

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

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## FOURTEENTH DAY

Bismarck, January 23, 1987

The House convened at 1:00 p.m., with Speaker Kloubec presiding.

The prayer was offered by Tim Kraemer, Roseglen Lutheran Parish, Roseglen, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives Dorso, L. Hanson, Kelly, Scherber, Skjerven, and Sorensen.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

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

REP. THOMPSON, Chairman

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

## DOCTOR OF THE DAY SCHEDULE

January 26:	William Buckingham, M.D.	- Bismarck
January 27:	Michelle M. Von Rueden, M.D.	- Fargo
January 28:	Michelle M. Von Rueden, M.D.	- Fargo
January 29:	Bernard M. Altenburg, M.D.	- Fargo
January 30:	Ronald L. Wagner, M.D.	- Carrington

## FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Rep. Martinson and Sen. Satrom introduced:

HCR 3019: A concurrent resolution providing and designating House and Senate employees and fixing their compensation.  
Was read the first time. .

## MOTION

REP. STRINDEN MOVED that the rules be suspended, that HCR 3019 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Rep. Martinson and Sen. Satrom introduced:

## HOUSE CONCURRENT RESOLUTION NO. 3019

A concurrent resolution providing and designating House and Senate employees and fixing their compensation.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for the Fiftieth Legislative Assembly the following named persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions as shown below:

HOUSE

Roy Gilbreath, Chief Clerk	\$85.00
Barbara Middaugh, Desk Reporter	79.00
David Hillesland, Sergeant-at-Arms	64.00
Skip Sjothun, Assistant Chief Clerk	70.00
Jeane Marschke, Bill Clerk	64.00
Theola Stetson, Chief Stenographer and Payroll Clerk	64.00
Connie Johnsen, Chief Committee Clerk	64.00
Cindy Nelson, Appropriations Committee Clerk	66.00
Carol Nitschke, Assistant Appropriations Committee Clerk	62.00
Jan Mumma, Assistant Appropriations Committee Clerk	62.00
Sharon Lang, Assistant Appropriations Committee Clerk	62.00
Helen Soma, Committee Clerk	58.00
Darlyne Clausnitzer, Committee Clerk	58.00
Joan VonRueden, Committee Clerk	58.00
Judy Hoffman, Committee Clerk	58.00
Janice Stein, Committee Clerk	58.00
Lela Knudsen, Committee Clerk	58.00
Jonathan Thomson, Committee Clerk	58.00
Juanita Braun, Committee Clerk	58.00
Sandy Schafer, Committee Clerk	58.00
Kathy Ludwick, Committee Clerk	58.00
Claudia Tauer, Assistant Committee Clerk	55.00
Tove Mandigo, Chief Page and Bill Book Clerk	55.00
Cindy Kephart, Desk Page	48.00
Judy Koch, Desk Page	48.00
Barbara Larson, Desk Page	48.00
Barbara Hauser, Secretary to the Speaker	64.00
Mazie Patchen, Secretary to Majority Leader	70.00
Rick Collin, Assistant Secretary to Majority Leader	64.00
Judy Tinjum, Secretary to Minority Leader	70.00
Toni Lynn Heintz, Assistant Secretary to Minority Leader	64.00
Ron Carlisle, Deputy Sergeant-at-Arms	52.00
Dan O'Neil, Assistant Sergeant-at-Arms	48.00
Edgar Beyers, Assistant Sergeant-at-Arms	48.00
Ed Leno, Assistant Sergeant-at-Arms	48.00
Phyllis Connolly, Assistant Sergeant-at-Arms	48.00
Tom Belzer, Assistant Sergeant-at-Arms	48.00
Bill Harter, Assistant Sergeant-at-Arms	48.00
Mark Zimmerman, Assistant Sergeant-at-Arms	48.00
Jennifer Picken, Journal Page	48.00
Pam Crawford, Information Desk Attendant	48.00
Eugene Grenz, Chief Bill and Journal Room Clerk	58.00
Eli Nemer, Bill Room Clerk	48.00

Faye Caya, Bill Room Clerk	48.00
Harold Unterseher, Bill Room Clerk	48.00
George Leingang, Bill Room Clerk	48.00
MaryAnn Varriano, Bill Room Clerk	48.00
Pam Wheeler, Journal Room Clerk	48.00
Jeff Carlson, Journal Room Clerk	48.00
Vicky Friez, Telephone Attendant	48.00
Laura Johnson, Telephone Attendant	48.00
Linda Mueller, Telephone Attendant	48.00
Blenda Hoffart, Telephone Page	48.00
John Schmidt, Parking Lot Attendant	48.00
Barb Klein, Stenographer	52.00
Phyllis Johnson, Stenographer	52.00
Elizabeth Bergan, Stenographer	52.00
Marge Mosbrucker, Stenographer	52.00
Bertha Palen, Stenographer	52.00
Wilma Melstad, Typist	52.00
Sharon Jensen, Typist	52.00
David Hougen, Assistant Chief Page and Bill Book Clerk	52.00
Brian Overton, Page and Bill Book Clerk	48.00
Sheila Markel, Page and Bill Book Clerk	48.00
Sandy Steier, Page and Bill Book Clerk	48.00
Justin Gullekson, Page and Bill Book Clerk	48.00
Barb Brown, Page and Bill Book Clerk	48.00
Nick Chase, Page and Bill Book Clerk	48.00
Richard Stenberg, Page and Bill Book Clerk	48.00
Ginny Watson, Page and Bill Book Clerk	48.00
Tony Gross, Page and Bill Book Clerk	48.00
Robert Guler, Page and Bill Book Clerk	48.00
Lisa Neary, Page and Bill Book Clerk	48.00
Helen Schaible, Page and Bill Book Clerk	48.00
Curtis Paulson, Page and Bill Book Clerk	48.00
Neal Schlosser, Page and Bill Book Clerk	48.00
Kevin Urness, Page and Bill Book Clerk	48.00
Verne Westervall, Page and Bill Book Clerk	48.00
Helen Just, Janitor (partial pay only)	34.00
Francis Scharosch, Janitor (partial pay only)	36.00
Joe Emineth, Janitor (partial pay only)	43.00
Gene Reynolds, Janitor (partial pay only)	51.00

