

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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SECOND DAY

Bismarck, January 9, 1985

The House convened at 1:30 p.m., with Speaker R. Hausauer presiding.

The prayer was offered by Joanne M. Spears, Quaker, Religious Society of Friends.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson and Keller.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MR. SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the First Day and finds the same to be correct.

REP. KENT, Chairman

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1042 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1042 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1110 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTINSON, Chairman

HB 1110 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1117 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. KLOUBEC, Chairman

HB 1117 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1190 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1190 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1193 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1193 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Employment submits the following name for the position specified below:

Assistant Sergeant-at-Arms

Jeff Heider McCanna

REP. MARTINSON, Chairman

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

OATH OF OFFICE TO EMPLOYEES

SPEAKER R. HAUSAUER administered the Oath of Office to the employees as listed on pages 53-56 of the House Journal.

MOTIONS

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

REP. STRINDEN MOVED that the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House stand adjourned until 2:00 p.m., Thursday, January 10, 1985, which motion prevailed.

REP. STRINDEN MOVED that the House stand at ease to receive the Senate for a Joint Session, which motion prevailed.

JOINT SESSION

The Joint Session was called to order with Speaker R. Hausauer presiding.

REP. STRINDEN MOVED that a committee of two be appointed to escort Lt. Governor Meiers to the rostrum, which motion prevailed. Speaker R. Hausauer appointed Reps. Goetz and L. Hanson to such committee and Lt. Governor Meiers was escorted to the rostrum.

LT. GOVERNOR MEIERS was introduced to the Assembly and Speaker R. Hausauer turned the gavel over to her to preside.

REP. KRETSCHMAR MOVED that a committee of two be appointed to escort the Honorable George A. Sinner, Governor, to the rostrum, which motion prevailed. Lt. Governor Meiers appointed Sen. D. Meyer and Rep. Dalrymple to such committee, and Governor Sinner was escorted to the rostrum. Lt. Governor Meiers introduced Governor Sinner to the Assembly.

SEN. CHRISTENSEN MOVED that a committee of two be appointed to escort Chief Justice Erickstad to the rostrum, which motion prevailed. Lt. Governor Meiers appointed Sen. Olson and Rep. Conmy to such committee, and Chief Justice Erickstad was escorted to the rostrum.

SEN. DOTZENROD MOVED that a committee of four be appointed to escort the Justices of the North Dakota Supreme Court and other elected state officials to the rostrum, which motion prevailed. Lt. Governor Meiers appointed Sens. Vosper, W. Meyer and Reps. Schneider and Unhjem to such committee and the Justices of the North Dakota Supreme Court and elected state officials were escorted to the rostrum.

REP. KLOUBEC MOVED that a committee of four be appointed to escort the district judges and surrogate judges to their seats at the front of the Chamber, which motion prevailed. Lt. Governor Meiers appointed Sens. Todd, Langley and Reps. Wentz and A. Williams to such committee and the district judges and surrogate judges were escorted to their seats at the front of the Chamber.

LT. GOVERNOR MEIERS introduced county judges, members of the Board of Governors and Executive Director of the State Bar Association of North Dakota, other members of the Judicial Council, and Chairmen of the key committees of the Supreme Court.

LT. GOVERNOR MEIERS introduced Chief Justice Erickstad to the Assembly.

THE STATE OF THE JUDICIARY
Message By
The Honorable Ralph J. Erickstad

INTRODUCTION

I thank you Lieutenant Governor Meiers, Speaker Hausauer, Governor Sinner, leaders of the Republican and Democrat caucuses of the House and Senate, other members and staff of the Forty-ninth Legislative Assembly, leaders of the State Bar Association, members of the Judicial Council who have been invited to this joint session, chairpersons of some of our crucial boards and committees, state officials and other distinguished guests, citizens of North Dakota, ladies and gentlemen, friends all.

This is the seventh time in the 95-year history of our state and the 49 sessions of the Legislative Assembly that the Chief Justice of our state has been invited to speak to a joint session of the Legislature on the State of the Judiciary. We are pleased and appreciative that you, the Legislature, have recognized the judicial branch of our government in this way.

