

EIGHTH DAY

Bismarck, January 15, 1981

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

Prayer was offered by the Reverend Dennis A. Tippett, St. George's Episcopal Memorial Church, Bismarck, North Dakota.

The roll was called and all members were present except Reps. Berg, Conny, Gorder, Marsden and Zimbleman.

A quorum was declared by the Speaker.

REQUESTS

Rep. Strinden requested that the records show that Rep. Zimbleman's absence from the House for the next few days would be due to the unexpected, recent death of his brother-in-law.

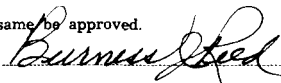
REVISION AND CORRECTION OF THE JOURNAL

Mr. Speaker Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Sixth and Seventh days and recommends that the same be corrected as follows:

On page 168, line 14, in the Journal of the Sixth Day, show Rep. Wentz as voting "yea" instead of voting "nay".

On page 185, line 43, in the Journal of the Seventh Day, show Rep. Wald as voting "yea" instead of "nay" and show Rep. Whalen as voting "nay" instead of "aye".

And when so corrected recommends that the same be approved.

 Chairman

Rep. Sorum moved that the report be adopted, which motion prevailed.

REMARKS IN THE JOURNAL

Rep. Wald: Mr. Speaker, Members of the Assembly. I would like my remarks printed in the Journal. "Yesterday I voted yes on Senate Bill 2003 and on page 185 of the Journal it shows me as voting no. This is an error and I want the record to show that I voted yes on Senate Bill 2003. Thank you."

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER:

Your committee on Enrollment and Engrossment respectfully report that they have examined the following bill:

House Bill No. 1089

and find the same correctly } Engrossed

Craig R. Richie Chairman

Representative Matchie moved that the report be adopted, which motion prevailed, and the report was adopted.

MOTIONS

Rep. Murphy moved that House Bill No. 1283 be returned to the House from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

Rep. Murphy requested permission to withdraw House Bill No. 1283, which request was granted.

Rep. Hoffner moved that House Bill No. 1211 be returned to the House from the Committee on State and Federal Government for the purpose of withdrawal, which motion prevailed.

Rep. Hoffner requested permission to withdraw House Bill No. 1211, which request was granted.

Rep. H. Larson moved that House Bill 1182 be returned to the House from the Committee on Political Subdivisions for the purpose of withdrawal, which motion prevailed.

Rep. H. Larson requested permission to withdraw House Bill No. 1182, which request was granted.

SIXTH ORDER OF BUSINESS

Rep. Matchie moved that the amendments to House Bill No. 1137 as recommended by the Committee on Judiciary as printed on page 184 of the House Journal be adopted, which motion prevailed.

MOTIONS

Rep. R. Anderson moved that the House reconsider the action by which they accepted the Committee Report on House Bill No. 1046, which motion prevailed.

Rep. R. Anderson moved that House Bill No. 1046 be rereferred to the Committee on State and Federal Government, which motion prevailed.

SECOND READING OF HOUSE BILLS

House Bill No. 1155. — A Bill for an Act to provide for an annual cost-of-living increase for retirees under the public employees retirement system, and to provide for disbursement of appropriated moneys.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as the roll was called and there were ayes, 33 nays, 64; absent and not voting 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES									
REGULAR SESSION			ROLL CALL				1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	
		•	•			•			•
ANDERSON, C. #7			HOFFNER			METZ			THOMPSON
ANDERSON, R. #36		•	HORGAN		•	MEYER			TIMM
BACKES			HOUWANN			MOORE			UNHJEM
BERG			HUGHES			MOUM			VANDER VORST
BERGER			HUWE			MURPHY		•	VIG
BLACK		•	JACOBSEN, R.			MUSHIK			WAGNER
BOYUM			JACOBSON, I.			NAGEL			WHALEN
BROKAW			KELLY			NICHOLAS			WALD
COMMY		•	KENT		•	OLAFSON			WENTZ
CRABTREE		•	KINGSBURY			OLSEN			ZIMBLEMAN
DICK		•	KLOUBEC			OLSON, A. #11			
DIETZ			KNUDSON		•	OLSON, D. #13			MR SPEAKER
DOTZENROD		•	KOLAND			OPEDAHL			
DuBORD			KOSKI			PELTIER		•	
EAGLES			KRETSCHMAR			PETERSON			
FREBORG		•	KUCHERA		•	POMEROY, E. #24			
GATES		•	LANG		•	POMEROY, G. #42			
GERL			LARSON, B. #12			REED		•	

