

Third Day of
Legislative Organizational Session

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, December 10, 1992

The House convened at 9:00 a.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Kelly Randolph, Capitol Heights Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

MOTION

REP. MARTINSON MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

ANNOUNCEMENT

SPEAKER R. BERG ANNOUNCED the following appointments of members to Standing Committees:

APPOINTMENT OF STANDING COMMITTEES
HOUSE OF REPRESENTATIVES

Appropriations

Committee Chairman - Dalrymple, J.
Committee Vice Chairman - Hausauer, R.

Education and Environment Division

Chairman - Wald F.
Vice Chairman - Kunke1, R.
Bateman, R. Huether, R.
Gorman, S. Kaldor, L.
Hausauer, R. Nichols, R.

Government Operations Division

Chairman - Gerntholz, G.
Vice Chairman - Howard, J.
Carlisle, R. Laughlin, B.
Clayburgh, R. Kroeber, J.

Human Resources Division

Chairman - Payne, D.
Vice Chairman - Wentz, J.
Byerly, R. Pyle, B.
DeWitz, L. Wilkie, G.
St. Aubyn, R.

Education

Chairman - Gates, M.
Vice Chairman - Schindler, O.
Boehm, J. Aarsvold, O.
Holm R. Bodine, G.
Johnson, D. Goffe, A.
Monson, D. Hanson, L.

Poolman, J.
Porter, G.
Sveen, G.
Torgerson, J.

Ness, D.

Finance and Taxation

Chairman - Timm, M.
Vice Chairman - Grosz, M.
Belter, W.
Carlson, A.
Freier, T.
Martin, C.
Nicholas, E.
Olson, A.
Rennerfeldt, E.
Wardner, R.

Dobrinski, E.
Berg, J.
Glassheim, E.
Hokana, J.
Nelson, C.

Human Services

Chairman - Rydell, C.
Vice Chairman - Svedjan, K.
Austin, D.
Christopherson, C.
Gorder, W.
Henegar, D.
Jacobs, L.
Olsen, D.
Stenhjem, A.

Boucher, M.
Brodshaug, J.
Cleary, A.
Gulleson, P.
Kerzman, J.

Industry, Business and Labor

Chairman - Dorso, J.
Vice Chairman - Tollefson, B.
Bernstein, L.
Carlson, C.
Froseth, G.
Keiser, G.
Kempenich, K.
Price C.
Shide, D.
Soukup, A.

Coats, J.
Kilichowski, R.
Mahoney, J.
Stenson, R.
Thorpe, E.

Judiciary

Chairman - Kretschmar, W.
Vice Chairman - Kelsch, R.
Brown, G.
Drovdal, D.
Hagle, A.
Klein, M.
Maragos, A.
Skarphol, B.
Wanzek, T.

Allmaras, L.
Grumbo, H.
Mutzenberger, M.
Ring, J.
Sitz, M.

Agriculture

Chairman - Nicholas, E.
Vice Chairman - Shide, D.
Carlson, C.
Froseth, G.
Grosz, M.
Holm, R.
Johnson, D.
Kempenich, K.
Rennerfeldt, E.
Wanzek, T.

Aarsvold, O.
Boucher, M.
Gulleson, P.
Kerzman, J.
Sitz, M.

Natural Resources

Chairman - Olson, A.
 Vice Chairman - Gorder, W.
 Brown, G.
 Carlson, A.
 Drovdal, D.
 Henegar, D.
 Schindler, O.
 Svedjen, K.
 Tollefson, B.
 Torgerson, J.

Hanson, L.
 Mutzenberger, M.
 Ness, D.
 Ring, J.
 Stenson, R.

Political Subdivisions

Chairman - Martin C.
 Vice Chairman - Soukup, A.
 Hagle, A.
 Jacobs, L.
 Keiser, G.
 Kretschmar, W.
 Maragos, A.
 Poolman, J.
 Porter, G.
 Sveen, G.

