

## JOURNAL OF THE HOUSE

## Fiftieth Legislative Assembly

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## TWENTY-FIRST DAY

Bismarck, February 3, 1987

The House convened at 12:30 p.m., with Speaker Kloubec presiding.

The prayer was offered by Steve C. Johnson, Faith United Methodist Church, Williston, North Dakota.

## ROLL CALL

The roll was called and all Representatives were present, except Representatives Anderson, Lindgren, and Riehl.

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 Twentieth Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

## MOTION

REP. HAUGLAND MOVED that HCR 3028 be returned to the House floor from the Committee on Human Services and Veterans Affairs and be rereferred to the Committee on State and Federal Government, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HCR 3028 was rereferred to the Committee on State and Federal Government.

## 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 2115, SB 2256, SB 2277, SB 2288, SB 2300, SB 2403,  
SB 2412

PERRY GROTEBERG, Secretary

## SIXTH ORDER OF BUSINESS

REP. ANDERSON MOVED that the amendments to HB 1228 as recommended by the Committee on Transportation as printed on pages 622-623 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1228 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1263 as recommended by the **Committee on Natural Resources** as printed on page 623 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1263 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HB 1298 as recommended by the **Committee on Natural Resources** as printed on pages 623-624 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1298 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to HCR 3007 as recommended by the **Committee on Natural Resources** as printed on page 626 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HCR 3007 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTIONS

REP. STRINDEN MOVED that the House reconsider its action whereby the amendments to HB 1109 were laid on the table, which motion prevailed.

REP. STRINDEN MOVED that the House reconsider its action whereby the committee report was accepted and HB 1109 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. STRINDEN MOVED that HB 1109 be rereferred to the **Committee on State and Federal Government**, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that HB 1109 was referred to the **Committee on State and Federal Government**.

#### MOTION

REP. WALD MOVED that the House reconsider its action whereby HB 1405 failed to pass, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1405: A BILL for an Act to amend and reenact section 26.1-38-01 of the North Dakota Century Code, relating to the insurance companies that must participate in the life and health insurance guaranty association.

Which has been read.

## ROLL CALL

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

YEAS: Aas; Almlie; 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; 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; Sorensen; Starke; Stoferahn; 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: Anderson; Lindgren

HB 1405 passed and the title was agreed to.

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HB 1031: A BILL for an Act to amend and reenact sections 15-03-04, 15-03-15, 15-39.1-26, 21-10-01, 21-10-02, 21-10-04, 21-10-05, 21-10-06, 21-10-07, 21-10-08, 37-07.3-02, 37-14-14, and 54-30-15 of the North Dakota Century Code, relating to powers and duties of the state investment board, meetings of the state investment board, powers and duties of the state investment board director, and legal investments for the state investment board; and to repeal section 21-10-03 of the North Dakota Century Code, relating to activities of the state investment board in cooperation with the Bank of North Dakota.

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 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz;

Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.;  
 Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill;  
 Hoffner; Hokana; Kelly; Kent; Klundt; Knudson; Koland;  
 Kolbo; Kretschmar; Lang; Larson; Laughlin;  
 Lautenschlager; Linderman; Marks; Martin; Martinson;  
 Melby; Mertens; Meyer; Murphy; Myrdal; Nelson, C.;  
 Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell;  
 Olsen, D.; 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

NAYS: Dalrymple; Dorso; Gunsch; Hanson, O.; Kingsbury;  
 Knell; Kuchera; Moore; Olson, A.; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Lindgren

HB 1031 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 Jerroll P. Erickson, and Representative Erickson was thereupon introduced to the House.

#### SECOND READING OF HOUSE BILL

HB 1068: A BILL for an Act to amend and reenact paragraph 13 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to drivers license penalty points for fleeing a peace officer; 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 84 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Christman; Cleveland;  
 Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod;  
 Enget; Flaagan; Frey; Gates; Goetz; Gorman; Graba;  
 Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen;  
 Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly;  
 Kent; Klundt; Knell; Knudson; Koland; Kolbo;  
 Kretschmar; Kuchera; Lang; Larson; Lautenschlager;  
 Linderman; Marks; Martin; Martinson; Melby; Mertens;  
 Moore; Myrdal; Nelson, C.; Nicholas; Nowatzki; Oban;  
 O'Connell; Olson, V.; Opedahl; Rice; Rydell; Scherber;

Schindler; Schneider; Shaft; Shaw; Shide; Skjerven;  
 Smette; Solberg; Sorensen; Starke; Stofferahn;  
 Strinden; Thompson; Tollefson; Trautman; Ulmer;  
 Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.; Winkelman;  
 Speaker Kloubec

NAYS: Berg, G.; Berg, R.; Brokaw; Gerntholz; Gunsch;  
 Hausauer, A.; Kingsbury; Laughlin; Meyer; Murphy;  
 Nelson, J.; Olsen, D.; Olson, A.; O'Shea; Payne; Riehl;  
 Shockman; Tokach; Tomac

ABSENT AND NOT VOTING: Anderson; Lindgren; Peterson

HB 1068 passed and the title was agreed to.