GOETZ	•	LARSON, G #29	•	REITEN	•
GORDER	•	LARSON, H. #7	•	RETZER	•
GUNDERSON	•	LIPSIEA	•	RICE	•
GUNSCH	•	MARSDEN	•	RICHARD	•
HANSON, L. #48	•	MARTIN	•	RICHIE	•
HANSON, O. #3	•	MARTINSON	•	RIEHL	•
HAUGLAND	•	MATCHIE	•	RUED	•
HAUSAUER, A. #49	•	MATHENY	•	SCHINDLER	•
HAUSAUER, R. #25	•	MATTSON	•	SOLBERG	•
HEDSTROM	•	MEIERS	•	SORUM	•
HEIGAARD	•	MELBY	•	STRINDEN	•
HILL	•	MERTENS	•	SWONTEK	•

So the bill was declared lost.

House Bill No. 1044 — A Bill for an Act to amend and reenact subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to the definition of rules as that term is used with respect to the law governing the practice and procedure of administrative agencies.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 96 nays, 1; absent and not voting 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MOUM			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WHALEN		
• BROKAW			• KELLY			• NICHOLAS			• WALD		
• CONMY			• KENT			• OLAFSON			• WENTZ		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13					
• DOTZENROD			• KOLAND			• OPEDAHL			• MR. SPEAKER		
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREIBORG			• KUCHERA			• POMEROY, E. #24					
• GATES			• LANG			• POMEROY, G. #42					
• GERL			• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCH			• MARSDEN			• RICHARD					
• HANSON, L. #48			• MARTIN			• RICHIE					
• HANSON, O. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #49			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWONTEK					

So the bill passed and the title was agreed to.

House Bill No. 1089. — A Bill for an Act to amend and reenact section 57-15-55 of the North Dakota Century Code, authorizing a mill levy to provide for payments under contract for the provision of a public transportation 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 ayes, 89 nays, 6; absent and not voting 5.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL			1981 LEGISLATURE					
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		•
• ANDERSON, R. #36			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		

• BERG	• HUGHES	• MOUM	• VANDER VORST
• BERGER	• HUWE	• MURPHY	• VIG
• BLACK	• JACOBSEN, R.	• MUSHIK	• WAGNER
• BOYUM	• JACOBSON, I.	• NAGEL	• WHALEN
• BROKAW	• KELLY	• NICHOLAS	• WALD
• CONMY	• KINGSBURY	• OLAFSON	• WENTZ
• CRABTREE	• KLOUBEC	• OLSEN	• ZIMBLEMAN
• DICK	• KNUDSON	• OLSON, A. #11	
• DIETZ	• KOLAND	• OLSON, D. #13	• MR. SPEAKER
• DOTZENROD	• KOSKI	• OPEDAHL	
• DUBORD	• KRETSCHMAR	• PELTIER	
• EAGLES	• KUCHERA	• PETERSON	
• FREBORG	• LANG	• POMEROY, E. #24	
• GATES	• LARSON, B. #12	• POMEROY, G. #42	
• GERL	• LARSON, G. #29	• REED	
• GOETZ	• LARSON, H. #7	• REITEN	
• GORDER	• LIPSIEA	• RETZER	
• GUNDERSON	• MARDSEN	• RICE	
• GUNSCH	• MARTIN	• RICHARD	
• HANSON, L. #48	• MARTINSON	• RICHIE	
• HANSON, O. #3	• MATCHIE	• RIEHL	
• HAUGLAND	• MATHENY	• RUED	
• HAUSAUER, A. #19	• MATTSON	• SCHINDLER	
• HAUSAUER, R. #25	• MEIERS	• SOLBERG	
• HEDSTROM	• MELBY	• SORUM	
• HEIGAARD	• MERTENS	• STRINDEN	
• HILL		• SWIONTEK	

So the bill passed and the title was agreed to.