## SENATE

Perry Grothberg, Secretary of the Senate	\$85.00
Paula Riehl, Desk Reporter	79.00
Doug Nordby, Sergeant-at-Arms	64.00
Jim Kusler, Assistant Secretary of the Senate	70.00
Deanna Hill, Bill Clerk	64.00
Maureen Muhlhauser, Chief Stenographer and Payroll Clerk	64.00
Mary Schmitz, Chief Committee Clerk	64.00
Carin Noriega, Appropriations Committee Clerk	66.00
Victor Heier, Assistant Appropriations Committee Clerk	62.00
Caryl Hieb, Committee Clerk	58.00
Nancy Pfenning, Committee Clerk	58.00
Judi Markegard, Committee Clerk	58.00

Connie Skager, Committee Clerk	58.00
Kimberly Pollert, Committee Clerk	58.00
Michelle Kalenze, Committee Clerk	58.00
Nancy Dockter, Committee Clerk	58.00
Mary Haberman, Committee Clerk	58.00
Jeannette Shaw-Lynch, Committee Clerk	58.00
Michelle Larson, Committee Clerk	58.00
Brenda Miller, Assistant Committee Clerk	55.00
Lucy Miller, Chief Page and Bill Book Clerk	55.00
Stephanie Gullickson, Desk Page	48.00
Sandi Kershaw, Secretary to Majority Leader	70.00
Wanda Scheid, Assistant Secretary to Majority Leader	64.00
Jan Steinle, Secretary to Minority Leader	70.00
Marius Rogneby, Assistant Secretary to Minority Leader	64.00
Frank LaQua, Deputy Sergeant-at-Arms	52.00
Vern Thompson, Deputy Sergeant-at-Arms	52.00
Jim Walsh, Assistant Sergeant-at-Arms	48.00
Lance Hagen, Assistant Sergeant-at-Arms	48.00
Paul Janke, Assistant Sergeant-at-Arms	48.00
David Hetland, Jr., Journal Page	48.00
Janice Clancy, Information Desk Attendant	48.00
Delano Huston, Bill Room Clerk	48.00
Selma Carlson, Bill Room Clerk	48.00
Ledores Robey, Bill Room Clerk	48.00
Fred Schulz, Bill Room Clerk	48.00
Nettie Monroe, Journal Room Clerk	48.00
Joan Nelson, Journal Room Clerk	48.00
Renee Bullinger, Chief Telephone Attendant	52.00
Arlyne Hight, Telephone Attendant	48.00
Ruby Stadick, Telephone Attendant	48.00
Lunette Lipp, Telephone Attendant	48.00
Janet Britton, Telephone Page	48.00
Jeff Heider, Parking Lot Attendant	48.00
Sue Alexander, Stenographer	52.00
Mischelle Christensen, Stenographer	52.00
Sharon Neukircher, Stenographer	52.00
Alice Zako, Stenographer	52.00
LeLand Barth, Page	48.00
Scott Swanson, Page	48.00
Jacki Giovannoni, Page	48.00
Diane Larson, Page	48.00
Mae DelaBarre, Page	48.00
Brett Lloyd, Bill Book Clerk	48.00
Viola Wraalstad, Bill Book Clerk	48.00
Frank Christensen, Bill Book Clerk	48.00
William Landeis, Janitor (partial pay only)	32.00
Dick Lang, Janitor (partial pay only)	38.00
Luke Giesinger, Janitor (partial pay only)	51.00

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided for in this resolution ceases effective the last day of employment.

## SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3019: A concurrent resolution providing and designating House and Senate employees and fixing their compensation.

Which has been read.

## ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, L.; Sorensen

HCR 3019 was declared adopted.

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## MOTION

REP. STRINDEN MOVED that the rules be suspended and that HCR 3019 be messaged to the Senate immediately, which motion prevailed.

MESSAGES TO THE SENATE  
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:

HCR 3019

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:

HB 1084, HB 1099, HB 1145, HB 1155, HB 1208, HB 1220,  
HB 1221, HB 1236, HB 1271, HB 1275, HB 1276, HCR 3017  
ROY GILBREATH, Chief Clerk

## MOTIONS

REP. WHALEN MOVED that HB 1247 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

REP. A. OLSON MOVED that HB 1128 be returned to the House floor from the Committee on Natural Resources for the purpose of withdrawal, which motion prevailed.

