

TUESDAY, FEBRUARY 5, 1985

621

JOURNAL OF THE HOUSE

Forty-ninth Legislative Assembly

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TWENTY-FIRST DAY

Bismarck, February 5, 1985
The House convened at 12:30 p.m., with Speaker R. Hausauer presiding.

The prayer was offered by Pastor Roger Ammons, Church of God of Prophecy, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Gullickson, Lipsiea, Nalewaja, Unhjem.

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 Twentieth Day and finds the same to be correct.

REP. KENT, Chairman

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

POINT OF PERSONAL PRIVILEGE

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

I request that the record show that I intended to vote "nay" on House Bill No. 1428, and voted "aye" by mistake.

CONSIDERATION OF MESSAGE FROM SENATE

REP. A. OLSON MOVED that the House do concur in the Senate amendments to HB 1105 as printed on page 546 of the House Journal, which motion prevailed.

HB 1105 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. A. HAUSAUER MOVED that HB 1452 be returned to the House floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

REP. SAUTER REQUESTED the unanimous consent of the House to withdraw HB 1452. There being no objection, it was so ordered by the Speaker.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

HB 1054, HB 1158, HB 1249, HB 1313, HB 1385

REP. HEDSTROM, Chairman

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

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1047 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 611 of the House Journal be adopted, and when so adopted, recommends that HB 1047 DO PASS, which motion prevailed.

HB 1047 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. CONMY MOVED that the amendments to HB 1064 as recommended by the Committee on Judiciary as printed on page 612 of the House Journal be adopted, and when so adopted, recommends that HB 1064 DO PASS, which motion prevailed.

HB 1064 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1144 as recommended by the Committee on Political Subdivisions as printed on page 612 of the House Journal be adopted, and when so adopted, recommends that HB 1144 DO PASS, which motion prevailed.

HB 1144 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1188 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 613 of the House Journal be adopted, and when so adopted, recommends that HB 1188 DO PASS, which motion prevailed.

HB 1188 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. HAUGLAND MOVED that the amendments to HB 1189 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 613 of the House Journal be adopted, and when so adopted, recommends that HB 1189 DO PASS, which motion failed.

HB 1189 without amendments was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1232 as recommended by the Committee on Natural Resources as printed on page

613 of the House Journal be adopted, and when so adopted, recommends that HB 1232 DO PASS, which motion prevailed.

HB 1232 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. NICHOLAS MOVED that the amendments to HB 1258 as recommended by the **Committee on Agriculture** as printed on page 614 of the House Journal be adopted, and when so adopted, recommends that HB 1258 DO PASS, which motion prevailed.

HB 1258 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1297 as recommended by the **Committee on Political Subdivisions** as printed on page 614 of the House Journal be adopted, and when so adopted, recommends that HB 1297 DO PASS, which motion prevailed.

HB 1297 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. LANG MOVED that the amendments to HB 1312 as recommended by the **Committee on Political Subdivisions** as printed on page 615 of the House Journal be adopted, and when so adopted, recommends that HB 1312 DO NOT PASS, which motion prevailed.

HB 1312 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1331 as recommended by the **Committee on Transportation** as printed on pages 615-616 of the House Journal be adopted, and when so adopted, recommends that HB 1331 DO PASS, which motion prevailed.

HB 1331 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to HB 1363 as recommended by the **Committee on Transportation** as printed on page 616 of the House Journal be adopted, and when so adopted, recommends that HB 1363 DO PASS, which motion prevailed.

HB 1363 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. MERTENS MOVED that HB 1418 be rereferred to the **Committee on Natural Resources**, which motion prevailed.

SPEAKER R. HAUSAUER ANNOUNCED that HB 1418 was rereferred to the **Committee on Natural Resources**.

SIXTH ORDER OF BUSINESS

REP. NICHOLAS MOVED that the amendments to HB 1483 as recommended by the Committee on Agriculture as printed on page 617 of the House Journal be adopted, and when so adopted, recommends that HB 1483 DO PASS, which motion prevailed.