We invite you all to join us for refreshments in the reception area of the Supreme Court during the recess immediately after my remarks. I hope you will take this opportunity to meet our people as we are anxious to renew old friendships and make new ones. We will be happy at that time to give you a tour of the Supreme Court facilities if you so desire.

You each should have copies of my printed message. You will be pleased, I am certain, to learn that I do not intend to orally cover that message in its entirety. I will not be offended however, if you refer to the printed message as I speak.

AN OVERVIEW OF THE NORTH DAKOTA JUDICIAL SYSTEM

Since I last appeared before you, the North Dakota Judicial System has been moving forward to fulfill its responsibilities. We have progressed because of the efforts and contributions of those of you who are here today, because of the efforts of judicial personnel throughout our state, and also because of the efforts of the citizens who serve on our various study committees. With your continued support, we will continue to improve the quality of justice in our state for all of our people.

I shall discuss with you today some of our current challenges. Let me start by reviewing our Supreme Court caseload.

WEDNESDAY, JANUARY 9, 1985

119

SUPREME COURT

As some of you know, the Supreme Court caseload has increased significantly over the years. There were 310 new cases filed in our Supreme Court in 1983. Three hundred and seventy, or sixty more cases were filed in 1984 than in 1983. That is a 19 percent increase in filings in one year. These figures are less than estimated in my printed message but they are nevertheless significant. This total now of 370 new cases compares with about 50-75 cases per year when I first became a member of this court in 1963.

With your assistance in 1983 we established central legal staff services to assist us in court work. We are grateful for your support and we want you to know that without the addition of central staff, we would now be hopelessly inundated with undecided cases. Because of the great increase in cases, and recent developments including Justice Pederson's resignation and Justice Sand's death, we will be asking you to amend our budget request to include an additional person on central staff. This is our attempt at an interim solution to our caseload problem. We hope to employ such a person soon if we are able to find the funds, and will need your support for funding that position in the new biennium. I shall return to this subject in a moment.

TRIAL COURTS

In my printed message you will note that I have reviewed the activities of the trial courts. To summarize this overview of the trial courts of the North Dakota Judicial System, the cases filed in North Dakota trial courts are under control. In some instances case filings have increased. In some instances they have decreased. But the net effect is an increase in numbers of cases. It should be noted that trial court cases have become increasingly more complex and thus more time consuming.

Just as trial court cases have increased in numbers and in complexity, so have appellate court cases increased in number and complexity. Some of the areas of increased complexity involve taxation and the tax protest movement; oil, gas, and mineral litigation; constitutional issues, both state and federal; criminal defenses, both with representation of counsel and without; and a variety of domestic relation cases including custody of children and termination of parental rights.

Our forecast indicates no foreseeable change in an upward trend in demand for court services.

This causes me to return to the subject of our Supreme Court caseload.

SUPREME COURT CASELOAD CRISIS

In 1983 I suggested to you that there was a widespread and growing concern about the future caseload of the Supreme Court.

In September 1983, the Court Services Administration Committee authorized the establishment of a Future Appellate Court Services Study Subcommittee to study the workload of the North Dakota Supreme Court. Appointed in December 1983, by Chairman William Strutz, the subcommittee consists of: Representative William Kretschmar, Ashley, Chairman; Orlin Backes, President of the State Bar Association of North Dakota, Minot; Representative Pat Conmy, Bismarck; Senator William Heigaard, Langdon; Judge William Hodny, Mandan; Paul Kloster, Past President of the State Bar Association, Dickinson; and Justice Gerald W. VandeWalle, Bismarck, of our Court.

The Kretschmar Subcommittee has concluded, after independent study, that our best solution is a three-member intermediate appellate court.

The Supreme Court workload is a serious problem. The North Dakota Supreme Court presently maintains a current docket, but at an unacceptably great cost to the individual justices. The heavy and growing caseload cannot help but increasingly affect opinion quality. Something substantial must be done in the near future lest the quality of opinions deteriorate and a backlog of cases develop to compound the problem.

You may have read in the newspapers that because of the volume of cases in 1984, particularly the last four months, and because we are short two justices as a result of Justice Pederson's resignation effective January 7 and Justice Sand's sudden death, we have decided not to hold a term of court this month, but instead we will devote this month to writing opinions on cases we have heard since September 5, 1984.