## REQUEST

REP. MURPHY REQUESTED the unanimous consent of the House to withdraw HB 1128. There being no objection, it was so ordered by the Speaker.

## MOTIONS

REP. KRETSCHMAR MOVED that HB 1038 and HB 1051 be rereferred to the Committee on Judiciary, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1038 and HB 1051 were rereferred to the Committee on Judiciary.

REP. GATES MOVED that HB 1037 be returned to the House floor from the Committee on Education and be rereferred to the Committee on Appropriations, which motion prevailed.

REP. MARTINSON MOVED that HB 1445 be returned to the House floor from the Committee on State and Federal Government for the purpose of withdrawal, which motion prevailed.

## REQUEST

REP. MARTINSON REQUESTED the unanimous consent of the House to withdraw HB 1445. There being no objection, it was so ordered by the Speaker.

## SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1082 as recommended by the Committee on Industry, Business and Labor as printed on page 409 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1082 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1199 as recommended by the Committee on Education as printed on pages 409 and 410 of the

House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1199 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to HB 1235 as recommended by the Committee on Industry, Business and Labor as printed on page 410 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1235 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1246 as recommended by the Committee on Finance and Taxation as printed on pages 410 and 411 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

HB 1246 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1258 as recommended by the Committee on Finance and Taxation as printed on pages 413 and 414 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REP. WHALEN MOVED that the amendments to HB 1279 as recommended by the Committee on Industry, Business and Labor as printed on pages 414 and 415 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1279 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. KRETSCHMAR MOVED that the amendments to HB 1282 as recommended by the Committee on Judiciary as printed on page 415 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1282 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. HAUSAUER MOVED that the amendments to HB 1325 as recommended by the Committee on Finance and Taxation as printed on page 416 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1325 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Don Lloyd, and Representative Lloyd was thereupon introduced to the House.

## MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby HB 1218 passed, which motion prevailed.

REP. STRINDEN MOVED that HB 1218 be rereferred to the Committee on Appropriations, which motion prevailed.

REP. STRINDEN MOVED that HB 1256 be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1152: A BILL for an Act to create and enact a new section to chapter 54-23 of the North Dakota Century Code, relating to the efforts of law enforcement agencies in locating lost or runaway children and missing persons.

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 102 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Kuchera

ABSENT AND NOT VOTING: Hanson, L.; Laughlin; Peterson

HB 1152 passed and the title was agreed to.



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HB 1196: A BILL for an Act to amend and reenact section 28-01-22.1 of the North Dakota Century Code, relating to limitations on actions against the state or its employees and officials.

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

YEAS: Aas; Dotzenrod; Graba; Kingsbury; Klundt; Myrdal; O'Connell; Olson, A.; Schneider; Stofferahn; Winkelman

NAYS: Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Speaker Kloubec

ABSENT AND NOT VOTING: Hanson, L.; Mertens; Peterson

HB 1196 was declared lost.

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#### 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 2051, SB 2116, SB 2132, SB 2160, SB 2162, SB 2196,  
SB 2197, SB 2199, SB 2219, SB 2224, SB 2238, SB 2240,  
SB 2241, SB 2243, SB 2248, SB 2249, SB 2251, SB 2262,  
SB 2276, SB 2282, SB 2285, SCR 4003

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HCR 3019

PERRY GROTEBERG, Secretary

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution directing the Legislative Council to study the Administrative Agencies Practice Act.

Which has been read.

The question being on the adoption of the resolution, as amended.

HCR 3001 was declared adopted on a voice vote.

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## SECOND READING OF HOUSE BILLS

HB 1075: A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to allowable combinations of motor vehicles.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 96 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, G.; Dalrymple; Hoffner; Murphy; O'Connell; Shaw; Ulmer

NAYS: Aas; Almlie; Anderson; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Hanson, L.; Mertens

HB 1075 was declared lost.

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HB 1104: A BILL for an Act to create and enact a new subsection to section 11-18-03 of the North Dakota Century Code, relating to instruments entitled to be recorded without regard to taxes.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 61 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Berg, R.; Brokaw; Christman; DeMers, J.; Dorso; Flaagan; Gates; Goetz; Graba; Hamerlik; Hanson, O.; Haugen; Hausauer, A.; Kelly; Koland; Kolbo; Kuchera; Larson; Lindgren; Martinson; Meyer; Moore; Nelson, C.; Nicholas; Oban; O'Connell; Olsen, D.; Olson, A.; Rice; Rydell; Scherber; Schindler; Schneider; Sorensen; Strinden; Trautman; Wald; Wentz; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Belter; Berg, G.; Cleveland; Dalrymple; DeMers, P.; Dotzenrod; Enget; Frey; Gerntholz; Gorman; Gunsch; Halmrast; Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kent; Kingsbury; Klundt; Knell; Knudson; Kretschmar; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Melby; Murphy; Myrdal; Nelson, J.; Nowatzki; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Riehl; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Ulmer; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, C.

ABSENT AND NOT VOTING: Hanson, L.; Mertens

HB 1104 was declared lost.

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HB 1134: A BILL for an Act to amend and reenact subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to driver's license suspension for multiple alcohol violations.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 9 YEAS, 93 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Enget; Halmrast; Lindgren; Melby; Moore; Olson, V.; Scherber; Wentz

NAYS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wilkie; Williams, A.; Williams, C.; Williams; W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Almlie; Hanson, L.; Mertens; Whalen

HB 1134 was declared lost.