House Bill No. 1114. — A Bill for an Act to amend and reenact section 15-39.1-27 of the North Dakota Century Code, relating to the definition of year.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 96 nays, 0; absent and not voting 4.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
• ANDERSON, C. #7			• HOFFNER			• METZ			• THOMPSON		
• ANDERSON, R. #24			• HORGAN			• MEYER			• TIMM		
• BACKES			• HOUMANN			• MOORE			• UNHJEM		
• BERG			• HUGHES			• MOUM			• VANDER VORST		
• BERGER			• HUWE			• MURPHY			• VIG		
• BLACK			• JACOBSEN, R.			• MUSHIK			• WAGNER		
• BOYUM			• JACOBSON, I.			• NAGEL			• WHALEN		
• BROKAW			• KELLY			• NICHOLAS			• WALD		
• CONMY			• KENT			• OLAFSON			• WENTZ		
• CRABTREE			• KINGSBURY			• OLSEN			• ZIMBLEMAN		
• DICK			• KLOUBEC			• OLSON, A. #11					
• DIETZ			• KNUDSON			• OLSON, D. #13					
• DOTZENROD			• KOLAND			• OPEDAHL			• MR. SPEAKER		
• DUBORD			• KOSKI			• PELTIER					
• EAGLES			• KRETSCHMAR			• PETERSON					
• FREBORG			• KUCHERA			• POMEROY, E. #24					
• GATES			• LANG			• POMEROY, G. #42					
• GERL			• LARSON, B. #12			• REED					
• GOETZ			• LARSON, G. #29			• REITEN					
• GORDER			• LARSON, H. #7			• RETZER					
• GUNDERSON			• LIPSIEA			• RICE					
• GUNSCH			• MARDSEN			• RICHARD					
• HANSON, L. #48			• MARTIN			• RICHIE					
• HANSON, O. #3			• MARTINSON			• RIEHL					
• HAUGLAND			• MATCHIE			• RUED					
• HAUSAUER, A. #19			• MATHENY			• SCHINDLER					
• HAUSAUER, R. #25			• MATTSON			• SOLBERG					
• HEDSTROM			• MEIERS			• SORUM					
• HEIGAARD			• MELBY			• STRINDEN					
• HILL			• MERTENS			• SWIONTEK					

So the bill passed and the title was agreed to.

House Bill No. 1115. — A Bill for an Act to amend and reenact subsection 1 of section 15-39.1-04 of the North Dakota Century Code, relating to the definition of teacher.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 97 nays, 0; absent and not voting 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIC		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WHALEN		
● BROKAW			● KELLY			● NICHOLAS			● WALD		
● CONMY			● KENT			● OLAFSON			● WENTZ		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREDBERG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12								
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #3			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSOEN			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEIGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWIONTEK					

So the bill passed and the title was agreed to.

House Bill No. 1116. — A Bill for an Act to amend and reenact section 15-39.1-16 of the North Dakota Century Code, relating to retirement options for retiring teachers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were yeas, 97 nays, 0; absent and not voting 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIC		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WHALEN		
● BROKAW			● KELLY			● NICHOLAS			● WALD		
● CONMY			● KENT			● OLAFSON			● WENTZ		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREDBERG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #3			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSOEN			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEIGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWIONTEK					

So the bill passed and the title was agreed to.

House Bill No. 1119. — A Bill for an Act to amend and reenact sections 28-14-10 and 28-14-18 of the North Dakota Century Code, relating to the order of trial and the conduct of jurors in retirement.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 92 nays 4; absent and not voting 4.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #76			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM	●		● JACOBSON, I.			● NAGEL			● WHALEN		
● BROKAW			● KELLY			● NICHOLAS			● WALD		
● CONMY			● KENT			● OLAFSON		●	● WENTZ		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DuBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREGORG			● KUCHERA	●		● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN		●			
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #3			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSON			● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEKGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWIONTEK					

So the bill passed and the title was agreed to.

House Bill No. 1145. — A Bill for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to confidentiality of records of the Bank of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 79 nays, 18; absent and not voting 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION			ROLL-CALL						1981 LEGISLATURE		
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #7			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #76			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUM		●	● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK		●	● JACOBSEN, R.			● MUSHIK		●	● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WHALEN		
● BROKAW			● KELLY			● NICHOLAS			● WALD		
● CONMY			● KENT			● OLAFSON			● WENTZ		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DuBORD			● KOSKI			● PELTIER		●			
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREGORG			● KUCHERA	●		● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42		●			
● GERL		●	● LARSON, B. #12			● REED		●			
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD		●			
● HANSON, L. #48		●	● MARTIN			● RICHIE		●			
● HANSON, O. #3			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE		●	● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #25			● MATTSON		●	● SOLBERG					
● HEDSTROM			● MEIERS			● SORUM					
● HEKGAARD			● MELBY			● STRINDEN					
● HILL			● MERTENS			● SWIONTEK					

So the bill passed and the title was agreed to.