Bodine, G.
 Coats, J.
 Glassheim, E.
 Grumbo, H.
 Kilichowski, R.

Government and Veterans Affairs

Chairman - Olsen, D.
 Vice Chairman - Wardner, R.
 Austin, D.
 Christopherson, C.
 Gates, M.
 Kelsch, R.
 Klein, M.
 Rydell, C.
 Stenehjem, A.

Broadshaug, J.
 Goffe, A.
 Mahoney, J.
 Nelson, C.
 Thorpe, E.

Transportation

Chairman - Belter, W.
 Vice Chairman - Bernstein, L.
 Boehm, J.
 Dorso, J.
 Freier, T.
 Monson, D.
 Price, C.
 Skorphol, B.
 Timm, M.

Allmaras, L.
 Berg, J.
 Cleary, A.
 Dobrinski, E.
 Hokana, J.

Joint Constitutional Revision

Cochairman - Brown, G.
 Kretschmar, W.
 Maragos, A.

Goffe, A.
 Nelson, C.

MOTION

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

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

JOINT SESSION

The Joint Session of the House and Senate convened at 1:05 p.m. with Speaker R. Berg presiding.

MOTION

REP. FREIER MOVED that a committee of two be appointed to escort Lt. Governor Omdahl to the rostrum, which motion prevailed.

SPEAKER R. BERG APPOINTED Kelsch and Kaldor to such committee and Lt. Governor Omdahl was escorted to the rostrum.

SPEAKER R. BERG INTRODUCED Lt. Governor Omdahl to the Assembly and turned the gavel over to him.

MOTION

REP. FREIER MOVED that a committee of two be appointed to escort the Honorable George A. Sinner, Governor, to the rostrum, which motion prevailed. The chair appointed Sen. Nelson and Rep. Oban to such committee and the Honorable George A. Sinner, Governor, was escorted to the rostrum. Governor Sinner presented his state of the state message to the Assembly.

STATE OF THE STATE MESSAGE

by Governor George A. Sinner

"THE CHALLENGE OF CHANGE"

Mr. President, Mr. Speaker, Governor Guy, Governor Link, citizens of North Dakota, officials of the executive and judicial branches of state government, ladies and gentlemen of the 53rd Legislative Assembly.

I like to hunt. It's sort of a love reborn. I had hunted some in my earlier years, but life became too full to take the long trips west to find birds as flyway and habitat moved away from the Valley.

But then I came here, and I've enjoyed hunting immensely.

But I haven't been shooting all that well lately.

The problem began that day a little over a year ago, that day in a goose pit north of Bismarck - that day when I decided not to run for reelection.

When I first became governor, hunting was so much more fun. I had clearly become, upon my election to office, a much better marksman.

You see, back then, every time a bird would fall, everyone around me would yell, "Great shot, Governor!"

But since that day in the goose pit, when I decided not to run, all I hear from my fellow hunters is "Geez Governor, you missed again."

You'd think I'd get a little respect. But then there is alot to be said for the truth.

Nurtured by these eight years as governor, and my extensive involvement with these great people, I have more and more found an ever greater pride and love for this state and for her wonderful people. It's been constantly reassured.

They want the truth. They want to know what their leaders believe to be right. Even when they disagree, they want us to tell the truth.

More and more during these eight years I've developed an even greater appreciation, too, for all who work together in public service.

Working together is the only way we can serve the people and make democracy work.

You have been extraordinarily good to work with and I am grateful. The state is better for our work together.

In that regard, I have been blessed, and all of us in this state have been blessed.

Most elected officials and state employees put personal and partisan ambitions aside and work together for the good of the state.

Without question, the one person to whom I owe the greatest debt of gratitude is my wife, Jane.

There is no way to adequately describe her importance.

There is no way to adequately describe the value of her understanding, her consistent wise counsel and her work for better public understanding of mental illness, and the work she's done to teach us all to appreciate the arts and the natural beauty of our state.