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HB 1135: A BILL for an Act to amend and reenact subsection 2 of section 39-20-05 of the North Dakota Century Code, relating to the results of multiple chemical testing in hearings concerning driver's license suspension for driving while under the influence of alcohol.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 8 YEAS, 92 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Halmrast; Melby; Moore; Olson, V.; Scherber; Vander Vorst; Wentz

NAYS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Meyer; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.;

Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell;  
 Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
 Skjerven; Smette; Solberg; Sorensen; Starke;  
 Stofferahn; Strinden; Thompson; Tokach; Tollefson;  
 Tomac; Trautman; Ulmer; Wald; Watne; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.; Winkelman;  
 Speaker Kloubec

ABSENT AND NOT VOTING: Almlie; Hanson, L.; Kuchera;  
 Lang; Mertens; Whalen

HB 1135 was declared lost.

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HB 1190: A BILL for an Act to provide for the fair treatment of  
 victims and witnesses.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was  
 called and there were 89 YEAS, 13 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw;  
 Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;  
 Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast;  
 Hamerlik; Haugen; Haugland; Hausauer, R.; Hill;  
 Hoffner; Hokana; Kelly; Klundt; Knell; Knudson; Koland;  
 Kolbo; Kretschmar; Lang; Larson; Laughlin;  
 Lautenschlager; Linderman; Lindgren; Marks; Martin;  
 Martinson; Melby; Meyer; Moore; Nelson, C.; Nelson, J.;  
 Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;  
 Opedahl; O'Shea; Payne; Peterson; Riehl; Rydell;  
 Scherber; Schindler; Schneider; Shaft; Shaw; Shide;  
 Skjerven; Smette; Solberg; Sorensen; Starke;  
 Stofferahn; Strinden; Tokach; Tollefson; Tomac;  
 Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz;  
 Wilkie; Williams, A.; Williams, C.; Williams, W.;  
 Winkelman; Speaker Kloubec

NAYS: Gunsch; Hanson, O.; Hausauer, A.; Kingsbury;  
 Kuchera; Murphy; Myrdal; Olsen, D.; Olson, A.; Rice;  
 Shockman; Thompson; Whalen

ABSENT AND NOT VOTING: Almlie; Hanson, L.; Kent; Mertens

HB 1190 passed and the title was agreed to.

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HB 1227: A BILL for an Act to provide for child victim and  
 witness fair treatment standards.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 92 YEAS, 10 NAYS, 4 ABSENT AND NOT VOTING.

**YEAS:** Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Gunsch; Kingsbury; Kuchera; Murphy; Myrdal; Olsen, D.; Olson, A.; Skjerven; Wald; Whalen

**ABSENT AND NOT VOTING:** Almlie; Hanson, L.; Mertens; Peterson

HB 1227 passed and the title was agreed to.

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#### RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative Elmer Retzer, and Representative Retzer was thereupon introduced to the House.

#### MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1244, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1244: A BILL for an Act to amend and reenact sections 15-08-07, 15-08-12, 15-08-13, 15-08-18.1, 15-08-18.3, and 15-08-19 of the North Dakota Century Code, relating to redemption from land sale, contract cancellation, cancellation of taxes upon expiration of period of redemption from land sale contract cancellation, and taxation and sale for taxes of land sold on contract; and to repeal section 15-08-14 of the North Dakota Century

Code, relating to redemption of lands not listed for taxation.

Which has been read.

#### ROLL CALL

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

**YEAS:** Aas; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

**NAYS:** Gerntholz; Hanson, O.; Haugen; Kingsbury; O'Connell; Olson, A.; Watne

**ABSENT AND NOT VOTING:** Almlie; Hanson, L.; Mertens; Peterson

HB 1244 passed and the title was agreed to.

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**HB 1264:** A BILL for an Act to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to delivery of absent voter applications and ballots; and to amend and reenact sections 16.1-07-07 and 16.1-07-08 of the North Dakota Century Code, relating to delivery of absent voter applications and ballots.

Which has been read.

#### MOTION

**REP. PAYNE** MOVED the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 20 YEAS, 83 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter; Cleveland; Dalrymple; Gates; Hamerlik; Hausauer, R.; Hoffner; Knudson; Kretschmar; Kuchera; Larson; Lindgren; Olsen, D.; Schneider; Shaft; Sorensen; Strinden; Tollefson; Wald; Whalen

**NAYS:** Aas; Anderson; Berg, G.; Berg, R.; Brokaw; Christman; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hill; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; Mertens; Meyer; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Thompson; Tokach; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloube

**ABSENT AND NOT VOTING:** Almlie; Hanson, L.; Peterson

HB 1264 was declared lost.

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#### MOTIONS

**REP. STRINDEN MOVED** that 200 copies of HB 1238 and 100 copies of HCR 3001 and HCR 3010 be reprinted, which motion prevailed.