HB 1483 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGES FROM THE SENATE

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2127, SB 2129, SB 2226, SB 2290, SB 2297, SB 2305,
SB 2318, SB 2325, SB 2342, SB 2374

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2096, SB 2133, SB 2148, SB 2165, SB 2168, SB 2169,
SCR 4029

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1074, HB 1106, HB 1119

LEO LEIDHOLM, Secretary

MESSAGE TO THE SENATE

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1081, HB 1104, HB 1122, HB 1129, HB 1168, HB 1195,
HB 1215, HB 1219, HB 1221, HB 1245, HB 1257, HB 1300,
HB 1361, HB 1383, HB 1389

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:26 p.m., February 5, 1985:

HB 1074, HB 1106, HB 1119 (Re-signed)

REP. HEDSTROM, Chairman

REP. SHAW 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 2096, SB 2133, SB 2148, SB 2165, SB 2168, SB 2169,
SCR 4029

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE
HOUSE CHAMBER

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

SB 2096, SB 2133, SB 2148, SB 2165, SB 2168, SB 2169,
SCR 4029

ROY GILBREATH, Chief Clerk

SECOND READING OF HOUSE BILLS

HB 1357: A BILL for an Act to amend and reenact section 61-16-08 of the North Dakota Century Code, relating to the eligibility of county commissioners for appointment to water resource district boards.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 25 YEAS, 77 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers; Eckroth; Enget; Graba; Halmrast; Hanson, L.; Hanson, O.; Hoffner; Knudson; Kuchera; Larson; Martin; Melby; Oban; Retzer; Richard; Shockman; Stofferahn; Unhjem; Vander Vorst; Wald; Watne; Williams, A.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Dotzenrod; Frey; Gates; Gertholz; Goetz; Gunsch; Hamerlik; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Rice; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Thompson; Timm; Tollefson; Ulmer; Wentz; Whalen; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja;
Strinden

HB 1357 was declared lost.

HB 1373: A BILL for an Act to amend and reenact section 25-13-02 of the North Dakota Century Code, relating to the use of service dogs in public places.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja

HB 1373 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1374 be placed at the foot of the calendar, pending receipt of a new fiscal note, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1381: A BILL for an Act to create and enact a new section to chapter 44-06 of the North Dakota Century Code, relating to the duty of certain sureties to notify the secretary of

state concerning claims against the bonds of notaries public; and to amend and reenact sections 44-06-01 and 44-06-03 of the North Dakota Century Code, relating to the term of office and bonding requirements of notaries public.

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 69 YEAS, 33 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Belter; Berg, G.; Cleveland; Dalrymple; DeMers; Dotzenrod; Eckroth; Enget; Frey; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hoffner; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Kuchera; Lang; Larson; Lindgren; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Nicholas; Nowatzki; Oban; Olson, V.; Payne; Pederson, R.; Peterson, J.; Retzer; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, R.; Starke; Strinden; Thompson; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Whalen; Williams, A.; Williams, C.; Winkelman; Speaker Hausauer, R.

NAYS: Anderson, R.; Berg, R.; Brokaw; Conny; Dorso; Gates; Gerntholz; Gunsch; Hill; Hughes; Kingsbury; Koland; Kretschmar; Laughlin; Lautenschlager; Linderman; Melby; Murphy; Myrdal; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Rice; Shockman; Solberg, O.; Stofferahn; Timm; Watne; Wentz; Williams, W.; Wold

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja; Richard

HB 1381 passed and the title was agreed to.

HB 1384: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 54-52-17 of the North Dakota Century Code, relating to eligibility for retirement benefits under the public employees retirement system.

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 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja

HB 1384 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that the House stand in recess to receive the Senate, 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 the Honorable Ruth Meiers, Lt. Governor, to the rostrum, which motion prevailed. Speaker R. Hausauer appointed Rep. Hoffner and Sen. Maixner to such committee, and Lt. Governor Meiers was escorted to the rostrum.

SEN. NELSON 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. Heigaard and Rep. Mertens to such committee, and Governor Sinner was escorted to the rostrum.

LT. GOVERNOR MEIERS introduced Governor Sinner to the Assembly.

REP. KELLY MOVED that the remarks of Governor George A. Sinner be printed in the Journal, which motion prevailed.

BUDGET MESSAGE
By
George A. Sinner
Governor of North Dakota

Ladies and gentlemen of this Forty-ninth Legislative Assembly, I will spare you any poetry today--I came to talk about the budget.

A great deal of work went into the budget recommendations that were presented to you by Governor Olson.

A great deal of work has been done by the appropriations committees and legislative leaders since the Legislature convened.