I'm proud of the major work she has done to remodel the Governor's Residence. She has led in many, many ways.

Janie's help, and the support of our family, and my partners on the farm have made it possible for me to be totally dedicated to our work here.

Janie, please stand - Mary Jo and Marty are here too.

Next in order of debts of gratitude is Lloyd Omdahl, who heads the list of elected officials. He, for six years, has so ably handled a variety of leadership roles that it is impossible to imagine working without him.

Lloyd's work presiding over the Senate, chairing the Water Commission, Children's Services Coordinating Committee, State Board of Equalization, Emergency Commission, and in many, many other roles, has always been intelligent, clairvoyant and statesmanlike.

Lloyd, and Ruth, please stand and accept our thanks.

I also want to especially thank my office staff and residence staff, many of whom have been with me the entire eight years.

They are extraordinarily intelligent, dedicated, and of highest integrity. They have worked tirelessly long days, year in and year out. They have been a joy to work with. I hold them in highest regard and I shall always treasure their friendship.

The appointed agency heads, as well, are true professionals, dedicated public servants and treasured friends. Every one of them has led their agencies to better service of the people and better professional recognition. They have done that with unparalleled budget constraints.

Here are a few highlights of major achievements in the agencies:

-- The Department of Human Services, under John Graham, has been a leader in child welfare services; in community-based services for the mentally ill and the developmentally disabled.

A federal consultant told me that North Dakota has the most conscientious human services delivery system in the nation.

-- The Growing North Dakota program has brought structure to a major success story - nearly 23,000 new jobs in North Dakota, the fifth highest number of new jobs in the United States per capita, the highest success rate of businesses in the United States.

A lot of people - GNDA, labor, the RECs, farm and business leaders - helped get this done.

-- At Job Service North Dakota, under Mike Deisz, the insurance trust fund is now one of the soundest in the nation. Mike led the way to the planned new Job Corps Center in Minot.

-- The State Department of Health and State Laboratories Department performed one of the smoothest consolidations in history, and set in place the most comprehensive health maintenance program anywhere.

-- Dick Backes and the North Dakota Department of Transportation have lead the massive effort called the "Breadbasket Coalition" to pursue federal money sharing for our rural states.

-- Under Brian Berg, the Highway Patrol lowered the highway fatality rate to the lowest per capita in the nation. They did it with the most courteous and helpful service in history. The patrol is the first North Dakota law enforcement agency to achieve national accreditation.

-- Under Doug Eiken, the North Dakota Parks Department has polished the parks and run the North American Regatta, the Prairie Rose State Games, and the Governor's Cup Auto Race.

-- And tourism, under Jim Fuglie, has succeeded in making North Dakota a greater destination for Canadian and regional domestic travelers through the use of advanced marketing techniques.

The state's effort to target Manitoba, Saskatchewan, and other provinces has produced a six hundred fifty percent increase in Canadian spending in North Dakota over the last eight years. Overall tourism has been increasing by better than ten percent per year.

-- The Department of Corrections, under Elaine Little, has been recognized nationwide for the integration of services for children in the juvenile justice system. That work is a national model.

-- Helen Tracy has been tenacious in her work to make the Workers Compensation program better. There has been significant progress, and she deserves a lot of credit.

-- Under Vern Fahy and Dave Sprynczynatyk, the State Water Commission has brought clean water to the Southwest, and to communities and surrounding farms and businesses across the state.

The commission has brought major flood control to Minot and West Fargo and other communities on the Souris and Sheyenne rivers, and has fought to keep alive the delivery of water to Devils Lake, the northwest and eastern parts of our state.

-- The Industrial Commission has an amazing record.

Joe Lamb made the Bank of North Dakota the strongest in history.

