

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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SIXTY-THIRD DAY

Bismarck, April 6, 1987

The House convened at 8:00 a.m., with Speaker Kloubec presiding.

The prayer was offered by Tom Shaffer, First Baptist Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives R. Berg, Dorso, Frey, Kent, Klundt, Knudson, Linderman, Meyer, Moore, and Stofferahn.

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 Sixty-second Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

MOTION

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

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

MESSAGES TO THE SENATE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2004: Reps. R. Hausauer, Thompson, Nowatzki

SB 2012: Reps. Kent, Payne, Hoffner

SB 2103: Reps. Tollefson, Martin, Schneider

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1331, HB 1349, HB 1644, and HB 1680 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently failed to pass the same:

HB 1081, HB 1257

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

HB 1038, HB 1192

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2470, SB 2532, SB 2537

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SCR 4067

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report:

SB 2109

ROY GILBREATH, Chief Clerk

## MOTION

REP. STRINDEN MOVED that the rules be suspended, and that after action on the Sixth order, that all bills and resolutions be placed on the Eleventh and Fourteenth orders respectively, as amended, for second reading and final passage, which motion prevailed.

## MESSAGES FROM THE SENATE

## SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SB 2007, SB 2097, SB 2127, SB 2181, SB 2202, SB 2383,  
SB 2413, SB 2418, SB 2427, SCR 4010

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed:

HB 1068, HB 1072, HB 1156, HB 1303, HB 1474, HB 1506,  
HB 1560, HB 1571, HB 1615, HCR 3034, HCR 3044, HCR 3088

PERRY GROTEBERG, Secretary

## ANNOUNCEMENT BY SPEAKER

SPEAKER KLOUBEC ANNOUNCED that the members of the Committee on Finance and Taxation would be excused.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2009 as recommended by the Committee on Appropriations as printed on page 2559 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the state penitentiary and various divisions thereof of the state of North Dakota and providing for a transfer from the North Dakota state penitentiary land fund.

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 83 YEAS, 2 NAYS, 21 ABSENT AND NOT VOTING.

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

NAYS: Shockman; Sorensen

ABSENT AND NOT VOTING: Anderson; Belter; Berg, R.; DeMers, J.; Dorso; Goetz; Hanson, O.; Haugen; Hausauer, A.; Klundt; Linderman; Martin; Meyer; Moore;

Olson, A.; Riehl; Schneider; Tollefson; Tomac; Watne; Williams, W.

SB 2009 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2010 as recommended by the Committee on Appropriations as printed on pages 2559-2560 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act making an appropriation for defraying the expenses of the radio communications department of the state of North Dakota and providing for a transfer from the state highway fund.

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, 6 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Almlie; Belter; Berg, G.; Brokaw; Christman; Cleveland; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knell; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Melby; Mertens; 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; Wilkie; Williams, A. Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Anderson; Dalrymple; Gorman; Murphy; Tokach

ABSENT AND NOT VOTING: Berg, R.; Dorso; Klundt; Martin; Meyer; Tomac

SB 2010 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2037 as recommended by the Committee on Appropriations as printed on pages 2560-2561 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact a new section to chapter 50-24.3 of the North Dakota Century Code, relating to preadmission assessment of persons entering facilities furnishing skilled or intermediate medical care; to amend and reenact sections 50-24.3-01, 50-24.3-03, and 50-24.3-04 of the North Dakota Century Code, relating to the powers and duties of the department of human services and preadmission assessment of persons entering facilities furnishing skilled or intermediate medical care; and to provide an effective date.

Which has been read.

## MOTION

REP. ANDERSON 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 81 YEAS, 20 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Almlie; Anderson; Belter; Berg, G.; Brokaw; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Aas; Christman; Gorman; Gunsch; Hanson, O.; Kingsbury; Knell; Knudson; Koland; Melby; Murphy; Olsen, D.; Olson, A.; Payne; Shaft; Shide; Sorensen; Thompson; Tokach; Whalen

ABSENT AND NOT VOTING: Berg, R.; Dorso; Klundt; Meyer; Wald

SB 2037 passed and the title was agreed to.

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#### MOTION

REP. GOETZ MOVED that the House stand in recess until 11:30 a.m., which motion prevailed.