A great deal of work has also been done to prepare my budget recommendations.

There will yet be a great deal of work to do after today. Many decisions concerning state spending and revenues will not be made until the final days of this Legislative Session. It will take the cooperation of all of us to get it done in a rational way.

In the end, we must have a budget that allows state government to provide necessary services in an efficient manner at a cost we can afford.

I am here today to tell you and the people of North Dakota that we have balanced the budget without the necessity of a tax increase.

In many ways it is a difficult message to deliver. You know what I know: revenues for the state have receded dramatically.

Even yet, in real fact, no one really knows what the next two years hold for our people, their farms and businesses, their jobs and professions, or state revenues for that matter.

So we must work with uncertain predictions--even the best predictions are fallible. Chase Econometrics' next revenue forecast information is due March first, we have asked for it early--February 15, if possible.

Nevertheless, it appears to us even at this time that revenue projections will not be improved.

Despite strong justification for many programs in many areas, and despite the clear desirability of greater salary increases, there are two general factors that restrict us.

The first is that the general fund balance can be reduced only so low. The second is that increased taxes are not only unacceptable but more importantly unwise.

As I have pointed out repeatedly, North Dakota's cost of government per citizen is among the highest in the nation already. According to the last available United States Census Bureau figures, North Dakota has the seventh highest per-person cost of government.

The economy and major sources of income for our people are in tough shape. From agriculture to oil and coal, to manufacturing to tourism and retailing, the inflated dollar has worked havoc.

For these reasons, in my judgment, we must hold the line.

So the message is tough--the cutting we are proposing is tough. Everyone will have to share in the sacrifice.

We have done everything humanly possible to preserve civilized salaries for all the loyal and dedicated people who deliver state services--but even that area is not what we would like it to be.

However, we know that over the long term, discipline is essential. Failure to cut programs and failure to hold spending now will only make our problems more severe in the future.

We have struggled long hours to make cuts fairly. Every budget was scrutinized.

We have introduced a proposal to help our economy and the farm credit crisis. We want next to do whatever we can for the operators of small businesses, on Main Street. We want to find jobs for our people who are unemployed.

But our attention today is on the budget.

My recommendations call for a general fund spending level of \$73 million below the December executive budget recommendations.

When we looked at that budget, we were concerned about two things: the projected revenue which we feel has faded, and secondly, the ending general fund balance which we feel was dangerously low.

It now appears that the \$73 million in cuts from those spending levels may only serve to offset the decline in revenue, and that we may have to live with an operating balance lower than we would like.

In addition to general fund reductions, I am recommending a reduction in expenditures of special funds of \$19 million.

I will summarize my recommendations for budgets of the Executive Branch. These are the numbers:

My general fund budget recommendations call for spending \$1,116,000,000. This reflects the \$73 million in cuts from Governor Olson's budget recommendations.

We've made reductions in many areas of the budget; we've also made other changes to reflect our priorities and goals.

GENERAL GOVERNMENT/EMPLOYEE SALARIES

The budget will indicate that people who deliver state services take priority over buildings and offices. Employees are the backbone of state government.

The employee compensation proposal is as follows:

I concur with Representative Strinden's concept to provide a \$60-per-month adjustment to those state employees who did not receive raises last year.

These adjustments should be retroactive to July 1, 1984. Fairness, as well as preservation of the classification system, demand that this be done.

My proposal then calls for a salary package as follows for all state employees other than college and university faculty members: For 1985, I recommend a salary increase be given effective January first of \$50 per month plus an additional three percent, up to a total increase of \$1,200 per year.

I am also recommending a salary increase of three percent for the second year of the biennium. In the event that revenues improve, there should be a trigger to make that six percent.

We know that this is far from what was requested, but it is the best we can do. The emphasis is to help lower salaried people the most.

ELEMENTARY AND SECONDARY EDUCATION

North Dakota has traditionally placed a high priority on state support for elementary and secondary education.

The 1983 Legislature provided for combined per-pupil and tuition apportionment payments of \$1,520 for the current school year and I propose that that amount be sustained.

I am recommending that the combined state support from foundation aid and tuition apportionment for 1985-86 be increased to \$1,580, and to \$1,652 for 1986-87. A more generous payment for 1986-87 should be triggered if revenues allow. I might mention parenthetically that this proposal amounts to a four percent increase for 1985 and 1986 and a four and one-half percent increase for 1986 and 1987.