Incidentally, I read in the newspaper that Governor Sinner intends to give careful consideration, as he should, to making appointments to our Court. Time is of the essence however. Not only do we need the positions filled, but if possible, we need them filled with judges who will be ready to go to work by the first Tuesday in February, which is the day we would normally start hearing oral arguments in our February term. If we do not have judges available by that time, it may be necessary to postpone hearing oral arguments until March. This will make it even more difficult for us to be current by September 1. Once we fall behind, it will be difficult to ever again become current. I know what the complications are when a court acquires a backlog, as the first half of my judicial career was on such a court.

Let me put the problem of caseload in these terms. We heard 146 cases in our court since September 5, 1984, as compared to 107 cases during the same period during 1983. That constitutes an increase of 36 percent for that period of time. It represents a workload beyond our present capacity to perform. Something substantial must be done to address this problem.

I am pleased to learn of the Kretschmar Subcommittee's conclusion, as I believe that the most effective solution to our caseload problem is the establishment of an intermediate appellate court at least by 1987. I am pleased to say that the current members of our Supreme Court are unanimous in their agreement on the need for an intermediate appellate court as the most effective solution to the problem.

I recognize that some will question that this is the best solution. In our struggles to improve the judicial system, we have had open discussion and a great variety of views from the beginning on many issues. I think we have made great progress, notwithstanding vigorous dissent at times. But today there is little time left for debate if we are to cope with our caseload. Rather than try the band-aids and often expedient, but ultimately very costly, quick fixes that other states in our predicament have tried and then ultimately abandoned for an intermediate appellate court, I think we should go to that solution directly. We should benefit from the experiences of others and avoid the process of reinventing the wheel.

As I have said before, the Future Appellate Court Services Study Subcommittee, has now recommended the creation of an intermediate appellate court. So that you may satisfy yourselves that this is appropriate, the subcommittee recommends that an interim legislative study committee be appointed to concentrate on the details of such a court. Hopefully, the full Court Services Administration Committee will concur in the subcommittee's recommendations. My thought is that at the very least you should create such an interim committee now so that legislation to implement such a proposal can be enacted during the 1987 Legislative Session. It's possible, if the full Court Services Administration Committee acts quickly with a specific proposal, that you could even pass legislation creating such an intermediate appellate court effective July 1 of this year. If you do that, I sincerely believe history will prove you right.

In my view, the present need is clearly documented. The alternatives have been evaluated by the Kretschmar Subcommittee. Recent events have underlined the problems and compounded the need for a solution. I hope that you will be convinced, as I am convinced, of the seriousness of this problem and the soundness of an intermediate court of appeals as a solution.

When the subcommittee report is carefully studied, I believe that most of you will agree that an intermediate appellate court is the best solution, but some of you may think it too costly. To those of you who may be leaning toward adding judges to our court as a possible saving, let me point out that doing so will require changes in at least three sections of the North Dakota Constitution (Article VI, Sections 2, 4, and 7), and would be almost as expensive as creating a three-person intermediate appellate court with three staff attorneys and three secretaries, because, when you add judges to a supreme court, you must add staff counsel or law clerks and secretaries as well. In my view, an intermediate appellate court would be much more helpful than the addition of two or three judges to our court. The Kretschmar Subcommittee report amply supports this conclusion.

In conjunction with this discussion, I think the experiences of our sister state of Minnesota are enlightening. In an attempt to meet the caseload crunch, Minnesota first added two judges to its court for a court of nine members. Minnesota also used a court commissioner so, in reality, the Minnesota Supreme Court had 10 members from time to time.

In a further effort to handle the cases, the Minnesota Supreme Court was divided into three-person panels and oral argument was eliminated in most cases. In fact, just before the electorate approved a constitutional amendment authorizing an intermediate appellate court, the court adopted a screening process whereby it selected only 180 cases out of all the cases filed each year for oral argument. The court also utilized a prehearing settlement process. When none of these things worked satisfactorily, Minnesota finally embraced the intermediate appellate court as a solution and Minnesota now has an intermediate appellate court of 12 persons which sits in panels of three.