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#### MESSAGE TO THE SENATE HOUSE CHAMBER

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

HB 1035, HB 1052, HB 1071, HB 1080, HB 1273, HB 1308,  
 HB 1310, HB 1343, HB 1380

ROY GILBREATH, Chief Clerk

#### SECOND READING OF HOUSE BILLS

HB 1089: A BILL for an Act to amend and reenact sections 39-10-71 and 39-12-14.1 of the North Dakota Century Code, relating to fleeing or eluding a peace officer and settlement of extraordinary road use fee charges.

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 98 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Brokaw;  
 Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;  
 Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;  
 Halmarst; Hamerlik; Hanson, L.; Hanson, O.; Haugen;  
 Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner;  
 Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland;  
 Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin;  
 Lautenschlager; Linderman; Marks; Martin; Martinson;  
 Melby; Meyer; Moore; Myrdal; Nelson, C.; Nelson, J.;  
 Nicholas; Nowatzki; Oban; O'Connell; Olson, V.;  
 Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell;  
 Scherber; Schindler; Schneider; Shaft; Shaw; Shide;

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:** Kingsbury; Murphy; Olson, A.; Shockman

**ABSENT AND NOT VOTING:** Anderson; Lindgren; Mertens;  
 Olsen, D.

HB 1089 passed and the title was agreed to.

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**HB 1117:** A BILL for an Act to amend and reenact section 2-06-14, subsection 2 of section 2-06-19, and subsection 2 of section 40-38-02 of the North Dakota Century Code, relating to the responsibility for maintaining airport authority and library funds and records.

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 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; 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; 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; 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:** Anderson; Lindgren

HB 1117 passed and the title was agreed to.

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HB 1289: A BILL for an Act to create and enact a new section to chapter 11-11 of the North Dakota Century Code, relating to objects loaned or donated to local museums which have closed.

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 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; 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; 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; 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: Anderson; Lindgren

HB 1289 passed and the title was agreed to.

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HB 1317: A BILL for an Act to amend and reenact section 11-11-37 of the North Dakota Century Code, relating to the publication of the report of the proceedings of the board of county commissioners; and to repeal section 11-13-09 of the North Dakota Century Code, relating to the publication of the auditor's report of the proceedings of the board of county commissioners.

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 91 YEAS, 11 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Flaagan; Hanson, O.; Haugen; Hill; Klundt; Laughlin; Nelson, J.; O'Connell; O'Shea; Rice; Shockman

ABSENT AND NOT VOTING: Anderson; Frey; Lindgren; Wald

HB 1317 passed and the title was agreed to.

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HB 1414: A BILL for an Act to amend and reenact subsection 1 of section 12.1-05-05 of the North Dakota Century Code, relating to use of corporal punishment on a minor.

Which has been read.

## MOTION

REP. GOETZ MOVED the previous question, which motion prevailed.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 22 YEAS, 82 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: DeMers, J.; DeMers, P.; Dotzenrod; Gorman; Halmrast; Haugland; Hill; Hoffner; Kelly; Martinson; Mertens; Moore; Murphy; Nelson, C.; Oban; Payne; Rydell; Scherber; Schneider; Stofferahn; Wentz; Winkelman



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

ABSENT AND NOT VOTING: Anderson; Lindgren

HB 1414 was declared lost.

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#### SPECIAL ORDER OF BUSINESS

REP. STRINDEN MOVED that the House be on a Special Order of Business, which motion prevailed.

REP. STRINDEN MOVED that a committee of five be appointed to escort Mr. and Mrs. Harold Schafer to the rostrum, which motion prevailed. Speaker Kloubec appointed Reps. Martinson, A. Hausauer, Rydell, Winkelman, and Sorensen to such committee and Mr. and Mrs. Harold Schafer were escorted to the rostrum.

#### FIRST READING OF A HOUSE RESOLUTION

Reps. Strinden, Kloubec introduced:

HR 1: A resolution commending Harold Schafer on his 75th birthday and congratulating him on his many achievements in business and community service.  
Was read the first time.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HR 1 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Strinden, Kloubec introduced:

#### HOUSE RESOLUTION NO. 1

A resolution commending Harold Schafer on his 75th birthday and congratulating him on his many achievements in business and community service.