My budget recommendations include a \$350,000 appropriation to support the general operation of the North Dakota Teacher Center Network.

I am recommending that money be appropriated to fund special education for 3- to 5-year-olds as mandated by the 1983 Legislature.

HIGHER EDUCATION

For faculty at our colleges and universities, I recommend a salary increase of 11.6 percent effective January 1, 1985, up to a maximum of \$200 per month.

Faculty members did not receive raises last year and are not included in the proposal that provides \$60 raises to other state employees who did not get them last year.

I am also recommending that faculty get the same raise in 1986 as other state employees.

I propose that two percent of the Higher Education budget across the board be pooled for control by the State Board of Higher Education to address the changing needs of our state and its people. This will help the board prioritize higher education as well as ag research and extension.

I am also recommending the appropriation of \$800,000 in vocational education grant money to Indian community colleges in our state.

In regard to a computer center, the bonding bill of Representative Peterson provides a vehicle for funding urgently needed facilities, but must be limited to those with a critical need.

Again, in the area of education, no one, least of all me, can be happy with the limitations--but I believe we have done the best we can.

HEALTH AND HUMAN WELFARE

The health and welfare portion of the budget is in the midst of significant change, as is our society.

I fully support the federal court's effort to provide adequate services for our developmentally disabled citizens.

I also propose a major initiative in the care and treatment of the mentally ill. The cost of this initiative is \$3,000,000. Its elements are:

1. Creation of a division of mental health within the Department of Human Services comparable to the Developmental Disabilities Division.
2. Construction of a transitional living center for adolescents in Jamestown.
3. Staff enhancements for community-based counseling and support of the mentally ill.
4. Facilities improvements at the State Hospital in Jamestown.
5. Other changes to improve care at the State Hospital.

Also under health and welfare, I propose that the Legislature do everything in its power to contain the costs of medical assistance payments. At the same time, we must be absolutely fair with legitimate charges of providers of services. The federal government will be providing a reduced level of support for Medicaid services during the coming biennium, which has put an additional burden on the state budget.

The bottom line is that my budget is tough here too--it allows a total general fund health and welfare budget of \$262 million.

AGRICULTURE, INDUSTRIAL DEVELOPMENT, AND PROMOTION

In my Inaugural Address, I spoke of the crisis in agriculture, and the impact that has on our economy.

I have submitted a farm credit proposal in Senate Bill No. 2502 for your consideration. This will require the expenditure of \$3.8 million.

My budget recommendations also include money to assist small businesses by providing equipment, operating expenses, and service contracts for a computer located at North Dakota State University which gives the people and businesses of this state access to computers and software and provides instruction at the institutions of higher education for existing and new industry participants.

NATURAL RESOURCES

I am recommending an appropriation of \$20 million to finance the first phase of construction of the Southwest Water Pipeline. An abundant supply of fresh water in the Garrison Reservoir is one of North Dakota's most valuable resources, and is drastically needed in the southwest part of our state.

I'm recommending that the amount of money available for State Water Commission contracts be increased to \$3.8 million and be funded from energy impact funds.

I am proposing funding totaling \$12.5 million in coal impact grants administered by the Energy Development Impact Office, and another \$2.5 million for oil impact grants.

OTHER PROGRAMS

To help our counties and cities, I am recommending that state revenue sharing be funded in the full amount provided for by state law--five percent of state sales and income tax revenues.

I also recommend that the state payments for personal property tax replacement be continued at the current level of \$32.6 million.

Because our budget is tight in so many areas, I am recommending reinstatement of the Emergency Commission's contingency fund to \$1 million, the same level that was appropriated by the 1983 Legislature.

Those are my recommendations for the Executive Branch.

The Judiciary is a separate branch of government, as is the Legislative Branch. Those budgets must be scrutinized by the Legislature too, and appropriate cuts made.

I know you are under extreme pressure, as I have been, to increase expenditures.

But, this budget, however painful, is a practical budget that addresses our basic needs. It acknowledges the problems in agriculture and business.

In this regard I want to mention also that I support the Redlin-Wenstrom-Waldera-Reiten bill to authorize an oil tax incentive for drilling wildcat and extension wells. This incentive should help drilling activity and leasing ability.