House Bill No. 1152. — A Bill for an Act to repeal chapter 6-09.2 of the North Dakota Century Code, relating to an industrial building and agricultural development mortgage program administered by the Bank of North Dakota; and to transfer all remaining mortgage insurance funds to the Bank of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were ayes, 97 nays, 0; absent and not voting 3.

NORTH DAKOTA HOUSE OF REPRESENTATIVES											
REGULAR SESSION				ROLL CALL				1981 LEGISLATURE			
YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS	YEAS	N-V	NAYS
● ANDERSON, C. #1			● HOFFNER			● METZ			● THOMPSON		
● ANDERSON, R. #36			● HORGAN			● MEYER			● TIMM		
● BACKES			● HOUMANN			● MOORE			● UNHJEM		
● BERG			● HUGHES			● MOUN			● VANDER VORST		
● BERGER			● HUWE			● MURPHY			● VIG		
● BLACK			● JACOBSEN, R.			● MUSHIK			● WAGNER		
● BOYUM			● JACOBSON, I.			● NAGEL			● WALDEN		
● BROKAW			● KELLY			● NICHOLAS			● WALD		
● CONMY			● KENT			● OLAFSON			● WENTZ		
● CRABTREE			● KINGSBURY			● OLSEN			● ZIMBLEMAN		
● DICK			● KLOUBEC			● OLSON, A. #11					
● DIETZ			● KNUDSON			● OLSON, D. #13			● MR. SPEAKER		
● DOTZENROD			● KOLAND			● OPEDAHL					
● DUBORD			● KOSKI			● PELTIER					
● EAGLES			● KRETSCHMAR			● PETERSON					
● FREBORG			● KUCHERA			● POMEROY, E. #24					
● GATES			● LANG			● POMEROY, G. #42					
● GERL			● LARSON, B. #12			● REED					
● GOETZ			● LARSON, G. #29			● REITEN					
● GORDER			● LARSON, H. #7			● RETZER					
● GUNDERSON			● LIPSIEA			● RICE					
● GUNSCH			● MARSDEN			● RICHARD					
● HANSON, L. #48			● MARTIN			● RICHIE					
● HANSON, O. #3			● MARTINSON			● RIEHL					
● HAUGLAND			● MATCHIE			● RUED					
● HAUSAUER, A. #49			● MATHENY			● SCHINDLER					
● HAUSAUER, R. #15			● WATTISON			● SOLBERG					
● HEDSTROM			● WEIERS			● SORUM					
● HEIGAARD			● WELBY			● STRINDEN					
● HILL			● WERTENS			● SWINTEK					

So the bill passed and the title was agreed to.

MESSAGES FROM THE SENATE
Senate Chamber

Mr. Speaker:

I have the honor to transmit herewith the following,
Senate Bill No. 2003

Senate Concurrent Resolution No. 4019

Which the President has signed and your signature is respectfully requested.

LEO LEIDHOLM, Secretary
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

Senate Bill No. 2043

Senate Bill No. 2132

Senate Bill No. 2047

Senate Bill No. 2151

Senate Bill No. 2048

Senate Bill No. 2156

Senate Bill No. 2070

Senate Bill No. 2187

Senate Bill No. 2071

Senate Bill No. 2099

Senate Bill No. 2100

Senate Bill No. 2109

LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

The Chief Clerk announced that the Speaker signed the following:
Senate Bill No. 2003
Senate Concurrent Resolution No. 4019

ROY GILBREATH, Chief Clerk
MESSAGE TO THE SENATE
House Chamber

Mr. President:

I have the honor to return
Senate Bill No. 2003
Senate Concurrent Resolution No. 4019
Which the Speaker has signed. ROY GILBREATH, Chief Clerk
House Chamber

Mr. President:

I have the honor to transmit herewith the following, which the House
has passed and your favorable consideration is requested on
House Bill No. 1067
House Bill No. 1071
House Bill No. 1074
House Bill No. 1088
House Bill No. 1133
House Bill No. 1142
House Bill No. 1151
House Bill No. 1169

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

Mr. Speaker: Your Committee on STATE AND FEDERAL GOVERNMENT
to whom was referred HOUSE

Bill No. 1043, has had the same under consideration and recommends, by a vote of
Ayes, 13; Nays, 1; Absent, 1, that the same

do pass. do not pass. be placed on calendar
without recommendation.
 be amended as follows:

On page 1, line 5, delete "4-10-19,"

On page 1, line 6, delete "6-03-63,"


On page 2, delete lines 25 through 35

On page 3, delete lines 1 through 13

On page 6, delete lines 14 through 32

And renumber the lines, sections, and pages accordingly

And when so amended, recommends the same do pass.