Some of you will immediately point out that Minnesota has a greater population and a greater caseload. True--but we are not suggesting four panels--we are suggesting only one panel. In fact, if we were to compare the filings in the Minnesota Supreme Court in 1983, the year Minnesota citizens approved the constitutional amendment authorizing an intermediate appellate court and the legislature enacted the statute providing for an intermediate appellate court of 12 persons sitting in panels of three, with our filings in 1984, we would find that Minnesota had less than four times as many cases. We are suggesting a court of a panel of three judges as compared to their court of four panels of three judges. I think that is reasonable and right. I believe that after careful study you will be convinced as we are that an intermediate appellate court is the solution for North Dakota.

Incidentally, I am pleased that the editorial board of the Bismarck Tribune, as indicated by Monday's editorial, is

concerned about our problem. I must, however, respectfully disagree with their solution of adding justices to our Supreme Court. Minnesota has now receded from that solution by providing for a reduction in the size of their Supreme Court.

Let me turn briefly to another challenge.

JUDICIAL LIABILITY: PULLIAM V. ALLEN

Something very significant has happened, affecting judges and judicial personnel nationwide, since I last visited with you. On May 14, 1984, the United States Supreme Court rendered its decision in the case of Pulliam v. Allen, 104 S.Ct. 1970 (1984). In this 5 to 4 decision, the court held: (1) Judicial immunity is not a bar to prospective injunctive relief against a judicial officer acting in the judge's judicial capacity; and (2) Judicial immunity is not a bar to the award of attorney's fees under the Civil Rights Attorney's Fees Awards Act in cases where injunctive relief is provided against a judicial officer.

In Pulliam the United States Supreme Court upheld an assessment of \$7,691.09 in attorney's fees and costs against the magistrate who attempted to apply Virginia law.

This decision has a very chilling effect on the judiciaries of each of the states. It jeopardizes the independence of the judicial branches of each state. It imposes financial liability on individual judges and increases the cost of city, county, and state government.

This decision is not to our liking, but it is the current law of the land and we must make appropriate adjustments to meet its challenge.

We have already taken steps to address this situation within the North Dakota Judicial System.

You will note from my printed message that in addition to purchasing insurance for certain of our judges and personnel, we have appointed a committee, chaired by Judge Lawrence Leclerc of Fargo, to study this problem further.

In my view, at stake here is the independence of state judiciaries, without which the rights and privileges of our citizens as we know them today would be greatly diluted if not ultimately lost completely.

We have taken interim steps to meet this challenge within the North Dakota Judicial System and we trust that you will support us in any further steps which may be necessary to protect judicial officers in our state from personal liability arising

out of actions in federal courts when such officers have been functioning in their official capacity.

MUNICIPAL COURT IMPROVEMENT

Due to financial constraints we have not acted to insure municipal judges and county magistrates. You, however, no doubt will want to find a means of protecting them from the liability of Pulliam v. Allen type lawsuits. I am quite certain that the League of Municipalities and the Association of Counties will be greatly interested in finding a solution to this problem.

Although municipal courts are not state-funded courts, they are an important part of North Dakota court services.

In my printed message I have discussed the excellent study and recommendations of the Special Municipal Court Study Committee, chaired by Calvin Rolfson. I expect that some effort will be made to implement the report in this session.

ADMINISTRATION OF THE JUDICIAL DISTRICTS

In my printed message I have discussed with you our establishment of the Council of Presiding Judges under Chief Presiding Judge Douglas B. Heen, and our expansion of our Docket Currency Standards whereby we monitor cases within our system, and I am pleased to say we are proud of both efforts and the people who are making them a success.

COURT ADMINISTRATION

Under the general topic of court administration in my printed message, I have discussed: court records management, education and training for judicial and court support personnel, personnel services, and referees. All warrant your consideration when you have time to devote to these matters. William Bolin, our Court Administrator, and his staff are deeply involved in these matters and are entitled to our appreciation for their great efforts.