As you are all aware, our revenue situation is extremely volatile. In recognition of that, this budget anticipates continuing the income tax levels established by the 1983 Legislature. It also anticipates a continuation of a sales tax trigger similar to the one passed last session.

Finally, this budget anticipates a general fund operating balance of at least \$40 million.

I will be monitoring the revenue situation closely, and I will keep you advised.

These recommendations reflect a responsible level of state spending.

I look forward to working with you in making the adjustments that time and revenue projection changes demand.

Thank you very much.

MOTIONS

SEN. NETHING MOVED that the Joint Session of the North Dakota House of Representatives and the Senate be dissolved, which motion prevailed.

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

REPORT OF PROCEDURAL COMMITTEE

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

Telephone Attendant

Deneen Wunderlich Voltaire
REP. MARTINSON, Chairman

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

SECOND READING OF HOUSE BILLS

HB 1432: A BILL for an Act to amend and reenact sections 4-35-21 and 28-01-40 of the North Dakota Century Code, relating to reports of loss through pesticide application.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne;

Wentz; Whalen; Williams, A.; Williams, C.;
Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja;
Skjerven; Strinden

HB 1432 passed and the title was agreed to.

HB 1443: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to use of pesticide near apiaries; and to provide a penalty.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 3 YEAS, 95 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Lang; Retzer; Stofferahn

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.;
Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers;
Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;
Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik;
Hanson, L.; Hanson, O.; Haugland; Hausauer, A.;
Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent;
Kingsbury; Kloubec; Klundt; Knudson; Koland;
Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager;
Linderman; Lindgren; Lloyd; Martin; Martinson; Melby;
Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas;
Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;
Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.;
Peterson, J.; Rice; Richard; Riehl; Riley; Rydell;
Schindler; Schmidt; Schneider; Shaw; Shide; Shockman;
Smette; Solberg, O.; Starke; Thompson; Timm; Tollefson;
Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz;
Whalen; Williams, A.; Williams, W.; Winkelman; Wold;
Speaker Hausauer, R.

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja;
Sauter; Skjerven; Solberg, R.; Strinden; Williams, C.

HB 1443 was declared lost.

HB 1449: A BILL for an Act to amend and reenact subsection 2 of section 39-21-41.2 of the North Dakota Century Code,

relating to child restraint devices; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 99 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Kuchera; Shockman; Wold

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja; Strinden

HB 1449 passed and the title was agreed to.

HB 1451: A BILL for an Act to create and enact a new subsection to section 39-10.2-06 of the North Dakota Century Code, relating to the operation of a motorcycle where a passenger under eighteen years of age is not wearing protective headgear.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 96 YEAS, 5 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gertholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik;

Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hanson, O.; Murphy; Shockman; Thompson; Whalen

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja; Strinden; Wentz

HB 1451 passed and the title was agreed to.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to HB 1462, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1462: A BILL for an Act to amend and reenact sections 16.1-01-07, 16.1-04-03, 16.1-06-16, 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 16.1-15-17, 16.1-15-22, 16.1-15-25, and 16.1-15-35 of the North Dakota Century Code, relating to the date of the primary election and election filing deadlines; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

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 56 YEAS, 47 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Berg, G.; Brokaw; DeMers; Dotzenrod; Enget; Frey; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hill; Hoffner; Keller; Kelly; Kloubec; Klundt; Koland; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Lloyd; Mertens; Meyer; Moore; Murphy; Nowatzki; Oban; O'Connell; Opedahl;

O'Shea; Peterson, J.; Richard; Riehl; Riley; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, R.; Starke; Stofferahn; Timm; Ulmer; Vander Vorst; Watne; Wentz; Williams, W.; Speaker Hausauer, R.

NAYS: Anderson, R.; Belter; Berg, R.; Cleveland; Conmy; Dalrymple; Dorso; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hausauer, A.; Hedstrom; Hughes; Kent; Kingsbury; Knudson; Kuchera; Larson; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Pederson, R.; Retzer; Rice; Rydell; Shide; Solberg, O.; Strinden; Thompson; Tollefson; Unhjem; Wald; Whalen; Williams, A.; Williams, C.; Winkelman; Wold

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja

HB 1462 was declared lost for lack of a two-thirds majority of the members elect.

HB 1469: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to delivery of dry edible beans.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 98 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Hausauer, R.