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

**REP. GOETZ 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 1:00 p.m., Monday, January 26, 1987, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

**MR. SPEAKER:** Your Committee on State and Federal Government to which was referred HB 1031 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 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 word "sections" insert the numerals "15-03-04, 15-03-15, 15-39.1-26, 21-10-01,"



On page 1, line 2, delete the word "and" and after the numerals "21-10-08" insert the numerals ", 37-07.3-02, 37-14-14, and 54-30-15"

On page 1, line 6, delete the words "sections 15-39.1-26 and" and insert in lieu thereof the word "section"

On page 1, line 7, delete the words "investment of"

On page 1, line 8, delete the words "the teachers' fund for retirement and"

On page 1, after line 11, insert the following new sections:

"SECTION 1. AMENDMENT. Section 15-03-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-03-04. Investment of funds - Purchase of bonds and mortgages - Appraisal Legal investments.** Subject to the provisions of section 15-03-05, the board of university and school lands shall invest the money belonging to the permanent funds under its control in the following securities and investments:

1. First mortgages on farmlands and improvements thereon in this state to the extent such mortgages are guaranteed or insured by the United States or any instrumentality thereof, or if not so guaranteed or insured, not exceeding in amount eighty percent of the actual value of the property on which the same may be loaned, such value to be determined by competent appraisal.
2. All investments that are enumerated under section 21-10-07 as legal investments for the state investment board. Securities which are a direct obligation of the treasury of the United States or of an instrumentality thereof.
3. Bonds or certificates of indebtedness of this state.
4. General obligation bonds of any other state.
5. Bonds, certificates of indebtedness, or warrants of any political subdivision of this state which constitute the general or contingent general obligations of the issuing tax authority, or revenue bonds of a political subdivision issued for public utility purposes or under the authority of chapter 40-57.

6. Loans and mortgage investments, insured or guaranteed in any manner, wholly or in part, or for which a commitment to so insure or guarantee has been issued by the United States or any instrumentality or agency thereof; or other investments that are issued by or fully insured or guaranteed by the United States or any instrumentality or agency thereof or this state or any instrumentality or agency thereof.
7. Bank of North Dakota certificates of deposit.
8. North Dakota savings and loan association and commercial bank certificates of deposit to the extent that such certificates are fully insured or guaranteed by the United States or an instrumentality or agency thereof.
9. Short-term commercial and finance company paper traded on a national basis and issued by a corporation having a record of no default of obligations during the ten years preceding such investment and whose net income available for fixed charges for a period of five fiscal years immediately preceding such investment and during the last year of such period, shall have averaged per year not less than one and one-half times its average annual fixed charges applicable to such period.
10. Bonds, notes, or debentures of any corporation duly incorporated under the laws of any state of the United States rated as "A" or higher by a nationally recognized rating service approved by the board.
11. Nonrated bonds, notes, or debentures of any corporation duly incorporated under the laws of any state and whose principal business operations are carried on within this state, having a record of no default of obligations during the ten years preceding such investment and whose net income available for fixed charges for a period of five fiscal years immediately preceding such investment and during the last year of such period, shall have averaged per year not less than one and one-half times its average annual fixed charges applicable to such period.
12. Evidence of indebtedness issued by instrumentalities of this state, including evidence of indebtedness issued by the North Dakota housing finance agency.

13. Mortgage loans purchased from lenders or certificates of indebtedness representing pools of mortgage loans purchased from lenders if the mortgages are made to persons to finance the purchase or substantial rehabilitation of owner-occupied, single family residential dwellings, including mobile homes and manufactured housing. The loans purchased must be secured by mortgages on real property located in this state. "Lender" means any bank or trust company chartered in this state, any national banking association located in this state, any state or federal savings and loan association located in this state, and any federal housing administration approved mortgagee or other mortgage lending institution engaged in home mortgage lending in this state.
14. Common or preferred stocks of any corporation organized under the laws of any state, but not more than twenty percent of the assets of each fund may be invested in common and preferred stocks.

As used in this section, the term "net income" means income after deducting operating and maintenance expenses, all taxes, depreciation and depletion, but excluding extraordinary nonrecurring items of income and expense.

The term "fixed charges" includes interest on funded and unfunded debt, amortization of debt discount and expense, and rentals for leased property.

**SECTION 2. AMENDMENT.** Section 15-03-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**15-03-15. Meeting to consider investments and approval of farm loans - Notice - Vote required.** The board of university and school lands shall not authorize nor approve the purchase of securities or farm loans except at a meeting of the board held pursuant to a notice given by the secretary of the board to every member in time to afford each member an opportunity to be present at the meeting. The notice shall specify that the question of authorization of purchase or the action on the approval of purchase of certain securities or farm loans is to be considered at the meeting. A majority vote of all the members of the board shall be required to authorize or to approve the purchase of securities or farm loans, and such vote shall be taken by yeas and nays and shall be duly recorded in the books of the board. The board is authorized to employ such personnel as it deems necessary to serve as counsel and adviser to the board and assist it on the investment of

funds in securities and investments enumerated in section 21-10-07 15-03-04.

SECTION 3. AMENDMENT. Section 15-39.1-26 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-39.1-26. Investment of moneys in fund. Investment of the fund shall be under the supervision of the state investment board in accordance with chapter 21-10, ~~except that the investments shall not be limited to those specified in section 21-10-07 and except that the state investment board shall have the authority to contract with insurance companies, trust banks, or other financial institutions to hold and invest fund money; provided, that the total amount of all moneys so placed shall not exceed an amount equal to twenty percent of the total moneys of the fund.~~ Such moneys shall be placed for investment only with a firm or firms whose primary endeavor is money management, and only after a trust agreement or contract has been executed. Such moneys may be expended by the state investment board by the preparation of an appropriate voucher and submitting such voucher to the office of management and budget, except that any related investment counseling fees, trustee fees, or custodial fees charged by money management firms shall be paid out of moneys in the fund without the need for a prior appropriation or the submission of a voucher.