Chairman
Rep. Martinson

Bill No. 1043 was placed on the 6th
House order of business on the calendar for the succeeding legislative day.

Mr. Speaker: Your Committee on INDUSTRY, BUSINESS AND LABOR
to whom was referred HOUSE

Bill No. 1101, has had the same under consideration and recommends, by a vote of
Ayes, 14; Nays, 0; Absent, 2, that the same

do pass.

do not pass.

be placed on calendar
without recommendation.

be amended as follows:

On page 1, line 1, delete everything after the words "A Bill"
and insert in lieu thereof the following:

" for an Act to create and enact section 47-30-02.1 of the
North Dakota Century Code, relating to abandoned property of
closed financial institutions; and to amend and reenact
sections 6-03-13.5, 6-03-23, 6-03-37, 6-05-06, 6-07-38, and 6-07-46
of the North Dakota Century Code, relating to a bank's
conversion, change in capital, reserves, and a trust company's
directors' qualifying shares.

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

SECTION 1. AMENDMENT. Section 6-03-13.5 of the North
Dakota Century Code is hereby amended and reenacted to read as
follows:

6-03-13.5. NATIONAL BANK CONVERSION TO STATE BANK. A
national bank located in this state which follows the procedure
prescribed by federal law to convert into a state bank, shall
be granted a state charter if it meets the provisions of the
North Dakota Century Code for the incorporation and chartering
of a new state bank. Any requirement that shares must be paid
in cash may be satisfied by the exchange of shares of the
converted state bank for those of the converting national bank,
which may be valued at no more than their fair cash market
value. The procedure for incorporation of a state bank may be

modified by the state banking board to the extent made necessary by the difference between an ordinary incorporation and a conversion and no public hearing need be held on a conversion application.

SECTION 2. AMENDMENT. Section 6-03-23 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-23. CAPITAL STOCK MAY BE INCREASED. Any association may provide, either by its articles of incorporation, by subsequent resolution, or by written agreement of the holders of a majority of its stock, for an increase in its capital stock from time to time subject to the limitations of this title ~~and the approval of the state banking board~~. No increase in capital stock shall be valid until the whole amount has been paid in, in cash, and such payment certified under oath by the president or cashier of the association to the secretary of state, nor until the secretary of state executes a certificate specifying that this chapter has been complied with, the amount of the increase in capital stock, and that the increase has been paid in as part of the capital of the association, nor until a copy of such certificate has been filed with the state banking board.

SECTION 3. AMENDMENT. Section 6-03-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-03-37. RESERVE FUNDS. Every banking association shall have on hand at all times in available funds an amount which shall equal a percentage of its demand deposits and amounts due to other banks, plus a percentage of its time deposits. Such percentage shall be set by the state banking board. Such reserve funds may consist of cash on hand and balances due to the association from the Bank of North Dakota, a federal reserve bank, or good solvent state or national banks, approved by the ~~state-examiner~~ commissioner for such purposes and

located in such cities as will facilitate banking exchange. The state-examiner commissioner, whenever he deems it necessary, may require such banking association, on fifteen days' notice in writing, to increase such reserve requirements to not more than twenty percent of its demand deposits nor more than ten percent of its time deposits. Cash items shall not be included in computing reserve, and no association shall carry as cash, or as cash items, any paper or other matter except legitimate bank exchange which will be cleared on the same or the next succeeding day. Whenever its reserve funds are below the required amount, no dividend may be paid.

If on any one day, reserves shall not meet the requirements, it shall not be a violation of this section provided that the average reserve for the period starting on Thursday of the same calendar week and ending on the second Wednesday following, shall equal or exceed the minimum requirements.

The state-examiner commissioner must notify any association whose reserve is below the amount required to make good such reserve, and if such association shall fail to do so for a period of thirty days after such notice, the state banking board may impose a penalty of not less than one hundred dollars or an amount equal to seven percent per annum based on the average deficiency for the period of deficiency, whichever is greater, which shall be collected in the same manner as other penalties prescribed in this title.