NAYS: Frey; Murphy

ABSENT AND NOT VOTING: Gullickson; Knudson; Lipsiea; Nalewaja; Peterson, J.; Wold

HB 1469 passed and the title was agreed to.

HB 1476: A BILL for an Act to amend and reenact sections 32-08.1-08, 32-19-25, 32-20-02, and 35-22-03 of the North Dakota Century Code, relating to the time of service of process in foreclosure and attachment actions.

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 36 YEAS, 66 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Brokaw; Dotzenrod; Enget; Graba; Halmrast; Hanson, L.; Hoffner; Keller; Kelly; Klundt; Kuchera; Lang; Laughlin; Linderman; Lloyd; Mertens; Meyer; Murphy; Nowatzki; Oban; O'Shea; Richard; Riehl; Schmidt; Shide; Shockman; Skjerven; Solberg, O.; Solberg, R.; Starke; Stofferahn; Vander Vorst; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Eckroth; Gates; Gerntholz; Goetz; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koland; Kretschmar; Larson; Lautenschlager; Lindgren; Martin; Martinson; Melby; Moore; Myrdal; Nicholas; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Riley; Rydell; Sauter; Schindler; Schneider; Shaw; Smette; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Wald; Whalen; Williams, C.; Winkelman; Wold; Speaker Hausauer, R.

ABSENT AND NOT VOTING: Frey; Gullickson; Lipsiea; Nalewaja

HB 1476 was declared lost.

MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1503 be removed from the calendar and be rereferred to the Committee on Appropriations, which motion prevailed

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3027: A concurrent resolution directing the Legislative Council to study the economic and other impacts that could occur in this state if the drainage permit laws were repealed.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 96 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Hausauer, R.

NAYS: Gunsch; Hanson, L.; Thompson; Unhjem; Whalen; Winkelman

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja; Wentz

HCR 3027 was declared adopted.

MOTION

REP. KRETSCHMAR MOVED that the House waive the reading of the title to HCR 3028, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3028: A concurrent resolution directing the Legislative Council to study the consolidation of services provided by the Department of Human Services and the relationship between the Department of Human Services, the county social service boards, and mental health services; to review the services being provided by regional human service centers and to determine how responsive those centers are to

referrals from the court system and other community agencies; and to examine alternatives for more efficient delivery of human services in North Dakota.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Hanson, O.; Thompson

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja

HCR 3028 was declared adopted.

HCR 3029: A concurrent resolution urging the Congress of the United States to enact legislation to allow the discharge in bankruptcy proceedings of federal tax debts resulting from the sale of farmland to pay creditors.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3029 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILLS

HB 1054: A BILL for an Act to amend and reenact section 11-11-14, section 16.1-05-01, subsection 2 of section

16.1-05-03, sections 16.1-05-04, 16.1-05-05, 16.1-06-16, and 58-02-01 of the North Dakota Century Code, relating to the appointment, duties, and compensation of election officials, term of office for election inspectors, distribution of election supplies, and the instruction provided by the county auditor.

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 92 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Eckroth; Enget; Frey; Gates; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Strinden; Thompson; Timm; Tollefson; Ulmer; Unhjem; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: Dotzenrod; Gerntholz; Gunsch; Kingsbury; Melby; Olsen, D.; Olson, A.; Rice; Shide; Stofferahn; Wald

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja

HB 1054 passed and the title was agreed to.

HB 1076: A BILL for an Act to provide for the state treasurer to invest moneys of the agricultural commodity entities.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Belter; Berg, G.; Berg, R.; Brokaw; Cleveland; Conmy; Dalrymple; DeMers; Dorso; Dotzenrod; Eckroth; Enget; Frey; Gates;

Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hedstrom; Hill; Hoffner; Hughes; Keller; Kelly; Kent; Kingsbury; Kloubec; Klundt; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Lloyd; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Pederson, R.; Peterson, J.; Retzer; Rice; Richard; Riehl; Riley; Rydell; Sauter; Schindler; Schmidt; Schneider; Shaw; Shide; Shockman; Skjerven; Smette; Solberg, O.; Solberg, R.; Starke; Stofferahn; Strinden; Thompson; Timm; Tollefson; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Wold; Speaker Hausauer, R.

NAYS: None

ABSENT AND NOT VOTING: Gullickson; Lipsiea; Nalewaja; Unhjem

HB 1076 passed and the title was agreed to.