Capital and reserves at the bank now total about \$100 million, compared to under \$56 million eight years ago. The bank won national awards for the student loan program. Joe and his people developed the PACE program and the Match Funding program, considered the best development tools in the country.

Roger Dunning has made the North Dakota Mill the class of the industry.

Gary Bauer and Tom Tudor have revitalized the municipal bond bank. The North Dakota bond bank led a major national trend.

The other administrators under the Industrial Commission - Wes Norton, John Bluemle, and Pat Fricke - have also done outstanding work.

-- The Game and Fish Department, led by Lloyd Jones, developed the most responsive wildlife cooperative management in history with water, agriculture, energy, business, and wildlife interests all sharing input.

-- Glenn Pomeroy's Securities Department has prosecuted fifteen cases in just the last two years - the most in history. Securities are far safer in North Dakota.

-- The Department of Banking and Financial Institutions, under Gary Pressler, has played a major role in seeing North Dakota financial institutions emerge from the toughest period in fifty years. The agency's professionalism has won the respect of virtually every banker in the state.

-- Led by General Alexander Macdonald, the North Dakota National Guard wins national honors month after month, in actual conflict as well as in training competition.

The Air Guard recently won the national Outstanding Unit Award.

I've already told you of the professional and personal admiration I have for Dick Rayl, Charlie Mertens, and the entire OMB staff.

I feel the same about Tim Kingstad and the Land Board staff.

-- Gary Ness and Aeronautics Commission, working with the UND Center for Aerospace Science will very soon have commercial air service to virtually every major North Dakota city.

There are many more to mention. These people are professionals and do great work for the people.

Congressional and state-elected officials of both parties have worked together to make the state better, saving Great Plains gasification, creating jobs, winning water funding, enacting drought legislation and providing the people of this state the best quality of life. I'm proud of all of them.

Retiring Chief Justice Ralph Erickstad has led our Supreme Court to be regularly called the best court in the land.

Finally, state employees here are the finest anywhere. Governors and Legislators may come and go, but it is these employees who carry on, who get the work done. I have struggled to show them our appreciation and to treat them as the fundamental service providers they are.

Whatever we have accomplished has been done with the supportive vision and leadership of the members of the Legislative Assembly. As Earl Strinden was fond of saying, the Legislature is the policy board of the state.

If the policy board has no vision there will be stagnation.

I know that there is a heavy responsibility upon the executive branch to recommend change to help build the vision. I've tried to do that in the past. I will try today as well.

The world is changing rapidly - we must change or be left behind.

That change is in your hands. You can guide change, or you can watch it happen out of your control.

We live in a time where our lives are influenced directly by global communication and by an atmosphere navigated by astronauts, space shuttles, and satellites.

Through fiber optics, interactive television, and other advanced our global neighborhood has instant linkage with every event around the world.

North Dakota is no longer an island. You and I bear the responsibility to forge our future in a space-age society.

No matter how much we dislike it, change is reality. Eternal truths remain the same - but our understanding of them expands - and the world of their application never remains the same.

A visionary man named John Schaar wrote the following: "The future is not a result of choices among alternative paths offered by the present, but a place that is created - created first in mind and will, created next in activity. The future is not some place we are going to, but one we are creating. The paths to it are not found but made, and the activity of making them changes both the maker and the destination."

We have the highest quality of life here: clean air, clean water, a high religious ethic, good education, a low crime rate, friendly, caring, and capable people.

North Dakota can be an even better state.

Our children and our grandchildren can have an even better life here.

Even when they leave their home state - as children everywhere often do - our children can become marvelous good-will ambassadors.

They can teach the world by their example of honesty and integrity. They can become world leaders.

Eventually, many who leave will return, and bring others with them.

But we have to adapt to sustain our high quality of life here.

We have to change the place - pay teachers better, develop water supplies around the state, tighten up the structure, quit wasting money on worn-out structures.

-- We can and we must regionalize our services. We must provide professional specialists for those services.