WHEREAS, it is a custom of the Legislative Assembly to recognize and honor North Dakota citizens for their national accomplishments; and

WHEREAS, Harold Schafer was the recipient of the Theodore Roosevelt Roughrider Award in 1974, which is the highest recognition the state of North Dakota can bestow upon present or former North Dakotans, and he was also awarded the Theodore Roosevelt Association's Distinguished Service Medal; and

WHEREAS, Harold Schafer was, at 41, the youngest man ever to receive the Horatio Alger Award; and

WHEREAS, Harold Schafer's entrepreneurial odyssey began as a clothes salesman, progressed to glass and paint sales, and culminated in the founding of an international consumer product company; and

WHEREAS, the Gold Seal Company, founded 45 years ago, has supplied hundreds of thousands of households with such products as Glass Wax, Snowy Bleach, and Mr. Bubble, products which are known worldwide; and

WHEREAS, the success of Harold Schafer and the Gold Seal Company has been written about and lauded in national magazines and newspapers; and

WHEREAS, Harold Schafer's commitment to the restoration of Medora has resulted in making Medora one of the great tourist attractions of the Great Plains region, drawing hundreds of thousands of tourists from all across this nation each year; and

WHEREAS, Harold Schafer's unstinting commitment to hard work and achievement in the field of business is equally matched by his involvement in many philanthropic organizations, his total commitment to the state of North Dakota, and his faith in the virtues of North Dakota's people;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NORTH DAKOTA:

That the House of Representatives extends its warmest congratulations to Harold Schafer on his 75th birthday and commends him on his many stellar accomplishments in the field of business and his unflagging dedication to this state and its cherished institutions; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to Harold and Sheila Schafer and their children.

## SECOND READING OF A HOUSE RESOLUTION

HR 1: A resolution commending Harold Schafer on his 75th birthday and congratulating him on his many achievements in business and community service.

Which has been read.

The question being on the final adoption of the resolution.

HR 1 was declared adopted.

REMARKS  
of  
Harold Schafer

Good afternoon, on one of the loveliest North Dakota afternoons I think we've ever shared together in February. One of the nice young reporters said to my wife the other day when all of this "75" appears everywhere, "You mean he's lived through seventy-five North Dakota winters?" So, this is one of the real good ones.

To all of you wonderful people who work so hard to make the laws of North Dakota, I want to say one thing only - I don't know your work. I read the books and I read the papers and I know some of the things you do. I know some of the things that are controversial, and I know some of the things you don't do, but I also know that you give of your time, your effort and your thought and you do the best you know how in your work in this chamber. That is all I have done in my life. I consider the country my territory to sell merchandise in and I was fortunate it worked.

You might be interested in a little piece of legislation. I just grabbed this from my desk where it has been buried on the bottom of a drawer for more than 20 years. In the mixup of attempting to be in business, I carried the longest litigated trademark case in legal history on my shoulders for 14 years. The Johnson Wax Company sued me for \$5 million dollars in 1945, when I was worth probably less than \$5,000. That went into the courts, finally winding up in the Circuit Court of Appeals in Washington, D.C., the Supreme Court. The decision was in our favor. It was fourteen years later, 1959, before I knew whether the results of my work were going to belong to my family and myself or belong to a competing company.

The interesting thing along the line that you might have a little interest in is tax law. Now I know that doesn't apply in North Dakota, we don't need any tax laws. It was a law on the books in those days that the lawyers that I hired and paid and that the legal expenses in getting to a courtroom in California, New York, Louisiana, Texas, Arizona, Wisconsin, Illinois, and Michigan were capitalized as value to my company. After this case had been going on for five years, a couple of very nice looking young gentlemen came into my office and handed me a sheet of paper and

said, "You owe us \$180,000." I didn't have \$180,000. That was the assessed taxes on my income tax return for the five years previous because of that special tax ruling which says the money you spend for your lawyers is an investment in your business and not an expense. It's hard to believe. It sounded so silly to me at the time, and yet, when I ordered those men out of my office, they smiled and they left this paper and they said, "Give it to your accountant," and I did, and it was the law of our country.

Now to show you what can be done, I went to Washington because I could see in the future, this was going to cost me more and, by the way, we spent in legal expenses for the protection of our soul and our character and our ability to be in business and our freedom in this country about \$100,000 a year for 14 years. So the assessment of the first tax was just the beginning and it ran for another ten years. But knowing that lawmakers are human, decent, good people, I went to Washington and had a bill introduced in the Congress. It says here it was the Eighty-fourth Congress, the second session of the Eighty-fourth Congress. The bill went through the House of Representatives and it went through the Senate and was signed by President Eisenhower and became a law June 29, 1956, which makes it 31 years ago next June. This law says if any young businessman in America or if any of your children or grandchildren start a business and they have difficulties with the big corporate structures of America, the lawyers' fees will be expensed the same as the big corporate-hired lawyers were expensed. That was a little problem I found in the laws in the country and then I found that, as a human being and as a citizen in a free country, if there's a reason, you can change a law. I think you folks are very amenable and very sensitive to your constituents and so, if something good is needed, I know you listen to your people. Sometimes we have so many listening to so many that it gets confusing, but I know you do the best you can.