MOTIONS

REP. STRINDEN MOVED that the rules be suspended to allow for the introduction of HB 1644 at the request of the Governor, and that HB 1644 be referred to the Committee on Education, which motion prevailed.

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

REP. KRETSCHMAR MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 12:30 p.m., Wednesday, February 6, 1985, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred HB 1123 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 4, remove the overstrike from the word "~~fifty~~" and delete the words "one hundred"

On page 2, line 5, overstrike the words "and their actual necessary expenses for" and delete the word and comma "meals,"

On page 2, line 6, delete the words and comma "lodging, and" and overstrike the word "transportation"

And renumber the lines accordingly

REP. KLOUBEC, Chairman

HB 1123 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Social Services and Veterans Affairs to which was referred HB 1169 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 23, delete the words "who is not also the"

On page 2, delete line 24

On page 2, line 25, after the period insert the following sentence: "The three-month limitation does not begin to apply unless the person learning of the offense is someone other than the offender or a spouse, child, sibling, or parent of the offender."

On page 3, line 13, after the first word "team" insert the words "in consultation with the director of the county social service board"

On page 4, line 11, overstrike the word "him" and insert immediately thereafter the words "the director"

On page 4, line 20, overstrike the word "his" and insert immediately thereafter the word "a" and after the word "designee" insert the words "of the director"

On page 4, line 22, delete the words "except that the written"

On page 4, delete lines 23 through 32

On page 4, line 33, delete the words "such circumstances"

On page 5, line 9, after the word "result" insert the words "from reporting the alleged case of abuse or neglect"

On page 5, line 24, after the word "child" insert the words "neglect or"

On page 5, line 25, after the word "~~willfully~~" insert the word "knowingly"

And renumber the lines and pages accordingly

REP. HAUGLAND, Chairman

HB 1169 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1230 has had the same under consideration and recommends by a vote of 7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. CONMY, Chairman

HB 1230 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1315 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "sections 57-23-05 and" and insert in lieu thereof the word "section"

On page 1, delete lines 6 through 28

On page 2, delete lines 1 through 6

And renumber the lines, sections, and pages accordingly

REP. LANG, Chairman

HB 1315 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1348 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 9, delete the words "of not more than five"

On page 1, line 10, delete the word "persons,"

And renumber the lines and pages accordingly

REP. A. OLSON, Chairman

HB 1348 was placed on the Sixth 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 1359 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KLOUBEC, Chairman

HB 1359 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 1382 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 5, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "54-52.2-01" insert the word and numerals "and 54-52.2-03"

On page 1, line 25, delete the words "or a pooled"

On page 1, delete line 26

On page 1, line 27, delete the words "the state deferred compensation committee"

On page 2, after line 3, insert the following new section:

"SECTION 2. AMENDMENT. Section 54-52.2-03 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

may contract with a private corporation or institutions for providing consolidated billing and other administrative services. The deferred compensation committee shall administer the deferred compensation program based on a plan in compliance with the appropriate provisions of the Internal Revenue Code and regulations adopted under those provisions."

On page 2, line 21, delete the word "The" and insert in lieu thereof the words "After July 1, 1987, the"

On page 2, line 22, delete the words "in part"

And renumber the lines, sections, and pages accordingly
 REP. KLOUBEC, Chairman

HB 1382 was placed on the Sixth 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 1405 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. KLOUBEC, Chairman

HB 1405 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 1406 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the words "for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, to make unlawful the retail selling of alcohol-blended gasoline without proper notice.

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

SECTION 1. A new section to chapter 19-10 of the North Dakota Century Code is hereby created and enacted to read as follows:

Retail sale of alcohol-blended gasoline - Notice required. No person may sell at retail alcohol-blended gasoline unless the dispensing unit bears the word "contains" and the name of the alcohol blended with the gasoline. The words must be in type at least one inch [2.54 centimeters] high."

And renumber the lines and pages accordingly

REP. KLOUBEC, Chairman

HB 1406 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1524 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1524 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 1628 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1628 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILL

Committee on Education introduced:

(Approved by the Committee on Delayed Bills)

HB 1644: A BILL for an Act to amend and reenact section 15-44-03 of the North Dakota Century Code, relating to the payments to school districts from the state tuition fund; and to declare an emergency.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Knudson, Schindler introduced:

HCR 3058: A concurrent resolution directing the Legislative Council to study all facets of the state's finance formulas used in making payments to public elementary and secondary schools and to determine what, if any, changes in those formulas should be made.