ADVISORY COMMITTEES

As you know, the North Dakota Judicial System has in place a nationally recognized rulemaking process which is open to all citizens and through which representative committees of judges, legislators, court support personnel and other citizens thoroughly study issues for consideration by the Supreme Court. Each of my colleagues on the Supreme Court, the district courts, and the county courts serve on at least one major court committee. It has been the recommendations of these committees to our court and our adoption of them or your implementation of them through legislation which has moved our judicial system from the age of the oxcart to the space age.

In my printed message, I have summarized some of the current activities of the four standing committees under our Rule on Procedural Rules. The contributions of these committees and our staff who assist them to the improvement of our judicial system, cannot be overstated.

DEFENSE SERVICES FOR INDIGENT DEFENDANTS

In my printed message I have summarized the work of our North Dakota Legal Counsel for Indigents Commission. If you will read what I have said there, you will appreciate the great importance of this commission in its innovative leadership in assuring quality representation for indigent defendants in criminal cases and careful stewardship of public funds in these expenditures.

JUDICIAL PLANNING COMMITTEE

The Judicial Planning Committee, chaired by former Justice Vernon R. Pederson, provides the structure for focusing our attention on long-range problems and opportunities for judicial services. Please see my printed remarks for a more complete recitation of the services of this committee.

Before I leave this topic, I think it would be appropriate to acknowledge that Justice Pederson has tendered his resignation to the Governor effective the 7th of this month. He has graciously agreed to serve as a Surrogate Justice with our court and he is and will be rendering great service to us in that capacity. Having completed 10 years of distinguished service with our court, he is entitled to our thanks and appreciation. The system is better because of his contributions to it.

1985 LEGISLATIVE ISSUES

There are several additional legislative issues affecting our services which I bring to your attention at this time:

Judicial Council Reassessment

In 1984, the North Dakota Judicial Council undertook a self-study of its function, through a committee chaired by Judge William A. Neumann of Rugby, which has resulted in a proposal for its replacement by a North Dakota Judicial Conference. A bill authorizing this change has been submitted for your consideration.

Budget Requirements

The North Dakota Judicial System budget requests have been presented for your consideration. The District Court request for \$16,310,991 includes seven new positions (one trial court administrator in Wahpeton, one law clerk in Wahpeton, one referee

in Grand Forks, two probation officers, one in Bismarck and one in Minot, and two secretaries, one in Fargo and one in Minot) and funds for the continued automation of trial courts. The Supreme Court request for \$4,972,017 plus \$93,918 for funding one additional central legal staff attorney for a total of \$5,065,935 will include three essential new positions (the central legal staff attorney which I have earlier referred to, one administrative staff associate, and one secretary in the office of the Clerk of Court) and funds for the automation of the office of the clerk of our court.

Also, for the important operation of the combined staff of the Judicial Qualifications Commission and the Attorney Disciplinary Board, we are requesting an appropriation of \$280,799 which includes funds for the addition of an investigator and continuation of the grant from the American Bar Association and the American Law Institute for the lawyer assistance program. The State Bar Association will be contributing \$10,000 more this biennium toward the cost of the Disciplinary Board than last biennium.

The judges of our courts are working diligently to meet the caseload. To date we have been able to attract well-qualified people to the bench despite the compensation. However, I must call your attention to the need for substantially improved salaries for judges so that we may continue to attract the most qualified persons to the judiciary. A proposal to do this is before you for your consideration. Our nonjudicial personnel are greatly deserving of salary increases as well. Funds have been included in our budget for increases in employee's salaries on the basis of the formula approved by Governor Olson for other state employees.

ATTORNEY AND JUDICIAL SUPERVISION AND DISCIPLINE

In my printed message, I have discussed the very significant work of three very important bodies--namely, State Bar Board, Disciplinary Board, and the Judicial Qualifications Commission.

LAW LIBRARY

Also in my printed message I have recognized the importance of maintaining our Supreme Court Library and the great contribution of our librarian, Elmer Dewald, to that effort.

CLERK OF THE SUPREME COURT

In my printed message I have stressed the importance of the work of our Clerk of Court and her excellent staff. We are greatly indebted to them.

JUDICIAL CHANGES

In my printed message I have recognized the changes in the personnel of our courts.