Now that is all I have done that happened to be a little legislative history that I was connected with. I thought it might be of interest to you, and I brought it along.

My life today, and in the future, and for at least the past thirty some years has been involved in Medora and the history of Teddy Roosevelt. So I would like to say to you folks in this chamber that you have an investment in Medora and in the Marquis deMores' home. When I served on the board of directors of the State Historical Society, I noticed a little freak in that law where the money comes into your chambers instead of to the Society, so they don't particularly appreciate the business you are doing in Medora.

You have between 40,000 and 50,000 people a year going through the Marquis deMores' home in Medora and they pay a dollar to do it. I think that is an interesting piece of business. I think maybe if you expanded a little bit, you might make some more money. I mean I'm in business in Medora and I am not making any

money. Sometime in the future I am sure there will be enough traffic and enough people and they will want to spend money for things and perhaps the state, through its State Historical Society, could sell items from expanded facilities in Medora. One way might be to rebuild the packing plant. I have built a model if you care to see it or use it. It's out there and you could sell merchandise out of that. You'd have another historical center to attract attention because it is a very interesting story.

I said yesterday to a large group of people that we have a name. North Dakota has a name that's bigger than our own, bigger than Harold Schafer, bigger than the House of Representatives, identified around the world in America. No name is more identified today in history than the life of Teddy Roosevelt. Now anything that I can do for any of you to promote that name, to promote the man's ideals, his life in North Dakota, let me know and I will try to help. That's my future life, that's my family's dedication - they have put together the money and bought all the assets from Gold Seal Company that are in Medora acreage, ground, and many buildings. They will continue to run the show. They will continue to do good things to attract tourists to North Dakota, and that is my future dedication of my life; my wife, Sheila; my children; and my grandchildren. If we can help any of you in any way, to make that a more identifiable community for you to be proud of, for you to send your relatives and your friends and your family to visit, please let us know. I thank you.

#### MOTION

REP. STRINDEN MOVED that the remarks of the Honorable Harold Schafer be printed in the Journal, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1416: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to foundation aid payments to school districts with high schools that reorganize or annex.

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, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmarst; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin;

Lautenschlager; Linderman; Marks; Martin; Martinson;  
 Melby; 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;  
 Skjervon; Smette; Solberg; Sorensen; Starke;  
 Stofferahn; Thompson; Tokach; Tollefson; Tomac;  
 Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Wilkie;  
 Williams, A.; Williams, C.; Williams, W.; Winkelman;  
 Speaker Kloubec

NAYS: Knudson; Vander Vorst

ABSENT AND NOT VOTING: Anderson; Lindgren; Mertens;  
 Strinden

HB 1416 passed and the title was agreed to.

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#### MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1036, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to establish the North Dakota court of appeals; to create and enact a new section to chapter 27-17 of the North Dakota Century Code, relating to the retirement of judges of the court of appeals; to amend and reenact section 12-55-34, subsection 5 of section 12.1-01-04, sections 16.1-11-01, 16.1-11-08, 16.1-15-22, 27-01-01, 27-01-01.1, 27-05-03.1, 27-05-03.2, 27-17-01, 27-17-02, 27-17-03, subsection 2 of section 27-23-01, subsection 1 of section 27-24-01, section 27-25-01, subsection 4 of section 27-25-02, subsection 2 of section 27-26-02, section 44-02-03, subsection 1 of section 44-05-01, sections 54-52-02.3, 54-52-06.1, subsection 4 of section 54-52-17, and section 59-04-27 of the North Dakota Century Code, relating to references to the court of appeals and judges of the court of appeals; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 0 YEAS, 97 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Brokaw;  
 Christman; Cleveland; Dalrymple; DeMers, J.;  
 DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey;

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; Larson; Laughlin; Lautenschlager; Linderman; Marks; Martin; Martinson; Melby; 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; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Gates; Kuchera; Lang; Lindgren; Mertens; Peterson; Strinden; Whalen

HB 1036 was declared lost.

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#### MOTION

REP. AAS MOVED that the House reconsider its action whereby HB 1129 passed, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact section 38-08-06.3 of the North Dakota Century Code, relating to information that must accompany payments to royalty owners.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 58 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berg, G.; Brokaw; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hanson, L.; Hanson, O.; Hill; Hoffner; Hokana; Kingsbury; Klundt; Knudson; Kolbo; Kuchera; Laughlin; Linderman; Marks; Martin; Melby; Mertens; Meyer; Murphy; Oban; O'Connell; O'Shea; Riehl; Scherber; Shaw; Shockman; Solberg; Starke; Stofferahn; Thompson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.