SECTION 4. AMENDMENT. Section 6-05-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-05-06. DIRECTORS - QUALIFICATIONS - TERMS - VACANCIES. All the corporate powers of such a corporation shall be exercised by a board of directors of not less than nine nor more than fifteen in number, and such officers and agents as it shall elect or appoint. A majority of the directors must be

citizens of this state, and every director must own in his own right, free from hypothecation or pledge for any debt, at least ten shares of capital stock of the corporation of which he is a director, which said shares shall be known as "director's qualifying shares" and which shall be ~~issued and placed in charge of the state examiner~~ so marked across the face and retained in the trust company, as provided in section 6-03-03. Any director who ceases to be the owner of ten shares of stock, free and nonhypothecated, or who becomes in any manner disqualified, shall vacate his office thereupon. Every director, when elected or appointed, shall take the oath specified in section 6-03-04. Such oath, subscribed by the director making it and certified by the officer before whom it was taken, ~~together with the qualifying shares, unless such shares are already on file with the state examiner,~~ shall be transmitted at once to the examiner commissioner to be filed in his office. The articles of incorporation must state the names and residences of the first board of directors, of whom the first named one-third shall serve for a period of three years, the second one-third named for a period of two years, and the balance thereof shall serve for a period of one year from the date fixed for the commencement of such corporation. In case any of the persons so named shall not become stockholders to the amount required to qualify, or if they fail or refuse to qualify from any cause, the directors who shall qualify must elect qualified stockholders to fill such vacancies, and thereafter, at each annual meeting of the stockholders, directors shall be elected to serve three years in place of those whose terms then shall expire.

SECTION 5. AMENDMENT. Section 6-07-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-07-38. CLOSING OF RECEIVERSHIPS - SALE OF ASSETS - NOTICE. Every receivership must be terminated within five

years of the date of the appointment of the first receiver for said bank. If ninety days prior to the expiration of said five-year period any assets remain in the hands of the receiver, he shall cause notice of sale thereof at public auction to be given by publishing notice thereof in a newspaper in the county wherein the bank was located once each week for three successive weeks prior to the date set for sale, and such assets may be sold to the highest bidder. Such sale may be had at any earlier time when ordered by the court having jurisdiction. When the receivership of a closed bank is terminated, all books, records, documents, and other property of such bank, and any dividends unclaimed, shall be delivered over by such receiver to the state-examiner commissioner and his receipt taken therefor by the receiver. Such receipt must be filed in the district court having jurisdiction, and the discharge of the receiver, whether he be an administrative or judicial receiver, must be approved by such court before it becomes final. The state examiner commissioner shall be custodian of all books, records, documents, and other property of such bank and of the dividends unclaimed upon the winding up of the receivership proceedings, and shall be vested with title to any assets belonging to such bank and not distributed in such receivership, and he shall have full power and authority to convert such assets into cash. He also shall have authority to execute all deeds, satisfactions, assignments, or other documents required for the purpose of transferring undistributed assets or for the purpose of correcting public records and quieting title to property in which the insolvent bank has or has had an apparent interest. Any moneys collected by the examiner commissioner, prior to July 1, 1975, after the termination of a receivership shall be paid into the general fund of the state. Any moneys collected by the commissioner after July 1, 1975, after the termination of a receivership shall be paid to the commissioner of university and school lands.

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SECTION 6. AMENDMENT. Section 6-07-46 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-07-46. DISPOSITION OF UNCLAIMED DIVIDENDS OR OTHER MONEYS DELIVERED TO ~~STATE-EXAMINER~~ COMMISSIONER. Any unclaimed dividend or other moneys delivered to the ~~state-examiner~~ commissioner by the receiver of an insolvent bank pursuant to the provisions of section 6-07-38 prior to July 1, 1975, shall be paid to the state treasurer who shall credit such payments to the general fund of this state. Any unclaimed dividends or other moneys credited to such fund may thereafter be paid to the lawful owner thereof, his heirs, executors, administrators, or assigns when proven to the satisfaction of the ~~state-examiner~~ commissioner that he is legally entitled thereto. Such payment shall be made by a warrant drawn by the department of accounts and purchases and issued in payment of a claim voucher certified to by the claimant and approved by the ~~state-examiner~~ commissioner. The moneys required for the payment of such claims are hereby appropriated out of the general fund.

Any unclaimed dividend or other moneys delivered to the commissioner by the receiver of an insolvent bank pursuant to the provisions of section 6-07-38 after July 1, 1975, shall be transferred to the commissioner of university and school lands and voucher for the payment of such dividends to persons entitled thereto in accordance with chapter 47-30.