SECTION 4. AMENDMENT. Section 21-10-01 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

21-10-01. State investment board - Membership - Term - Compensation. The North Dakota state investment board consists of the governor, the state treasurer, the commissioner of university and school lands, the chairman chairperson of the workmen's compensation bureau, the commissioner of insurance, the executive secretary of the teachers' fund for retirement, and two three members who are experienced in, and have considerable knowledge of the field of investments, who have considerable knowledge of the investments enumerated in section 21-10-07, and who are not otherwise employed by the state of North Dakota. The ex officio members of the board governor shall appoint the members with investment experience to four-year terms concurrent with the four-year terms of the elected officials on the board three, two, and one-year terms respectively on January 31, 1989. Thereafter, the appointed members shall serve four-year terms. The appointed members are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and necessary mileage

and travel expenses as provided in sections 54-06-09 and 44-08-04."

On page 1, line 23, after the word "in" insert the words ", and hold considerable knowledge of"

On page 1, line 24, overstrike the words "and shall hold considerable knowledge of the"

On page 1, line 25, overstrike the words "investment of securities enumerated in section 21-10-07"

On page 7, after line 5, insert the following new sections:

"SECTION 11. AMENDMENT. Section 37-07.3-02 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-07.3-02. National guard training area and facility development trust fund - Investment and income. The national guard training area and facility development trust fund consists of moneys transferred or credited to the fund, pursuant to this chapter and provisions of other laws. The state investment board shall invest the fund ~~in the legal investments~~ as authorized by section 21-10-07. All interest earned and income received on the investments accrue to the fund.

SECTION 12. AMENDMENT. Section 37-14-14 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

37-14-14. Veterans' postwar trust fund. The veterans' postwar trust fund shall consist of moneys transferred or credited to the fund, pursuant to the provisions of this chapter and of other laws. The fund shall be invested by the state treasurer in legal investments authorized by section ~~21-10-07~~ 15-03-04. All income received on the investments is to be utilized in benefit and service to veterans as defined in section 37-01-40, or their dependents, as determined and appropriated by the legislative assembly.

SECTION 13. AMENDMENT. Section 54-30-15 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-30-15. Investment of bond sinking fund. The state treasurer, with the approval of the industrial commission, shall invest the fund designated as the real estate bond sinking fund in any securities designated as legal investments by section ~~21-10-07~~ 15-03-04. At the request of the commission, the state treasurer shall redeem and take up out of the real estate bond sinking fund any series

of real estate bonds outstanding which may be called by the commission. Upon notification of the call the state treasurer shall cause to be published a notice of call as directed by the commission but not less than forty-five days prior to the date of call. No other disposition by appropriation, or otherwise, ever shall be made of the money in the fund until the bonds are paid fully or until the time limit provided by law for the payment thereof has expired, but if any of the bonds issued and delivered to the commission, as hereinbefore provided, are returned to the state treasurer not sold, then the returned bonds shall not be deemed a part of the bond issue secured by the fund."

On page 7, line 6, delete the words and numerals "15-39.1-26 of the 1985 Supplement"

On page 7, line 7, delete the words "to the North Dakota Century Code and section"

On page 7, line 8, delete the word "are" and insert in lieu thereof the word "is"

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

HB 1031 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 1047 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

"6. "Commercial property and casualty insurance" means coverage insuring risks arising from the conduct of a commercial or industrial enterprise except workmen's compensation coverage and coverage for pollution exposures or suretyship."

On page 1, line 23, after the second word "of" insert the word "commercial"

On page 1, line 25, after the word "provide" insert the word "commercial"

On page 2, line 1, after the word "transact" insert the word "commercial"

On page 2, line 4, after the word "transact" insert the word "commercial"

On page 2, line 17, after the second word "of" insert the word  
"commercial"

On page 2, line 20, after the word "of" insert the word  
"commercial"

On page 2, line 23, after the word "of" insert the word  
"commercial"

On page 2, line 29, after the word "of" insert the word  
"commercial"

On page 2, line 32, after the second comma insert the word  
"commercial"

On page 3, line 7, after the word "any" insert the word  
"commercial"

On page 3, line 13, after the word "transacting" insert the word  
"commercial"

On page 3, line 15, after the second "of" insert the word  
"commercial"

On page 4, line 11, after the word "of" insert the word  
"commercial"

On page 5, after line 17, insert the following new subsection:

"3. The rates, rating plans, rating rules, and rating classifications applicable to the insurance policy written by the association shall be approved by the commissioner after hearing and must be on an actuarially sound basis calculated to be self-supporting without insured assessments, giving due consideration to the past and prospective loss and expense experience within and without this state for that line of insurance written and to be written in this state, trends in the frequency and severity of losses, the investment income of the association and other information required by the commissioner."