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

#### DELIVERY OF ENROLLED RESOLUTIONS

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 11:00 a.m., April 6, 1987:

HCR 3034, HCR 3044, HCR 3088

#### DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 11:03 a.m., April 6, 1987:

HB 1068, HB 1072, HB 1156, HB 1303, HB 1474, HB 1506,  
HB 1560, HB 1571, HB 1615

#### SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2007, SB 2097, SB 2127, SB 2181, SB 2202, SB 2383,  
SB 2413, SB 2418, SB 2427, SCR 4010

ROY GILBREATH, Chief Clerk

#### MESSAGE TO THE SENATE

##### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2007, SB 2097, SB 2127, SB 2181, SB 2202, SB 2383,  
SB 2413, SB 2418, SB 2427, SCR 4010

ROY GILBREATH, Chief Clerk

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was rereferred SB 2018 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

REP. PETERSON, Chairman

SB 2018 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1009 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2308 of the House Journal and that engrossed HB 1009 be amended as follows:

That the Senate recede from its amendments as printed on page 1688 of the Senate Journal and that engrossed House Bill No. 1009 be amended as follows:

On page 1 of the engrossed bill, line 4, delete the words "amend and" and insert in lieu thereof the word "repeal"

On page 1 of the engrossed bill, line 5, delete the word "reenact"

On page 1 of the engrossed bill, line 6, delete the words "use of"

On page 2 of the engrossed bill, line 14, delete the words "for the biennium beginning July 1," and insert in lieu thereof the words "on July 1, 1987."

On page 2 of the engrossed bill, delete lines 15 through 27 and insert in lieu thereof the following section:

"SECTION 4. TRANSFER. There is hereby transferred \$378,792 to the veterans' affairs operating fund from the veterans' postwar trust fund, pursuant to section 37-14-14, on July 1, 1987."

On page 2 of the engrossed bill, line 29, delete the words "Notwithstanding the provisions of North Dakota" and insert in lieu thereof the words "After the transfers to the veterans' home and veterans' affairs,"

On page 2 of the engrossed bill, line 30, delete the words "Century Code section 37-14-14,"

On page 2 of the engrossed bill, after line 35, insert the following section:

"SECTION 7. REPEAL. Section 37-14-14 of the 1985 Supplement to the North Dakota Century Code is hereby repealed.

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

That the Senate recede from its amendments and that engrossed House Bill No. 1009 be amended as follows:

The transfer of the veterans' postwar trust fund and section of legislative intent, regarding funding the Veterans' Home and Veterans' Affairs from the general fund in future bienniums, deleted in the Senate amendments are restored. The bill is amended to provide for transfers from the veterans' postwar trust to the Veterans' Home and Veterans' Affairs to occur on July 1, 1987, and Section 37-14-14, providing for the veterans' postwar trust, is repealed. The transfer of the fund to the general fund is estimated to be \$2,264,412.

**For the Senate:** Sens. Redlin, Shea, Lips

**For the House:** Reps. Wald, Rice, Stofferahn

HB 1009 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER:** Your Conference Committee to which was referred Engrossed HB 1416 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2239 of the House Journal and that Engrossed HB 1416 be amended as follows:

On page 1 of the engrossed bill, line 19, delete the word "five" and insert in lieu thereof the word "four"

On page 1 of the engrossed bill, line 20, delete the word "reduced" and insert in lieu thereof the word "adjusted"

On page 1 of the engrossed bill, line 21, delete the word "five" and insert in lieu thereof the word "two"

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Mathern, Kelsh, Freborg

**For the House:** Reps. D. Olsen, Shaw, Meyer

Engrossed HB 1416 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

**REP. MARTIN MOVED** that the amendments to HCR 3029 as recommended by the Committee on Joint Constitutional Revision as printed on pages 2537-2539 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**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 and qualification of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the adoption of the resolution, as amended, the roll was called and there were 78 YEAS, 16 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Almlie; Berg, G.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Flaagan; Frey; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knudson; Kolbo; Kretschmar; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Mertens; 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; Shaw; Shockman; Skjerven; Solberg; Sorensen; Starke; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Anderson; Belter; Gunsch; Hanson, O.; Knell; Kuchera; Melby; Murphy; Olsen, D.; Shaft; Shide; Smette; Strinden; Tomac; Wald; Whalen

ABSENT AND NOT VOTING: Aas; Berg, R.; Dorso; Enget; Gates; Hausauer, R.; Klundt; Koland; Meyer; Peterson; Stofferahn; Thompson

HCR 3029 was declared adopted.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4066: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of changes in the legal status of, and relationships existing among, political subdivisions and the effect of new legislation on county and city budgets.

Which has been read.

The question being on the final adoption of the resolution.

So the resolution was adopted.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HB 1578 as printed on pages 2541-2542 of the House Journal, which motion prevailed.

## MOTIONS

REP. STRINDEN MOVED that the rules be suspended, that HB 1578 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. STRINDEN MOVED that HB 1578 be placed at the top of the Eleventh order on the calendar, which motion prevailed.