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

Committee on Appropriations introduced:

HCR 3059: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

FIRST READING OF SENATE BILLS

- SB 2069: A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota Century Code, relating to the canvass of votes following an election.
Was read the first time and referred to the **Committee on Judiciary**.
- SB 2141: A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to arrangement of names on ballots and voting machines.
Was read the first time and referred to the **Committee on Judiciary**.
- SB 2154: A BILL for an Act to create a new section to chapter 15-39.1, a new section to chapter 39-03.1, and a new section to chapter 54-52 of the North Dakota Century Code, relating to reciprocal calculation of benefits in the teachers' fund for retirement, the highway patrolmen's retirement system, and the public employees retirement system and dual membership in the teachers' fund for retirement and the public employees retirement system; and to amend and reenact subsection 1 of section 15-39.1-09 and subsection 4 of section 54-52-01 of the North Dakota Century Code, relating to the membership in the teachers' fund for retirement and the public employees retirement system.
Was read the first time and referred to the **Committee on State and Federal Government**.
- SB 2272: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to partial service retirement under the teachers' fund for retirement.
Was read the first time and referred to the **Committee on Education**.
- SB 2273: A BILL for an Act to amend and reenact sections 55-11-04 and 55-11-10 of the North Dakota Century Code, relating to advisers to the state parks and recreation department on the nature preserve program.
Was read the first time and referred to the **Committee on Natural Resources**.
- SB 2276: A BILL for an Act to amend and reenact subsection 3 of section 50-10.1-01, sections 50-10.1-03, 50-10.1-05, 50-10.1-06, and subsection 1 of section 50-10.1-07 of the North Dakota Century Code, relating to long-term care ombudsmen.
Was read the first time and referred to the **Committee on Social Services and Veterans Affairs**.
- SB 2280: A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to confidentiality of certain records of the highway commissioner.
Was read the first time and referred to the **Committee on State and Federal Government**.

SB 2306: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the North Dakota old-age and survivor insurance system.

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

SB 2308: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the purpose of constructing, improving, or refinancing debt incurred in connection with the revenue-producing educational and airport facilities at the university of North Dakota; and to provide an appropriation.

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

SB 2330: A BILL for an Act to amend and reenact subsection 8 of section 15-20.4-02, and sections 43-11-01, 43-11-02, 43-11-03, 43-11-04, 43-11-05, 43-11-06, 43-11-07, 43-11-08, 43-11-10, 43-11-11, 43-11-12, 43-11-13, 43-11-14, 43-11-15, 43-11-16, 43-11-17, 43-11-18, 43-11-19, 43-11-20, 43-11-20.1, 43-11-20.2, 43-11-20.3, 43-11-20.4, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-26, 43-11-27, 43-11-28, 43-11-29, 43-11-30, 43-11-31, 43-11-33, 43-11-34, and 43-11-35 of the North Dakota Century Code, relating to the regulation of cosmetology; and to provide a penalty.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2333: A BILL for an Act to amend and reenact sections 13-03.1-03 and 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling for consumer finance loan businesses.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2378: A BILL for an Act to repeal chapter 43-27 of the North Dakota Century Code, relating to the board of examiners in watchmaking and the regulation of watchmakers.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2379: A BILL for an Act to amend and reenact section 15-03-13 of the North Dakota Century Code, relating to the redemption after foreclosure of a mortgage given as consideration for a farm real estate loan made from the loan pool account of the board of university and school lands.

Was read the first time and referred to the Committee on State and Federal Government.

SB 2382: A BILL for an Act to create and enact a new section to chapter 48-11 of the North Dakota Century Code, relating to

a special operating fund to be administered by the capitol arts and historic preservation advisory committee; and providing limited continuing appropriation authority to expend moneys received as gifts and grants.

Was read the first time and referred to the **Committee on State and Federal Government**.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4026: A concurrent resolution directing the Legislative Council to study recent changes in classification and assessment of real property for purposes of ad valorem taxation and the effects of these changes upon mill levy limitations imposed by law on political subdivisions.

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

SCR 4031: A concurrent resolution urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outstate sellers.

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

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

ROY GILBREATH, Chief Clerk