We can't afford airports and extension offices and total government systems in every town or county.

We must have quality, regionalized medical facilities, airports, and government and educational centers. That's the only way.

-- We can link the people of our state through fiber optics, with a computer system in every home. All of our citizens can have access to market and government information through such a system.

If we make our state government a strong partner with private and local people we can do so much together.

We have already made great progress because an extraordinary spirit of trust and cooperation has been demonstrated by so many facets of the private sector.

Farm and education organizations, labor representatives, the Greater North Dakota Association, officials from the energy industry and advocacy groups for people in need, like the elderly and mentally ill, have put their individual and collective shoulders to the wheel - and much good has come of it.

To say that I am grateful for all of this is an understatement of classic proportion.

-- We can make all education family oriented because education must be lifelong. Parents and children can take classes together, through interactive computer systems.

-- We can build entrepreneurial, risk-taking, innovative, high-tech mentality through our education system.

-- We can do much more to promote living history through themed tourism offerings: the Badlands, Bonanza farms, ethnic festivals like the Hostfest or Native American powwows.

The people of the world are enthralled by our "western" history.

-- We can emphasize a healthy lifestyle by building on the work of programs like the Prairie Rose State Games and Governor's Council on Physical Fitness and the North Dakota High School Activities Association.

Socially, we can lead the nation, as this state has for so long.

--We can eliminate mandatory sentencing and enhance programs that offer good sentencing alternatives.

And we can avoid the pitfalls of enormous budgets for massive penal systems.

-- We can link the state's incomparable medical facilities to provide a Mayo on the prairie. We are already training foreign medical professionals, and we have excellent medical centers.

-- We can make the North Dakota Consensus Council a model for the region and nation for public policy consensus building. Clearly, it is already highly regarded around the nation.

-- We can make North Dakota the first "total quality management" state - we are already on the way to that.

-- We can link all farms through a computer system for a high tech, low impact, environmentally sound agriculture, making North Dakota a leader in the care and nurturing of animals and plants.

-- We can add to the North Dakota Mill more and more processing of farm commodities. Several new ventures, cooperative and investor-owned, are leading the way.

-- We can link farm-product processing with energy companies to provide on-site, low-cost energy and byproduct use.

-- We can make our production the most environmentally sound and environmentally enhancing in the world.

-- We can make quality North Dakota home brews, wines, and other spirits, as well as other food products in quantity for marketing worldwide.

-- We can use electronic benefits transfer technology through the statewide computer system to create a checkless, cardless society, with all taxes collected and benefits paid electronically.

-- We can fully integrate the disabled and elderly into satisfying lives in our society.

We can change the Legislature to a more workable structure. Without changing election dates, we can give members of both houses four-year terms. We can start sessions a year following the election.

Elected officials and legislators can take office, organize and do committee work for a year before the session starts.

We can make this process even better.

We can have new officials preparing their own budgets and legislative recommendations. Legislative committees can do their own committee research.

We can change the formula for funding elementary and secondary education. It is a very difficult area, and the recommendations I made two days ago need your close scrutiny. But, the system can and must be changed.

We can bring far greater business assistance and involvement in education, and we can bring far greater education involvement in business.

We can provide special service to individual industry educational needs, with industry-specific and designed programs.

We can combine vocational-technical offerings for junior and senior high school with higher ed programs.

We can build new industry research and education councils, like the Lignite Research Council and the older Sugar Beet Research Council. The results will be astonishing.

We can also create councils for the construction industry, the manufacturing industry, the food processing industry and many, many others.

We can make these industry-education and research councils the key to clothing our state with a seamless garment of research, training, and education efforts that unite public and private resources to sustain and improve our jobs and our quality of life.

We can make the Growing North Dakota program even better. The Wall Street Journal listed North Dakota as the fifth highest in new jobs per capita. But, we can build yet stronger local development units to find and assist new and expanding businesses.