And renumber the lines and pages accordingly

REP. WHALEN, Chairman

HB 1047 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 1059 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

HB 1059 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1060 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1066 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. ANDERSON, Chairman

HB 1066 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1069 has had the same under consideration and recommends by a vote of 12 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 1, line 9, delete the words "sell, solicit" and insert in lieu thereof the words "approach a person attempting to enter a polling place, or who is in a polling place, for the purpose of selling, soliciting for sale, advertising for sale, or distributing"

On page 1, line 10, delete the words "for sale, advertise for sale, or distribute"

On page 1, line 11, after the word "service" insert the words  
" This prohibition applies"

And renumber the lines accordingly

REP. KRETSCHMAR, Chairman

HB 1069 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 1087 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 10, after the word "obtained" insert the words "as long as the circulators file their intent to remunerate prior to submitting the petitions and fully disclose all"



expenditures and revenues upon submission of the petitions  
to the secretary of state"

And renumber the lines accordingly

REP. KRETSCHMAR, Chairman

HB 1087 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1097 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, after the word "be" insert the word embossed,"

And renumber the lines and pages accordingly

REP. MARTINSON, Chairman

HB 1097 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 1122 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 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 following: "for an Act to amend and reenact sections 6-07-10 and 6-07-11 of the North Dakota Century Code, relating to acquisition of a bank which voluntarily places itself in possession of the state banking board, and appointment of a receiver for a bank that voluntarily places itself in the possession of the state banking board.

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

SECTION 1. AMENDMENT. Section 6-07-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-07-10. Bank may be placed in possession of board - Notice - Appointment of receiver. Any bank, by a majority vote of its board of directors, may place its assets and affairs in the possession of the state banking board by notifying the state examiner that it is ceasing business and the reason therefor, and by placing a notice on the front door of its place of business as follows: "This bank is in the hands of the state banking board". Immediately on receipt of

such notice, the state banking board shall take possession and assume control of all of the property and assets of such bank until a receiver is appointed. No business shall be transacted by such bank after the notification and posting of the notice described in this section. If the bank places its assets and affairs in the possession of the state banking board for the purpose of acquisition pursuant to section 6-07-04.2, the bank shall place a majority of its capital stock in the possession of the state banking board. In such case, the bank may not cease doing business nor shall the bank post the public notice.

SECTION 2. AMENDMENT. Section 6-07-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

6-07-11. Appointment of administrative receiver. Whenever the state banking board shall become satisfied of the insolvency of a corporation, or association organized under the provisions of this title, after due examination of its affairs, it or if the bank has been voluntarily placed in the possession of the state banking board for the purpose of liquidation pursuant to section 6-07-10, the state banking board may appoint a receiver who shall proceed to close up such corporation or association, and who, during the period he is acting as such, shall have all of the powers and be subject to all of the restrictions prescribed in this chapter."

And renumber the lines accordingly

REP. WHALEN, Chairman

HB 1122 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 1133 has had the same under consideration and recommends by a vote of 8 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1133 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred HB 1150 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 8, delete the word "is"

On page 1, line 9, delete the words "entitled to" and insert in lieu thereof the words "may, at the discretion of the court,"

And renumber the lines accordingly

REP. KRETSCHMAR, Chairman

HB 1150 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1162 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. ANDERSON, Chairman

HB 1162 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 1187 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 18, delete the words "unless the"

On page 1, line 19, delete the words "commissioners in their discretion order otherwise" and insert in lieu thereof the words "except in cases of catastrophic injury in which case additional rehabilitation benefits may be awarded in the discretion of the commissioners. Catastrophic injury is defined as an acute disabling injury rendering a worker permanently and totally disabled that requires rehabilitation services in order to return the worker to gainful employment. For illustration purposes, catastrophic injuries include severe head injuries, severe spinal cord injuries resulting in quadriplegia or paraplegia, amputations, and severe third degree burns"

And renumber the lines and pages accordingly

REP. WHALEN, Chairman

HB 1187 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred HB 1198 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. ANDERSON, Chairman

HB 1198 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred HB 1215 has had the same under consideration and recommends by a vote of 22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. PETERSON, Chairman

HB 1215 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 1219 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 19, after the word "public," insert the words  
"and railroad employees."

And renumber the lines accordingly

REP. MOORE, Chairman

HB 1219 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 1226 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the word "offense" insert the words ";  
and to declare an emergency"

On page 3, after line 12, insert the following section:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines accordingly

REP. KRETSCHMAR, Chairman

HB 1226 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1248 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

On page 2, line 15, remove the overstrike over the words "on the  
last Thursday of each month"

On page 2, line 16, delete the words "at least eight times per year"

And renumber the lines accordingly

REP. MARTINSON, Chairman

HB 1248 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions to which was referred HB 1249 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 5, remove the overstrike over the word "three" and delete the word "two"

And renumber the lines accordingly

REP. MOORE, Chairman

HB 1249 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 1257 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1257 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred HB 1284 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 PASS.

REP. A. OLSON, Chairman

HB 1284 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1286 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. NICHOLAS, Chairman

HB 1286 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government to which was referred HB 1294 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

On page 1, line 25, delete the word "seventy-five" and insert in lieu thereof the word "seventy"

And renumber the lines accordingly

REP. MARTINSON, Chairman

HB 1294 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture to which was referred HB 1295 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

REP. NICHOLAS, Chairman

HB 1295 was rereferred to the Committee on Appropriations.