SECTION 7. Section 47-30-02.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

47-30-02.1. PROPERTY REMAINING AT TERMINATION OF RECEIVERSHIP. All unclaimed dividends or other moneys remaining at the termination of a receivership of a closed financial institution are presumed abandoned."

And renumber the lines, sections and pages accordingly

and when so amended, recommends the same do pass.



Chairman

REP. RUED

HOUSE Bill No. 1101 was placed on the 6th order of business on the calendar for the succeeding legislative day

MOTIONS

Rep. Kretschmar moved that the absent members be excused, which motion prevailed.

Rep. Kretschmar moved that 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., Friday, January 16, which motion prevailed.

FIRST READING OF HOUSE BILLS

Reps. Strinden, Swiontek and Kuchera introduced:

House Bill No. 1295. — A Bill for an Act to authorize and encourage joint agreements to furnish or receive heat from a central heating source.

Was read the first time and referred to the committee on Social Services and Veterans Affairs.

Reps. Martinson, Goetz and Berg introduced:

House Bill No. 1296. — A Bill for an Act to amend and reenact section 5-02-06 of the North Dakota Century Code, relating to alcoholic beverage prohibitions as to persons under twenty-one, and allowing persons under twenty-one to sell, dispense, or deliver beer when employed by a restaurant.

Was read the first time and referred to the committee on Judiciary.

Reps. R. Hausauer, Dotzenrod and Nicholas introduced:

House Bill No. 1297. — A Bill for an Act to regulate the relationship between beer wholesalers and brewers; to prohibit inducement or coercion, dual distributorship, retaliatory action, discrimination, and waiver; and to provide for definitions, agreement cancellation, notice of intent to terminate, sale of business, reasonable compensation for wrongful cancellation, judicial remedies, product price, wholesaler management, sale of brewer, coverage of the Act, right of free association, and application of the Act when in conflict with title 51.

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

Reps. A. Olson, Olafson and Haugland and Senator Vosper introduced:

House Bill No. 1298. — A Bill for an Act to amend and reenact section 50-01-07 of the North Dakota Century Code, relating to the appointment of county social service board members.

Was read the first time and referred to the committee on Social Services and Veterans Affairs.

Rep. Kingsbury introduced:

House Bill No. 1299. — A Bill for an Act to create and enact a new subsection to section 57-40.3-07 of the North Dakota Century Code, exempting certain vehicles from payment of the motor vehicle excise tax in order to transfer title.

Was read the first time and referred to the committee on Transportation.

Reps. Koski, Martinson and Vig introduced:

House Bill No. 1300. — A Bill for an Act to amend and reenact sections 6-06-05 and 6-06-14 of the North Dakota Century Code, relating to use of the terms “corporate central credit union” and “central credit union” and meetings of the credit committee.

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

Reps. Vig, Koski and Martinson introduced:

House Bill No. 1301. — A Bill for an Act to amend and reenact subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to Bank of North Dakota loans to credit unions.

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

Reps. Gorder, A. Olson and Retzer and Senators Iszler and Erickson introduced:

House Bill No. 1302. — A Bill for an Act to create and enact a new section to chapter 15-38.1 of the North Dakota Century Code, relating to management rights; and to amend and reenact subsection 1 of section 15-38.1-07, sections 15-38.1-08, 15-38.1-09, subsection 1 of section 15-38.1-12, and subdivision a of subsection 1 of section 15-38.1-13 of the North Dakota Century Code, relating to the subjects that may be negotiated between teachers and school boards.

Was read the first time and referred to the committee on Judiciary.

Reps. Gorder, A. Olson and Olafson and Senators Tennesfos, Lee and Vosper introduced:

House Bill No. 1303. — A Bill for an Act to provide for a period of silent meditation in schools.

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

Rep. Martinson introduced:

House Bill No. 1304. — A Bill for an Act to establish a certified addiction counselor-client privilege for confidential communications.

Was read the first time and referred to the committee on Judiciary.

Rep. Conmy introduced:

House Bill No. 1305. — A Bill for an Act to amend and reenact sections 40-13-05 and 48-02-12 of the North Dakota Century Code, relating to conflicts of interest by city officials in contracts awarded by that city.

Was read the first time and referred to the committee on Judiciary.

Reps. Melby, Vander Vorst and Opedahl introduced:

House Bill No. 1306. — A Bill for an Act to amend and reenact section 10-06-06 of the North Dakota Century Code, relating to a penalty provision for those corporations in violation of the corporate farming prohibition.