We can do even better work in tourism.

The Hostfest, the North American Regatta, the Prairie Rose State Games, the new Fargodome, the United Tribes Pow Wow and dozens of other local community "shows" demonstrate how much we can yet do.

We can strengthen the community colleges on the reservations and the reservations' drive for jobs and health treatment and housing.

We can make "managed care" a reality of priority service for medicaid recipients. Human Services is well on the way to a major pilot project.

We can continue the tremendous efforts at preventing illness.

We can broaden the ban against smoking.

Smoking contributes more to health care costs than any other single factor.

Smoking is the single greatest cause of death in North Dakota and the most important health problem of our time.

We can work for health care for all of our people. Ultimately, properly done, we can then eliminate the medical component of workers compensation.

Once that's done, we can also eliminate the Workers' Compensation Bureau completely by combining wage-loss benefits with Job Service.

We can again take reasonable regulation of wetlands back into our own hands by taking control of the 404 Permitting Program.

We can do any or all of this if we are bold enough - if we embrace change.

As I said in my inaugural message to the 49th Legislature nearly eight years ago, "we were not elected by the people of this state because of our party, our gender, our station, or our wealth."

We were sent here because the people think that we, together, can solve the problems of this state - because the people think we can find the path to future quality living for all.

I am proud of how we have worked together to face our challenges, and this state is better off. I urge all of you to continue working together and to work with the new administration for the benefit of the people of our state.

You must believe in government's important role.

There will always be those who disparage government, even while they take its support prices, its low-interest loans, even while they milk every possible penny of expense money or divest their elderly parents to qualify them for government aid.

But, as I have explained to many audiences, the American governmental theory rests on the belief that good things for human beings are compatible, they are discoverable and governable by a government of the people, by the people, and for the people.

We must listen to each other, walk in each other's moccasins.

But, we must act. We dare not shrug our shoulders and do nothing, or we will leave behind many who need our caring, including, most of all, our children. In the end we, ourselves, will be left behind.

This is a great people. Governing here is a great honor and a great responsibility. To educate, to heal, to secure free, safe access to quality living in a changing world remains the challenge of government.

Jefferson told us what we are about in the Declaration of Independence. We all remember his famous line: "We hold these truths to be self evident that all men are created equal, that they are endowed by their creators with certain unalienable rights - that among those rights are the rights to life, liberty, and the pursuit of happiness."

But it was only after that, that he really spoke to us. Jefferson next wrote: "To secure these rights, governments are instituted among men."

In meeting this charge, know that you do great service to your fellow men and women.

We are nothing if we are not servants.

Your service must be above party or personal gain. It must be for the people.

I wish you Godspeed.

MOTIONS

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

REP. FREIER MOVED that a committee of two be appointed to escort the Honorable George A. Sinner, Governor, from the rostrum, which motion

prevailed. The Chair appointed Sen. Nelson and Rep. Oban to such committee and the Honorable George A. Sinner, Governor, was escorted from the rostrum.

MOTION

REP. FREIER MOVED that the Joint Session be dissolved. Lt. Governor Omdahl declared the Joint Session dissolved.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED the following changes in committee assignments:

On the **Education Committee**, Rep. P. Gulleson replaces Rep. G. Bodine.

On the **Human Services Committee**, Rep. C. Price replaces Rep. L. Jacobs and Rep. G. Bodine replaces Rep. P. Gulleson.

On the **Industry, Business and Labor Committee**, Rep. L. Jacobs replaces Rep. C. Price.

On the **Agriculture Committee**, Rep. G. Bodine replaces Rep. P. Gulleson.

On the **Political Subdivisions Committee**, Rep. P. Gulleson replaces Rep. G. Bodine.

MOTION

REP. MARTINSON MOVED that the House stand adjourned until 12:00 noon, Tuesday, January 5, 1993, which motion prevailed.

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

ROY GILBREATH, Chief Clerk