NAYS: Aas; Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kelly; Kent; Knell; Koland; Kretschmar; Lang; Larson; Lautenschlager; Martinson; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Olsen, D.; Olson, A.;

Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell;  
Schindler; Schneider; Shaft; Shide; Skjerven; Smette;  
Sorensen; Strinden; Tokach; Tollefson; Wald; Whalen;  
Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Lindgren

HB 1129 was declared lost.

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#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of the State of North Dakota, relating to the effective date of appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.  
Was read the first time and referred to the Committee on Joint Constitutional Revision.

#### 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:

SCR 4039

PERRY GROTEBERG, Secretary

#### SECOND READING OF HOUSE BILLS

HB 1067: A BILL for an Act to amend and reenact section 61-01-27 of the North Dakota Century Code, relating to the conversion of oil and gas exploration and production wells to water wells.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 91 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Almlie; Belter; Berg, G.; Christman; Cleveland;  
Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget;  
Flaagan; Frey; Gates; Goetz; Gorman; Graba; Gunsch;  
Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.;  
Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent;  
Kingsbury; Klundt; Knell; Knudson; Kolbo; Kuchera;  
Lang; Larson; Laughlin; Linderman; 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;  
Schindler; Schneider; Shaft; Shaw; Shide; Shockman;  
Skjerven; Smette; Solberg; Sorensen; Starke;



Stofferahn; Strinden; Thompson; Tokach; Tollefson;  
Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen;  
Wilkie; Williams, A.; Williams, C.; Winkelman;  
Speaker Kloubec

NAYS: Aas; Berg, R.; Brokaw; Dorso; Gerntholz; Halmrast;  
Hanson, L.; Koland; Kretschmar; Lautenschlager;  
Scherber; Vander Vorst; Williams, W.

ABSENT AND NOT VOTING: Anderson; Lindgren

HB 1067 passed and the title was agreed to.

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HB 1090: A BILL for an Act to create and enact a new subsection to section 51-07-16 of the North Dakota Century Code, relating to definitions applicable to the motor vehicle repair, replacement, and refund law; and to amend and reenact sections 51-07-17, 51-07-19, and 51-07-21 of the North Dakota Century Code, relating to motor vehicle repairs, replacements, and refunds.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 19 YEAS, 84 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Brokaw; DeMers, J.; DeMers, P.; Halmrast; Hoffner;  
Kelly; Kingsbury; Knudson; Lautenschlager; Mertens;  
Nelson, J.; Oban; Riehl; Schneider; Shaft; Shockman;  
Vander Vorst; Watne; Wilkie

NAYS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Christman;  
Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Flaagan;  
Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch;  
Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland;  
Hausauer, A.; Hausauer, R.; Hill; Hokana; Kent; Klundt;  
Knell; Koland; Kolbo; Kretschmar; Kuchera; Lang;  
Larson; Laughlin; Linderman; Marks; Martin; Martinson;  
Melby; Meyer; Moore; Murphy; Myrdal; Nelson, C.;  
Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.;  
Olson, V.; Opedahl; O'Shea; Payne; Rice; Rydell;  
Scherber; Schindler; Shaw; Shide; Skjerven; Smette;  
Solberg; Sorensen; Starke; Stofferahn; Strinden;  
Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer;  
Wald; Wentz; Whalen; Williams, A.; Williams, C.;  
Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Lindgren; Peterson

HB 1090 was declared lost.

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## RECOGNITION

THE SPEAKER ANNOUNCED that a former Representative was in the chambers, and requested that the House recognize former Representative John M. "Jack" Riley, and Representative Riley was thereupon introduced to the House.

## MOTION

REP. GOETZ MOVED that the House waive the reading of the title to HB 1197, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1197: A BILL for an Act to amend and reenact section 39-06-33, subsection 1 of section 39-06.1-10, and section 39-16-02 of the North Dakota Century Code, relating to hearings for administrative appeals; and to repeal sections 39-06-33.1 and 39-06-39 of the North Dakota Century Code, relating to the authority to suspend licenses after traffic death or injury and administrative and judicial review of license suspensions and revocations.

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; 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; Marks; Martin; Martinson; Melby; 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: Anderson; Lindgren; Mertens

HB 1197 passed and the title was agreed to.

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HB 1394: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 55 YEAS, 49 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, G.; Christman; Cleveland; DeMers, J.; Dorso; Dotzenrod; Flaagan; Frey; Gates; Goetz; Gorman; Gunsch; Hamerlik; Haugen; Hausauer, R.; Hill; Hoffner; Kelly; Kingsbury; Klundt; Knell; Knudson; Koland; Kretschmar; Kuchera; Larson; Laughlin; Melby; Mertens; Meyer; Moore; Myrdal; Oban; Olson, V.; O'Shea; Peterson; Rice; Rydell; Schneider; Shaw; Shockman; Smette; Sorensen; Strinden; Thompson; Tokach; Tomac; Ulmer; Vander Vorst; Wald; Wentz; Whalen; Wilkie; Speaker Kloubec

NAYS: Almlie; Belter; Berg, R.; Brokaw; Dalrymple; DeMers, P.; Enget; Gerntholz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hokana; Kent; Kolbo; Lang; Lautenschlager; Linderman; Marks; Martin; Martinson; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; Payne; Riehl; Scherber; Schindler; Shaft; Shide; Skjerven; Solberg; Starke; Stofferahn; Tollefson; Trautman; Watne; Williams, A.; Williams, C.; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Anderson; Lindgren

HB 1394 passed and the title was agreed to.