#### FIRST READING OF HOUSE BILLS

Reps. Graba, Haugen, Haugland and Sens. Yockim, Wright introduced:

HB 1548: A BILL for an Act to create and enact a new section to chapter 57-40.5 of the North Dakota Century Code, relating to excise tax paid on purchase price of aircraft; to amend and reenact sections 57-40.5-01, 57-40.5-02, and 57-40.5-03 of the North Dakota Century Code, relating to the definition of purchase price of aircraft, increasing the rate of tax, and removing the exemption for aircraft upon which aircraft excise tax has once been paid; and to provide an effective date.

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

Reps. Peterson, O'Shea and Sens. Mutch, W. Meyer introduced:

HB 1549: A BILL for an Act to amend and reenact section 24-02-26.1 of the North Dakota Century Code, relating to contractors' claims submitted for arbitration.

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

Rep. Dalrymple and Sen. J. Meyer introduced:

HB 1550: A BILL for an Act to create and enact a new section to chapter 23-16 and a new section to chapter 43-17 of the North Dakota Century Code, relating to required disclosure of certain charges and fees by hospitals and certain physicians.

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

Rep. C. Williams introduced:

HB 1551: A BILL for an Act to repeal section 5-01-07 of the North Dakota Century Code, relating to township beer or liquor licenses.

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

Reps. Hill, O'Shea introduced:

HB 1552: A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to the sale of beer and wine by concessionaires operating within state parks and state recreation areas.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Rep. A. Olson introduced:

HB 1553: A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to the duty of burial.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Rep. Dalrymple and Sen. Tweten introduced:

HB 1554: A BILL for an Act to amend and reenact sections 61-16.1-48 and 61-21-43 of the North Dakota Century Code, relating to the maintenance of drains.

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

Reps. Gates, Anderson and Sen. Richard introduced:

HB 1555: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to discounts from certain motor vehicle insurance premiums.

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

Reps. Lautenschlager, C. Nelson, V. Olson and Sens. Lips, Waldera introduced:

HB 1556: A BILL for an Act making an appropriation to the superintendent of public instruction for the North Dakota teacher center network.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. O'Shea introduced:

HCR 3020: A concurrent resolution urging an end to disparities in Social Security benefits for persons born in certain years.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Rep. Rydell and Sen. Olson introduced:

HCR 3021: A concurrent resolution directing the Legislative Council to study the feasibility and desirability for revision of the Charitable Solicitations Act.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

#### FIRST READING OF SENATE BILLS

SB 2048: A BILL for an Act to provide for the reciprocal recognition of certain state and tribal court judgments, decrees, and orders; and to provide an expiration date.

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

SB 2069: A BILL for an Act to create and enact a new section to chapter 48-10 of the North Dakota Century Code, relating to the powers and duties of the capitol grounds planning commission and its authority to accept gifts; to amend and reenact section 48-10-01 of the North Dakota Century Code, relating to the capitol grounds planning commission; and to declare an emergency.

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

SB 2070: A BILL for an Act to provide for a system for recording state property having historical or artistic significance and for reviewing the artistic value of such property; to create and enact a new subsection to section 54-54-05 of the North Dakota Century Code, relating to the duties of the state council on the arts; to amend and reenact sections 1-08-04, 48-11-03, and 55-01-04 of the North Dakota Century Code, relating to the authority of certain state entities to accept gifts; and to declare an emergency.

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

SB 2075: A BILL for an Act to create and enact a new section to chapter 38-11.1 of the North Dakota Century Code, relating to inspection of well sites; and to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to information that must accompany the notice of oil and gas drilling operations.

Was read the first time and referred to the Committee on Natural Resources.

SB 2087: A BILL for an Act to amend and reenact sections 39-10.2-02 and 39-10.2-05 of the North Dakota Century Code, relating to motorcycle operation and equipment.

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

SB 2096: A BILL for an Act establishing English as the official language of the state of North Dakota.



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

SB 2110: A BILL for an Act to create and enact a new subsection to section 4-09-01 and a new subsection to section 4-09-10 of the North Dakota Century Code, relating to definitions of labeler and disease test; to amend and reenact subsections 6, 17, and 18 of section 4-09-01, subsection 1 of section 4-09-03, sections 4-09-05, 4-09-08, 4-09-14.1, 4-09-14.2, 4-09-14.3, 4-09-14.4, subsections 2, 3, and 5 of section 4-09-15, sections 4-09-22, 4-09-23, and 4-09-24 of the North Dakota Century Code, relating to rulemaking authority, free seed tests, seed labeling fee permits, reports, offenses, and enforcement; and to provide a penalty.

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

SB 2114: A BILL for an Act to amend and reenact section 37-15-10.1 and subsection 1 of section 37-18.1-03 of the North Dakota Century Code, relating to the priorities for admission to the veterans' home and the makeup of the subcommittees of the administrative committee on veterans' affairs.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2126: A BILL for an Act authorizing the director of institutions, with the approval of the governor and the budget section of the legislative council, to sell, lease, exchange, or transfer title or use to all or part of the properties of San Haven; and to provide an expiration date.

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

SB 2142: A BILL for an Act to create and enact six new subsections to section 39-01-01 of the North Dakota Century Code, relating to motor vehicle definitions; and to repeal sections 39-04-01 and 39-22-01 of the North Dakota Century Code, relating to motor vehicle definitions.

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

SB 2200: A BILL for an Act to amend and reenact subsection 1 of section 39-05-20 of the North Dakota Century Code, relating to obtaining certificate of title to a vehicle upon inability to obtain old certificate.

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

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

ROY GILBREATH, Chief Clerk