OTHER ACTIVITIES OF THE JUSTICES OF THE SUPREME COURT

In addition to their opinion writing duties, assistance in administering the system, and service upon standing and special committees, the justices of the Supreme Court have assumed many additional responsibilities within the North Dakota Judicial System.

As I have earlier indicated, Justice Vernon R. Pederson has served with dedication and distinction as chairman of the Judicial Planning Committee since its inception. He will be difficult to replace in that capacity.

Justice Gerald W. Vandewalle serves as vice chairman of the very important Court Services Administration Committee, and as a member of the Special P.E.R.S. Coordinating Committee and the Special Committee on Judicial Training. He has represented us at the conferences of the United States Eighth Circuit Court of Appeals as well as at other national conferences on court administration. He is chairman of the law clerkship program. Because of my confidence in his judgment, I have appointed him Administrative Justice of our court to act in my absence.

Justice "Sparky" Gierke represents our court in the Appellate Judges Conference of the Judicial Administration Division of the American Bar Association, and serves on the Special Committee on the Judiciary, the Judiciary Standards Committee and as chairman of the Committee on Court Administration, the Committee on Ways and Means, and the Special Committee on the Six-State Judicial Conference. I am pleased that he has now accepted the chairmanship of the Joint Procedure Committee.

In discussing the work of the Joint Procedure Committee in my printed message, I alluded to the great service that Justice Paul M. Sand, as chairman of that committee, has rendered. In addition thereto, in the many excellent opinions which he has written for our court he has left a legacy which students, scholars, and lawyers in the practice of law will be studying and quoting for years to come.

Although Justice William L. Paulson retired in 1983 and is no longer on our court, I don't think it would be appropriate to close these remarks without mentioning his great service to our state as an outstanding justice of our court for 17 years. I hereby express my personal thanks and the thanks of our entire court for his great contributions to our state. If our judicial

system is better administered today, it is because of his great support of those efforts.

I am grateful for the contributions of all of my colleagues.

CONCLUSION

As you can see from the variety of initiatives in improving court services which I have described, the North Dakota Judicial System is moving forward to fulfill its responsibilities. If it were not for the broad participation by members of this Legislative Assembly, the lawyers, other citizens, the judges of our state, and the support of the members of the executive and legislative branches of our state government, we could not be successful. This process has served us well to date and we look forward to continued progress together in fulfilling these responsibilities in the future.

We depend upon you for assistance in the future as we have depended upon you in the past. Your careful review of our proposals for the future will assure the success of our efforts and maintain the strength of an independent judicial branch of government in our state.

When we recess, I hope to visit with each of you personally. If we should miss each other, please stop by to see me at my office at your convenience.

I thank you very much.

RECOGNITION

LT. GOVERNOR MEIERS introduced Mr. Orlin W. Backes, President of the State Bar Association, Board of Governor's, Minot, North Dakota to the Assembly.

MOTIONS

REP. MERTENS MOVED that the address of Chief Justice Erickstad be printed in the Journal, which motion prevailed.

REP. STRINDEN MOVED that a committee of two be appointed to escort Governor Sinner, Chief Justice Erickstad, Justices of the Supreme Court, elected state officials, district judges and surrogate judges from their respective seats in the Chambers, which motion prevailed. Lt. Governor Meiers appointed Reps. Goetz and Hanson and all were escorted from the Chambers.

SEN. NETHING MOVED that the Joint Session be dissolved, which motion prevailed.

The Joint Session was declared dissolved by Lt. Governor Meiers.

FIRST READING OF HOUSE BILLS

Reps. O. Hanson, R. Pederson, D. Olsen introduced:

HB 1217: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to school district tuition payments.

Was read the first time and referred to the **Committee on Education.**

Reps. O. Hanson, O'Shea, W. Williams introduced:

HB 1218: A BILL for an Act to amend and reenact subsections 3 and 4 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses of charitable organizations conducting games of chance.

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

Rep. Strinden introduced:

HB 1219: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state classified employees at the institutions and agencies under the control of the state board of higher education for the period beginning January 1, 1985, and ending June 30, 1985; and to declare an emergency.

Was read the first time and referred to the **Committee on Appropriations.**

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

ROY GILBREATH, Chief Clerk