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HB 1418: A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to the amount of statutory fees for a noncriminal traffic disposition.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 85 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Dalrymple; Frey; Haugen; Knudson; Kretschmar; Larson; Lautenschlager; Linderman;

Nelson, C.; Oban; Olson, V.; Scherber; Sorensen;  
Thompson; Vander Vorst; Wentz

NAYS: Aas; Almlie; Berg, G.; Berg, R.; Brokaw; Christman;  
Cleveland; DeMers, J.; DeMers, P.; Dorso; Dotzenrod;  
Enget; Flaagan; Gates; Gerntholz; Gorman; Graba;  
Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.;  
Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner;  
Hokana; Kelly; Kent; Kingsbury; Klundt; Knell; Koland;  
Kolbo; Kuchera; Lang; Laughlin; Marks; Martin;  
Martinson; Melby; Mertens; Meyer; Moore; Murphy;  
Myrdal; Nelson, J.; Nicholas; Nowatzki; O'Connell;  
Olsen, D.; Olson, A.; Opedahl; O'Shea; Payne; Peterson;  
Rice; Riehl; Rydell; Schindler; Schneider; Shaft; Shaw;  
Shide; Shockman; Skjerven; Smette; Solberg; Starke;  
Stofferahn; Tokach; Tollefson; Tomac; Trautman; Ulmer;  
Wald; Watne; Whalen; Wilkie; Williams, A.;  
Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Goetz; Lindgren;  
Strinden

HB 1418 was declared lost.

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HB 1419: A BILL for an Act to amend and reenact subsection 1 of section 39-08-03.1 of the North Dakota Century Code, relating to the amount of statutory fees for exhibition driving and drag racing; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 94 YEAS, 8 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Belter; Berg, R.; Brokaw; Christman;  
Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso;  
Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz;  
Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen;  
Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner;  
Hokana; Kelly; Kent; Klundt; Knell; Knudson; Koland;  
Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin;  
Lautenschlager; Linderman; Marks; Martin; Martinson;  
Melby; Mertens; Meyer; Moore; Murphy; Myrdal;  
Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban;  
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, W.; Winkelman; Speaker Kloubec

NAYS: Almlie; Berg, G.; Gunsch; Hamerlik; Kingsbury;  
O'Connell; Peterson; Williams, C.

ABSENT AND NOT VOTING: Anderson; Gorman; Lindgren;  
Strinden

HB 1419 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 Claire A. Sandness, and Representative Sandness was thereupon introduced to the House.

#### SECOND READING OF HOUSE BILLS

HB 1420: A BILL for an Act to create and enact a new section to chapter 40-11 of the North Dakota Century Code, relating to sale of property by cities; and to amend and reenact section 40-11-04 of the North Dakota Century Code, relating to transfers of property by cities.

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, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; 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; Lang; Larson; Laughlin;  
Lautenschlager; Linderman; 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; 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: Anderson; Lindgren

HB 1420 passed and the title was agreed to.

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HB 1444: A BILL for an Act to amend and reenact section 39-04-14.1 of the North Dakota Century Code, relating to registration of motor vehicles; and to provide for transitional provisions and application of this Act.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 53 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Berg, G.; Brokaw; Christman; Dalrymple; DeMers, P.; Dorso; Flaagan; Frey; Gerntholz; Graba; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Klundt; Knell; Kolbo; Laughlin; Lautenschlager; Marks; Martinson; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Rydell; Scherber; Schneider; Shaft; Sorensen; Starke; Stofferahn; Ulmer; Watne; Wilkie; Williams, W.

NAYS: Belter; Berg, R.; Cleveland; DeMers, J.; Dotzenrod; Enget; Gates; Goetz; Gorman; Gunsch; Haugland; Hausauer, A.; Kent; Kingsbury; Knudson; Koland; Kretschmar; Kuchera; Lang; Larson; Linderman; Martin; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rice; Schindler; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Wentz; Whalen; Williams, A.; Williams, C.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Lindgren; Peterson

HB 1444 was declared lost.

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#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution expressing the support of the Fiftieth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

Was read the first time.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that SCR 4030 not be printed, not be referred to committee, be read in title only, and placed on the consent calendar for second reading and final passage, which motion prevailed.

## FIRST READING OF A SENATE CONCURRENT RESOLUTION

SCR 4039: A concurrent resolution congratulating Colonel James Buchli and welcoming him on his upcoming visit to Bismarck.

Was read the first time.

## MOTION

REP. STRINDEN MOVED that the rules be suspended, that SCR 4039 not be printed, not be referred to committee, be read in title only, and placed on the consent calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS  
ON CONSENT CALENDAR

SCR 4030: A concurrent resolution expressing the support of the Fiftieth Legislative Assembly and urging cooperation for the Young Men's Christian Association model legislature program.

SCR 4039: A concurrent resolution congratulating Colonel James Buchli and welcoming him on his upcoming visit to Bismarck.

Which have been read.

The question being on the final adoption of the resolutions.

So the resolutions were adopted.

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## REQUESTS

REP. STRINDEN REQUESTED that SB 2479 be taken up before the Eleventh order of business on tomorrow's calendar, which request was granted.

REP. GOETZ REQUESTED that the record show that Rep. Lindgren was absent because he was speaking in Washington, D.C. to the United States Senate Youth Program, which request was granted.

## 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., Wednesday, February 4, 1987, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

**MR. SPEAKER:** Your Committee on Industry, Business and Labor to which was referred Engrossed HB 1122 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 23, delete the numerals "6-07-04.2" and insert in lieu thereof the numerals "6-07-04.3"

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

Engrossed HB 1122 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 1207 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 11, delete the words "The commissioner may conduct periodic inspections"

On page 2, delete line 12

On page 2, line 13, delete the word "chapter." and after the word "The" insert the words "state engineer" and delete the word "commissioner"

On page 2, line 14, delete the words "if the commissioner has reason to believe violations of"

On page 2, line 15, delete the words "any safety standards adopted by rule under this chapter exist"

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

HB 1207 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 1297 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 8, remove the overstrike over the word "construction"



On page 1, line 9, remove the overstrike over the words "~~by municipality without contract~~" and delete the word "~~reevaluation~~" and insert in lieu thereof the word "- Reevaluation"

On page 1, line 16, remove the overstrike over the words "~~dene directly by the municipality by the~~"

On page 1, remove the overstrike over lines 17 through 20

On page 1, line 21, remove the overstrike over the words "~~though the work had been performed under contract~~" and after the word "~~contract~~" insert the words ", provided this work shall amount to no more than twenty-five thousand dollars."

3. Cause the work described in the plans, specifications, and estimates to be"

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

HB 1297 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 1303 has had the same under consideration and recommends by a vote of 10 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1303 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 1358 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1358 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1392 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1392 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1399 has had the same under consideration and

recommends by a vote of 15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1399 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 1427 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. WHALEN, Chairman

HB 1427 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 1441 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. NICHOLAS, Chairman

HB 1441 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 1521 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 3, line 17, delete the word "may" and insert in lieu thereof the word "shall"

On page 3, line 18, delete the words "resolve to"

And renumber the lines, sections, and pages accordingly

REP. MOORE, Chairman

HB 1521 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1539 has had the same under consideration and recommends by a vote of 13 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HB 1539 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Education to which was referred HB 1540 has had the same under consideration and recommends by a

vote of 9 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

REP. GATES, Chairman

HB 1540 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1546 has had the same under consideration and recommends by a vote of 10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1546 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1561 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. A. HAUSAUER, Chairman

HB 1561 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation to which was referred HB 1581 has had the same under consideration and recommends by a vote of 13 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

REP. A. HAUSAUER, Chairman

HB 1581 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 SB 2296 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

SB 2296 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision to which was referred SCR 4024 has had the same under consideration and recommends by a vote of 9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

REP. MARTIN, Chairman

SCR 4024 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

Reps. Hoffner, Hill, Gates and Sen. Heinrich introduced:

**HCR 3046:** A concurrent resolution directing the Legislative Council to study the potential benefits to be derived from offering courses through the use of electronic media, including satellite dishes, cable television, video cassettes, and video and telephone audiosystems.

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

**FIRST READING OF SENATE BILLS**

**SB 2019:** A BILL for an Act making an appropriation for insurance premium tax payments distribution to fire departments.

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

**SB 2044:** A BILL for an Act to create and enact a new section to chapter 15-27.1 of the North Dakota Century Code, relating to the reorganization, annexation, or dissolution of nonoperating school districts; and to amend and reenact section 15-27.4-01 of the North Dakota Century Code, relating to the dissolution of school districts not operating schools and attachment of their territory to school districts operating schools.

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

**SB 2050:** A BILL for an Act to provide for the establishment of a North Dakota venture capital corporation; to amend and reenact section 6-09.2-01, subsection 1 of section 6-09.2-03, sections 6-09.2-04, 6-09.2-05, 6-09.2-07, 6-09.2-08, 6-09.2-09, 6-09.2-10, 6-09.2-11, and 54-34-04 of the North Dakota Century Code, relating to the industrial development revenue bond guarantee program and the duties of the economic development commission; and to repeal section 6-09.2-06 of the North Dakota Century Code, relating to the industrial development revenue bond fund.

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

**SB 2106:** A BILL for an Act to amend and reenact section 6-08.1-07 of the North Dakota Century Code, relating to the fee charged by financial institutions for preparing customer information for the state auditor.

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

**SB 2108:** A BILL for an Act to amend and reenact section 54-52.1-04.2 of the North Dakota Century Code, relating to the requirement of obtaining aggregate stop-loss coverage under the state self-insurance plan for hospital and medical benefits.

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

**SB 2129:** A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the Bank of North Dakota investment in a public venture capital corporation.

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

**SB 2130:** A BILL for an Act to amend and reenact section 52-06-32 of the North Dakota Century Code, relating to unemployment compensation claimant attorney fees.

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

**SB 2163:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 15-59-01 of the North Dakota Century Code, relating to the definition of the terms "gifted child" and "handicapped child".

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

**SB 2170:** A BILL for an Act to amend and reenact section 65-12-11 of the North Dakota Century Code, relating to boiler inspection fees.

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

**SB 2194:** A BILL for an Act authorizing North Dakota state penitentiary industry to trade, barter, and exchange merchandise, equipment, and services.

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

**SB 2204:** A BILL for an Act relating to the use by state-funded institutions of North Dakota native lignite coal or coal mined in other jurisdictions meeting certain standards; and to provide a penalty.

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

**SB 2208:** A BILL for an Act to amend and reenact sections 15-39.1-04, 15-39.1-06, 15-39.1-08, subsection 1 of section 15-39.1-09, sections 15-39.1-22, and 15-39.1-27 of the North Dakota Century Code, relating to the teachers' fund for retirement.

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

**SB 2258:** A BILL for an Act to amend and reenact sections 39-22-02, 39-22-06, 39-22-08, 39-22-11, and 39-22-12 of the North Dakota Century Code, relating to the licensing of motor vehicle dealers.

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

**SB 2273:** A BILL for an Act to amend and reenact section 26.1-05-04, subsection 4 of section 26.1-12-08, and section

26.1-12-10 of the North Dakota Century Code, relating to the required amount of paid in capital stock and surplus of domestic stock and mutual insurance companies.

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

SB 2275: A BILL for an Act to amend and reenact subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to eligibility to participate in the uniform group insurance program.

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

SB 2295: A BILL for an Act to amend and reenact section 11-18-05 and, if House Bill No. 1044 of the fiftieth legislative assembly does not become effective, section 35-08-04 of the North Dakota Century Code, relating to fees of the register of deeds and filing fees for motor fuel liens.

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

SB 2313: A BILL for an Act to amend and reenact sections 54-34.2-01, 54-34.2-02, and 54-34.2-04 of the North Dakota Century Code, relating to a change in the name of the Indian development fund.

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

SB 2317: A BILL for an Act to create and enact two new subsections to section 26.1-01-07 and a new chapter to title 26.1 of the North Dakota Century Code, relating to insurance premium finance companies; and to provide a penalty.

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

SB 2329: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a driving record for violation of the open bottle law; and to amend and reenact sections 39-06.1-09 and 39-21-01 of the North Dakota Century Code, relating to the definition of a moving violation and to when lighted lamps are required.

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

SB 2334: A BILL for an Act to amend and reenact subsection 4 of section 43-17-18 of the North Dakota Century Code, relating to qualifications of a foreign-trained applicant for a license to practice medicine.

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

SB 2335: A BILL for an Act to amend and reenact section 39-07-09 of the North Dakota Century Code, relating to traffic offenses for which a person may be released upon promise to appear.

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

SB 2339: A BILL for an Act to amend and reenact sections 12-48-03.1 and 12-48-06.1 of the North Dakota Century Code, relating to the operation of prison industries, the sale of prison-made products, and the prison industry advisory committee.

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

SB 2342: A BILL for an Act to amend and reenact sections 43-18-13 and 43-18-17 of the North Dakota Century Code, relating to the license fees of plumbers.

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

SB 2343: A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 57-38-01.2 and subdivision g of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to the domestic dividend exclusion for income tax purposes.

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

SB 2399: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the confidentiality of public employee medical and employee assistance records.

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

SB 2427: A BILL for an Act to create and enact a new subsection to section 6-03-02 of the North Dakota Century Code, relating to the power of banks.

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

SB 2437: A BILL for an Act to create and enact a new section to chapter 26.1-05 of the North Dakota Century Code, relating to the authority of domestic insurance companies to participate in clearing corporations and book entry systems.

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

SB 2441: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to inclusion of the sales taxes on sales of alcoholic beverages in the purchase price of the alcoholic beverages.

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

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

ROY GILBREATH, Chief Clerk