Was read the first time and referred to the committee on Judiciary.

Reps. Wald, Unhjem and Conmy and Senators Nething, Tennesfos and Tierney introduced:

House Bill No. 1307. — A Bill for an Act to amend and reenact subsection 1 and 2 of section 57-38-01.7 of the North Dakota Century Code, increasing the amounts allowable as an income tax credit for charitable contributions.

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

Rep. Murphy introduced:

House Bill No. 1308. — A Bill for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code.

relating to the tax commissioner's power to collect certain city income taxes; and to amend and reenact section 21-03-15 of the North Dakota Century Code, relating to a tax on income of municipal residents to pay the interest on and principal of municipal bond issues.

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

Reps. Olafson, A. Olson and Senator Erickson introduced:

House Bill No. 1309. — A Bill for an Act to amend and reenact sections 39-04-08 and 39-04-11 of the North Dakota Century Code, relating to the number and display of number plates furnished by the motor vehicle department.

Was read the first time and referred to the committee on Transportation.

Rep. Richard introduced:

House Bill No. 1310. — A Bill for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code to provide an additional oil extraction tax with proceeds going to the energy impact office; to amend and reenact section 57-62-01, subsection 1 of section 57-62-02, and sections 57-62-04, 57-62-05, and 57-62-06 of the North Dakota Century Code to recreate the coal development impact office as the energy impact office, and to empower that office to disburse the revenues collected by the one percent oil extraction tax provided by this Act.

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

Reps. Retzer, Peltier and Meiers introduced:

House Bill No. 1311. — A Bill for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code to provide for regularly scheduled special sessions of the legislative assembly in even-numbered years.

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

FIRST READING OF SENATE BILLS

Senate Bill No. 2044. — A Bill for an Act to amend and reenact sections 4-18.1-21, 28-32-01, 28-32-02, 28-32-03, 28-32-03.1, 28-32-03.2, 28-32-04, and 28-32-07 of the North Dakota Century Code, relating to judicial review of rulemaking by the milk stabilization board, rulemaking powers of administrative agencies, filing and effect of rules, and publication of the administrative code.

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

Senate Bill No. 2066. — A Bill for an Act to amend and reenact section 27-02-05.1 of the North Dakota Century Code, relating to the authority of the supreme court to promulgate rules and regulations relating to a uniform accounting procedure for local courts.

Which was read the first time and referred to the Committee on Judiciary.

Senate Bill No. 2082. — A Bill for an Act to amend and reenact section 25-09-02 of the North Dakota Century Code, relating to expenses chargeable against a state hospital or Grafton state school patient and providing that no expenses shall be charged by the state hospital for the care and treatment of a patient transferred from a jail or regional corrections center.

Which was read the first time and referred to the Committee on

Social Services and Veterans Affairs.

Senate Bill No. 2097. — A Bill for an Act to amend and reenact subsection 9 of section 26-08-11 of the North Dakota Century Code, relating to authorized investments of domestic insurance companies.

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

Senate Bill No. 2106. — A Bill for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the participation of political subdivisions in the uniform group insurance program and to the amount a governing body may provide for the monthly premium; to amend and reenact subsections 1 and 7 of section 54-52.1-01 of the North Dakota Century Code, relating to the definitions of “eligible employee” and “department, board, or agency”.

Which was read the first time and referred to the Committee on Political Subdivisions.

Senate Bill No. 2107. — A Bill for an Act to amend and reenact subsections 5 and 6 of section 54-52-01 and section 54-52-02.1 of the North Dakota Century Code, relating to the definition of “funding agent” and “governmental unit”, and authorizing other political subdivisions to join the public employees retirement system.

Which was read the first time and referred to the Committee on Political Subdivisions.

Senate Bill No. 2125. — A Bill for an Act to amend and reenact section 23-29-12 of the North Dakota Century Code, relating to penalties for violation of chapter 23-29, the solid waste management law.

Which was read the first time and referred to the Committee on Social Services and Veterans Affairs.

FIRST READING OF A

SENATE CONCURRENT RESOLUTION

Senate Concurrent Resolution No. 4015. — A concurrent resolution calling for a statewide, toll-free zenith telephone system for aviation weather briefings from Federal Aviation Administration flight service stations in North Dakota.

Which was read the first time and referred to the Committee on Transportation.

The House stood adjourned pursuant to Rep. Kretschmar’s motion.

ROY GILBREATH, Chief Clerk