(3) could do it only by will and they would have to divest within fifteen years. I think these points, taken together as a whole, plus the fact that we passed a study resolution that will study the whole issue of corporate farming in North Dakota as it pertains to the land ethic concept, the sociological impact, the economic impact; I think that, all of these things taken as a whole, these amendments represent a reasonable compromise. I think it improves the corporate farming bill, and I think these amendments are proper. I would urge they do pass.

#### SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to create and enact six new sections to chapter 10-06 of the North Dakota Century Code, relating to applicability of the Business Corporation Act to the corporate farming law, to officers, directors, and shareholders of corporate farms or ranches, to an initial report, to the acquisition of farm or ranch land by certain nonprofit organizations, the application of the corporate farming law to certain business or industrial uses, and reporting requirements of certain corporations; to amend and reenact sections 10-06-07 and 10-06-08 of the North Dakota Century Code, relating to requirements to be met before a corporation will be allowed to engage in farming or ranching and reports that must be filed by farm or ranch corporations; and to provide an expiration date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 73 YEAS, 30 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Backes; Black; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Gates; Goetz; Gorder; Gullickson; Gunsch; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hughes; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, R.; Laughlin; Lipsiea; Martin, C.; Martin, G.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; Olafson; Olsen, D.; Olson, A.; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Sanstead; Schindler; Sinner; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Wentz; Whalen; Williams, A.; Williams, C.; Wold



NAYS: Anderson, C.; Aubol; Brokaw; Erdman; Gerl;  
 Halmrast; Hoffner, S. F.; Horgan; Jacobson; Kingsbury;  
 Larson, B.; Lautenschlager; Linderman; Lloyd;  
 Meier, A.; Meiers, R.; Mushik; O'Connell; Opedahl;  
 Richard; Rued; Schneider; Schoenwald; Shockman;  
 Solberg; Stofferahn; Vig; Watne; Williams, W.;  
 Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Martinson; Shide

SB 2244 passed and the title was agreed to.

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MESSAGE TO THE SENATE  
 HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following on which the House has adopted the Conference Committee reports and subsequently passed the same:

SB 2027, SB 2029, SB 2244

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 Seventh order of business, and at the conclusion of the Seventh order, the House stand adjourned until 8:00 a.m., Saturday, April 16, 1983, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

MADAM SPEAKER: Your Conference Committee to which was referred Engrossed HB 1724 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 2524 and 2525 of the House Journal and that Engrossed HB 1724 be amended as follows:

On page 1 of the engrossed bill, line 1, after the word "to" insert the words "provide for distribution of certain education aid funds; to"

On page 2 of the engrossed bill, line 5, after the word "to" insert the following words: "the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds, shall be credited to"

On page 2 of the engrossed bill, line 6, overstrike the second comma and the second word "to" and insert

immediately thereafter the words "The resources trust fund shall"

- On page 2 of the engrossed bill, line 7, after the word "and" insert the words "the funds therein"
- On page 2 of the engrossed bill, line 10, overstrike the words "Provided, the first fifteen"
- On page 2 of the engrossed bill, overstrike lines 11 through 17
- On page 2 of the engrossed bill, line 18, overstrike the words "provided by the legislative assembly."
- On page 2 of the engrossed bill, line 22, overstrike the word "conservation"
- On page 2 of the engrossed bill, line 23, after the word "of" insert the word "comprehensive", and after the word "facilities" and before the semicolon insert the words ", including rural water systems"
- On page 3 of the engrossed bill, line 31, delete the word "collected" and insert in lieu thereof the words "for oil extracted", and after the numerals "1983" and before the period insert the words "and for oil extraction tax proceeds collected on or after July 1, 1983"
- On page 3 of the engrossed bill, after line 31, insert the following new section:

"SECTION 4. Distribution of education aid funds. If funds appropriated for distribution to school districts for per pupil and transportation aid become available after May first, the superintendent shall distribute the payments no later than June thirtieth."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Peterson, Erickson, Waldera

For the House: Reps. Jacobson, Hill, Swiontek

Engrossed HB 1724 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk