

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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EIGHTEENTH DAY

Bismarck, January 29, 1987

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

The prayer was offered by Hart Edmonds, First Presbyterian Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Melby, Shaw, 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 Seventeenth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

REQUEST

REP. SHAW REQUESTED that the record show that he was present and that his light was not working properly at the time roll was called, which request was granted.

MESSAGE 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 2061, SB 2065, SB 2067, SB 2088, SB 2145, SB 2157,
SB 2161, SB 2164, SB 2169, SB 2187, SB 2203, SB 2213,
SB 2216, SB 2260, SB 2261, SB 2284, SB 2374, SB 2443,
SCR 4004

PERRY GROTEBERG, Secretary

MOTION

REP. KNUDSON MOVED that the House reconsider its action whereby HB 1300 failed to pass for want of a Constitutional majority.

REQUEST

REP. W. WILLIAMS REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1300, failed to pass for want of a constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1300 failed to pass for want of a constitutional majority, the roll was called and there were 62 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Berg, G.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Gates; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kingsbury; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Linderman; Martin; Martinson; Mertens; Myrdal; Oban; O'Connell; Olsen, D.; Olson, A.; Peterson; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Solberg; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Almlie; Belter; Berg, R.; Christman; Dorso; Dotzenrod; Enget; Frey; Gerntholz; Goetz; Gorman; Hill; Hoffner; Kelly; Kent; Klundt; Lautenschlager; Lindgren; Marks; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Shide; Smette; Sorensen; Starke; Tokach; Tomac; Wald; Watne; Speaker Kloubec

ABSENT AND NOT VOTING: Melby

So the motion to reconsider the action whereby HB 1300 failed to pass for want of a constitutional majority prevailed.

SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to place Bismarck state community college under the jurisdiction of the university of North Dakota; and to amend and reenact section 15-10-01 of the North Dakota Century Code, relating to institutions administered by the state board of higher education.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 60 YEAS, 45 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, G.; Brokaw; Cleveland; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Kingsbury; Klundt; Knell; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martinson; Mertens; Myrdal; Oban; O'Connell; Olsen, D.; Olson, A.; Peterson; Schindler;

Schneider; Shaft; Shaw; Skjerven; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman

NAYS: Almlie; Anderson; Belter; Berg, R.; Christman; DeMers, P.; Dotzenrod; Enget; Frey; Gerntholz; Goetz; Gorman; Hill; Hoffner; Kelly; Kent; Kolbo; Lindgren; Martin; Meyer; Moore; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Tokach; Tomac; Wald; Wilkie; Speaker Kloubec

ABSENT AND NOT VOTING: Melby

HB 1300 passed and the title was agreed to.

MOTION

REP. PETERSON MOVED that HB 1605 be returned to the House floor from the Committee on Appropriations and be rereferred to the Committee on Agriculture, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1605 was rereferred to the Committee on Agriculture.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HB 1035 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 539-540 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1035 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1052 as recommended by the Committee on Political Subdivisions as printed on pages 540-541 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1052 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1071 as recommended by the Committee on Political Subdivisions as printed on pages 541-542 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1071 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. MOORE MOVED that the amendments to HB 1308 as recommended by the Committee on Political Subdivisions as printed on page 543 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1308 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

REP. HAUGLAND MOVED that HB 1254 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1254 was rereferred to the Committee on Human Services and Veterans Affairs.

SECOND READING OF HOUSE BILLS

HB 1038: A BILL for an Act to amend and reenact subsection 3 of section 12.1-06.1-01 and section 12.1-06.1-08 of the North Dakota Century Code, relating to computer fraud and computer crime classifications; and to provide a penalty.

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 105 YEAS, 0 NAYS, 1 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, L.; 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; 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; 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: None

ABSENT AND NOT VOTING: Melby

HB 1038 passed and the title was agreed to.

HB 1074: A BILL for an Act to amend and reenact sections 53-01-07, 53-01-09, 53-01-10, 53-01-12, 53-01-13, 53-01-15, 53-01-16, 53-01-18, and 53-01-19 of the North Dakota Century Code, relating to removal of the five percent gross receipts tax on boxing, sparring, and wrestling exhibitions, and to removal of regulatory authority of the secretary of state over wrestling exhibitions; and to repeal sections 53-01-11 and 53-01-14 of the North Dakota Century Code, relating to the bond required and inspection of records for payment of the five percent gross receipts tax on boxing, sparring, and wrestling exhibitions.

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 100 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; Mertens; Meyer; Moore; 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; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Enget; Murphy; Tokach; Tomac; Wilkie

ABSENT AND NOT VOTING: Melby

HB 1074 passed and the title was agreed to.

HB 1288: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to interest on overpayment of income taxes; and to provide an effective date.

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 105 YEAS, 0 NAYS, 1 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, L.; 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; 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; 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 Kloube

NAYS: None

ABSENT AND NOT VOTING: Melby

HB 1288 passed and the title was agreed to.

HB 1370: A BILL for an Act to create and enact a new subsection to section 41-09-50 of the North Dakota Century Code, relating to disposition of motor vehicles under secured transactions and liability of debtor for any deficiency; and to amend and reenact subsection 2 of section 41-09-50 of the North Dakota Century Code, relating to disposition of collateral by secured parties.

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 96 YEAS, 8 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; Gerntholz; Goetz; Gorman; Graba; Halmrast;

Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; 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: Gunsch; Hamerlik; Haugen; Knell; Murphy; Olson, V.; Shaw; Sorensen

ABSENT AND NOT VOTING: Melby; Shockman

HB 1370 passed and the title was agreed to.

HB 1269: A BILL for an Act to amend and reenact sections 26.1-13-15 and 26.1-25-02 of the North Dakota Century Code, relating to insurance policies issued by a county mutual insurance company.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 93 YEAS, 11 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; Gerntholz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Knudson; Koland; Kolbo; Lang; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; 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; Shaw; Shide; Shockman; Skjerven; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Gates; Goetz; Hamerlik; Kretschmar; Kuchera;
Larson; Murphy; Shaft; Smette; Strinden; Wald

ABSENT AND NOT VOTING: Melby; Whalen

HB 1269 passed and the title was agreed to.

MOTION

REP. STRINDEN MOVED that HB 1291 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1291: A BILL for an Act to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, relating to the exemption of nonresidents of a city from a home rule city sales tax.

Which as been read.

MOTION

REP. ANDERSON 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 32 YEAS, 72 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Brokaw; Christman; Dalrymple; Dotzenrod; Enget; Flaagan; Gerntholz; Gunsch; Hanson, L.; Hill; Kingsbury; Klundt; Knell; Knudson; Laughlin; Meyer; Murphy; Nelson, J.; Nicholas; Nowatzki; O'Connell; O'Shea; Riehl; Shaw; Shockman; Skjerven; Solberg; Starke; Tokach; Tomac; Ulmer; Williams, A.

NAYS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Cleveland; DeMers, J.; DeMers, P.; Dorso; Frey; Gates; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Moore; Myrdal; Nelson, C.; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Smette; Sorensen; Stofferahn; Strinden; Thompson; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Martin; Melby

HB 1291 was declared lost.

HB 1270: A BILL for an Act to amend and reenact section 26.1-13-01 of the North Dakota Century Code, relating to the residence of persons forming a county mutual insurance company.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gertholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; Martinson; 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; 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: Cleveland; Martin; Melby; Peterson; Strinden

HB 1270 passed and the title was agreed to.

HB 1299: A BILL for an Act to amend and reenact sections 15-45-01, 32-12.1-08, 40-55-08, 40-55-09, 52-09-08, 57-15-14, and 57-15-14.2 of the North Dakota Century Code, relating to kindergartens, the insurance reserve fund, recreation systems, old-age survivors' fund, tax levy limitations, and consolidation of school district mill levies; and to repeal section 57-15-14.3 of the North Dakota Century Code, relating to school district general fund mill levies.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Mertens; Meyer; Moore; 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; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: DeMers, P.; Gunsch; Kingsbury; Knudson; Martin; Murphy; Tokach; Tomac; Wilkie

ABSENT AND NOT VOTING: Cleveland; Martinson; Melby; Peterson

HB 1299 passed and the title was agreed to.

HB 1404: A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to the authority of credit unions to provide missing endorsements.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; Martinson; 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: None

ABSENT AND NOT VOTING: Cleveland; Martin; Melby;
 Peterson

HB 1404 passed and the title was agreed to.

HB 1409: A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to borrowings by officers, directors, and committee members of credit unions.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Brokaw;
 Christman; Cleveland; Dalrymple; DeMers, J.;
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;
 Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;
 Halmrast; Hamerlik; Hanson, L.; 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; 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; Thompson; Tokach; Tollefson; Tomac;
 Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz;
 Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman;
 Speaker Kloubec

NAYS: Berg, R.; Williams, W.

ABSENT AND NOT VOTING: Melby; Peterson; Strinden

HB 1409 passed and the title was agreed to.

HB 1422: A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to loans by credit unions.

Which has been read.

ROLL CALL

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

YEAS: Aas; Almlie; Anderson; Belter; Berg, C.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; 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; 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; 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: Melby; Peterson; Starke

HB 1422 passed and the title was agreed to.

HB 1423: A BILL for an Act to create and enact a new subsection to section 6-06-06 of the North Dakota Century Code, relating to the powers of credit unions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 63 YEAS, 38 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Graba; Hamerlik; Hanson, L.; Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt; Koland; Kolbo; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Riehl; Scherber; Shaw; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stoferahn; Tokach; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Winkelman

NAYS: Almlie; Anderson; Belter; Berg, R.; DeMers, J.; Dorso; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Hausauer, A.; Kent; Kingsbury; Knell; Kretschmar; Kuchera; Martinson; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Rice; Rydell; Schindler; Schneider; Shaft; Shide; Strinden; Thompson; Tollefson; Vander Vorst; Wald; Speaker Kloubec

ABSENT AND NOT VOTING: Knudson; Melby; Peterson; Whalen; Williams, C.

HB 1423 passed and the title was agreed to.

HB 1529: A BILL for an Act to create and enact a new subsection to section 57-15-17 of the North Dakota Century Code, relating to transfers by school districts of unobligated funds from the building fund to the general fund.

Which has been read.

REQUEST

REP. GATES REQUESTED the unanimous consent of the House to amend HB 1529 by adding the Emergency Clause, which request was not granted because there was an objection.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; 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, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana;

Kelly; Kent; Klundt; Knell; Koland; Kolbo; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; O'Shea; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Belter; Gunsch; Kingsbury; Knudson; Kretschmar; Murphy; Olsen, D.; Shide; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Melby; Peterson

HB 1529 passed and the title was agreed to.

HB 1053: A BILL for an Act to impose a one-time motor vehicle operator's license fee; and to provide an appropriation for expansion of the law enforcement training center in Bismarck.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 90 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; DeMers, P.; Frey; Gerntholz; Graba; Hoffner; Hokana; Kolbo; Lautenschlager; Oban; Olson, V.; Stofferahn; Ulmer; Vander Vorst; Williams, A.

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

ABSENT AND NOT VOTING: Melby

HB 1053 was declared lost.

MESSAGES TO THE SENATE
HOUSE CHAMBER

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

HB 1069, HB 1087, HB 1097, HB 1150, HB 1187, HB 1219,
HB 1226, HB 1307, HB 1322

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2111, SB 2217

ROY GILBREATH, Chief Clerk

MOTIONS

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 12:30 p.m., Friday, January 30, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Industry, Business and Labor to which was referred Engrossed HB 1047 has had the same under consideration and recommends by a vote of 12 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

Engrossed HB 1047 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 1077 has had the same under consideration and recommends by a vote of 13 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 6, after the word "system" insert the words "; and to declare an emergency"

On page 3, after line 31, insert the following new section:

"SECTION 6. 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, sections, and pages accordingly

REP. MARTINSON, Chairman

HB 1077 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 1114 has had the same under consideration and recommends by a vote of 13 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 14, delete the words "by duly"

On page 1, delete lines 15 through 17

On page 1, line 18, delete the words "some official matter"

On page 1, line 19, after the period, insert the words "The working papers of an issued audit report shall be public. At the discretion of the state auditor, all or a portion of the working papers of an issued audit report may be declared confidential. Such a declaration of confidentiality shall state the reason for the confidentiality and the date, as can best be reasonably determined at the time, when it will be made public."

And renumber the lines, sections, and pages accordingly

REP. MARTINSON, Chairman

HB 1114 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 1129 has had the same under consideration and recommends by a vote of 10 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. OLSON, Chairman

HB 1129 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 1277 has had the same under consideration and recommends by a vote of 11 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. ANDERSON, Chairman

HB 1277 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 1333 has had the same under consideration and recommends by a vote of 9 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

REP. MOORE, Chairman

HB 1333 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 1365 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. OLSON, Chairman

HB 1365 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 1378 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 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 21, remove the overstrike over the words "No games of chance may be conducted with any"

On page 1, remove the overstrike over lines 22 through 24

On page 1, line 25, remove the overstrike over the numeral "3."

On page 2, line 1, remove the overstrike over the numeral "4." and delete the numeral "3."

On page 2, line 8, remove the overstrike over the numeral "5." and delete the numeral "4."

On page 2, line 12, remove the overstrike over the numeral "6." and delete the numeral "5."

On page 2, line 15, remove the overstrike over the numeral "7." and delete the numeral "6."

On page 2, line 25, remove the overstrike over the numeral "8." and delete the numeral "7."

On page 2, line 30, remove the overstrike over the numeral "9." and delete the numeral "8."

On page 3, line 1, remove the overstrike over the numeral "10." and delete the numeral "9."

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

HB 1378 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 1408 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 21, delete the words "this title" and insert in lieu thereof the words and numerals "chapters 30.1-01 through 30.1-23"

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

HB 1408 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Rep. Kretschmar introduced:

HCR 3029: A concurrent resolution to create a new article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of the State of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Rep. Kretschmar introduced:

HCR 3030: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of the State of North Dakota, relating to the conduct of a lottery.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Rep. Martinson introduced:

HCR 3031: A concurrent resolution directing the Legislative Council to study the nonagricultural real estate foreclosure laws of the state of North Dakota in relation to the foreclosure laws adopted by other states.

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

Reps. J. DeMers, Haugland, Mertens and Sens. Waldera, Todd, Schoenwald introduced:

HCR 3032: A concurrent resolution expressing appreciation for the contributions made by community action agencies on behalf of the low income population of this state and urging the Congress of the United States to continue funding the community services block grant program.

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

Rep. O'Shea and Sen. Krauter introduced:

HCR 3033: A concurrent resolution for the amendment of subsection 1 and subdivision d of subsection 6 of section 6 of article VIII and section 12 of article IX of the Constitution of the State of North Dakota, relating to a college and university system and removing references to the types and locations of institutions of higher education; to direct the state board of higher education to submit a plan to the Fifty-first Legislative Assembly for a reduction in the number of institutions of higher education; and to repeal section 13 of article IX of the Constitution of the State of North Dakota, relating to the institutions receiving grant lands.

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

Reps. Mertens, Strinden introduced:

HCR 3034: A concurrent resolution for the amendment of section 5 of article III of the Constitution of the State of North Dakota, relating to the placement on the general election ballot and suspension of operations of a referred tax measure.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Reps. Meyer, Klundt, D. Olsen, Strinden introduced:

HCR 3035: A concurrent resolution recommending that the State Board of Higher Education take remedial action concerning problems created by the instructional staff at the state institutions of higher education who have difficulty speaking English.

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

Reps. Moore, Anderson introduced:

HCR 3036: A concurrent resolution to create two new sections to article X of the Constitution of the State of North Dakota, relating to establishment and use of the budget stabilization fund.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Reps. Stofferahn, Schneider, W. Williams, J. DeMers introduced:

HCR 3037: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly enacting laws conditioned upon the people's approval.

Was read the first time and referred to the **Committee on Joint Constitutional Revision**.

Reps. Wald, Goetz and Sens. Waldera, David introduced:

HCR 3038: A concurrent resolution congratulating the 1986 State University of North Dakota - Dickinson Blue Hawks football team for its nationally ranked performance.

Was read the first time and was not referred to committee.

Reps. Strinden, Mertens and Sens. Heigaard, Olson introduced:

HCR 3039: A concurrent resolution designating October 1, 1989, as "Citizens Day" to recognize the role citizens played in creating and developing the state of North Dakota.

Was read the first time and was not referred to committee.

Reps. Strinden, Mertens and Sens. Heigaard, Olson introduced:

HCR 3040: A concurrent resolution designating the new highway bridge carrying Bismarck Expressway across the Missouri River between Bismarck and Mandan as the North Dakota Centennial Bridge.

Was read the first time and was not referred to committee.

Reps. Strinden, Mertens and Sens. Heigaard, Olson introduced:

HCR 3041: A concurrent resolution designating November 2 of each year as "Statehood Day" observing North Dakota's entry into the Union.

Was read the first time and was not referred to committee.

Reps. Strinden, Mertens and Sens. Heigaard, Olson introduced:

HCR 3042: A concurrent resolution designating July 10, 1988, as "Division Day" to observe and remember the day when citizens of Dakota Territory convened a "pro-division" convention to create two states.

Was read the first time and was not referred to committee.

Reps. Strinden, Mertens and Sens. Heigaard, Olson introduced:

HCR 3043: A concurrent resolution designating April 5, 1989, as "Native American Day" to honor the indigenous people of the land that became the state of North Dakota.

Was read the first time and was not referred to committee.

Rep. Kretschmar introduced:

HCR 3044: A concurrent resolution for the amendment of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to removing references to institutions of higher education which must be located in certain cities and the requirement for a list of nominees to the state board of higher education; and to provide an effective date.

Was read the first time and referred to the **Committee on Joint Constitutional Revision**.

Rep. Tollefson introduced:

HCR 3045: A concurrent resolution urging the Governor to consider delaying the start of the upland game season on grouse and Hungarian partridge.

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

FIRST READING OF SENATE BILLS

SB 2085: A BILL for an Act to provide mill levy authority for support of parks and recreational facilities.

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

SB 2253: A BILL for an Act to create and enact a new section to chapter 46-02 of the North Dakota Century Code, relating to in-plant printing.

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

SB 2296: A BILL for an Act to provide for certain reductions in general fund appropriation authority; to provide for a reduction in insurance tax to fire districts appropriation authority; to provide for a transfer of fire and tornado funds; to provide for a transfer of coal development impact funds; to provide for a contingent appropriation to the department of human services; to provide an effective date; and to declare an emergency.

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

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

ROY GILBREATH, Chief Clerk