MESSAGES FROM THE SENATE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2003, SB 2023, SB 2027, and SB 2536 and subsequently passed the same.

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President Pro Tem has signed and your signature is respectfully requested:

SB 2430, SB 2449, SB 2461, SB 2465, SB 2527, SCR 4005,  
SCR 4051

PERRY GROTEBERG, Secretary

## SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SB 2294

PERRY GROTEBERG, Secretary

## MOTION

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

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

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1331, HB 1349, HB 1644, HB 1680

ROY GILBREATH, Chief Clerk

MESSAGES TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1331, HB 1344, HB 1644, HB 1680

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended, and subsequently passed:

SB 2009, SB 2010, SB 2037

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

SCR 4066

ROY GILBREATH, Chief Clerk

## REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1233 has had the same under consideration and recommends that your conference committee, having been unable to agree, be discharged and a new conference committee be appointed:

For the Senate: Sens. Dotzenrod, Satrom, Holmberg

For the House: Reps. Wentz, Sorensen, Wilkie

Engrossed HB 1233 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

## REPORTS OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2005 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the numerals "3,123,373" and insert in lieu thereof the numerals "3,103,333"

On page 1 of the engrossed bill, line 15, delete the numerals "3,132,817" and insert in lieu thereof the numerals "3,094,489"

On page 1 of the engrossed bill, line 18, delete the numerals "1,120,800" and insert in lieu thereof the numerals "1,146,300"

- On page 1 of the engrossed bill, line 19, delete the numerals "7,705,100" and insert in lieu thereof the numerals "7,672,232"
- On page 1 of the engrossed bill, line 20, delete the numerals "1,050,800" and insert in lieu thereof the numerals "1,076,300"
- On page 1 of the engrossed bill, line 21, delete the numerals "6,654,300" and insert in lieu thereof the numerals "6,595,932"
- On page 2 of the engrossed bill, line 1, delete the numerals "1,050,800" and insert in lieu thereof the numerals "1,076,300"
- On page 2 of the engrossed bill, after line 9, insert the following new section:

"SECTION 4. CAPITOL BUILDING ADDITION - FEASIBILITY STUDY - COST ESTIMATES. Included in the capital improvements line item in section 1 of this Act is \$15,000 from the capitol building fund to be used for a feasibility study including preliminary drawings and cost estimates for a capitol building addition for additional committee rooms. The director of institutions shall contract for the services and provide progress reports and the final report to the capitol grounds planning commission and the legislative council's legislative procedure and arrangements committee during the 1987-89 biennium."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment deletes \$58,368 from the general fund appropriation and adds \$25,500 from the Capitol building fund which is summarized as follows:

	Total Increase (Decrease)	General Fund Increase (Decrease)	Capitol Building Fund Increase (Decrease)
<u>Salaries and wages</u>			
Delete account technician position the second year of the biennium	\$ (20,040)	\$ (20,040)	
<u>Operating expenses</u>			
Eliminate weather teletype machine	(2,328)	(2,328)	
Reduce professional fees	(36,000)	(36,000)	

Capital improvements

Installations of windows in the east wall of the Pioneer Room	10,500	\$10,500
Feasibility study of additional committee rooms	15,000	15,000
Total	<u>\$(32,868)</u>	<u>\$(58,368)</u> <u>\$25,500</u>

REP. PETERSON, Chairman

SB 2005 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2319 has had the same under consideration and recommends by a vote of 13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 6 of the reengrossed bill, line 18, delete the words "However, the charge must be at least ten dollars"

On page 6 of the reengrossed bill, delete line 19

On page 6 of the reengrossed bill, line 20, delete the word "day."

On page 6 of the reengrossed bill, line 21, delete the word "a"

On page 6 of the reengrossed bill, line 22, delete the word "special" and insert in lieu thereof the words "the operating fund of the tourism division of the economic development" and after the word "commission" delete the words "operating fund"

On page 7 of the reengrossed bill, line 33, delete the words "one percent" and insert in lieu thereof the words "up to the first one hundred thousand dollars" and delete the word "a"

On page 7 of the reengrossed bill, line 34, delete the word "special" and insert in lieu thereof the words "the operating fund of the tourism division of the economic development" and delete the words "operating fund"

On page 8 of the reengrossed bill, line 1, delete the words "three percent" and insert in lieu thereof the word "funds"

On page 8 of the reengrossed bill, line 11, delete the words "one-half percent" and insert in lieu thereof

the words "up to the first one hundred thousand dollars"

On page 8 of the reengrossed bill, line 12, delete the words "a special" and insert in lieu thereof the words "the operating fund of the tourism division of the economic development" and delete the words "operating fund"

On page 8 of the reengrossed bill, line 14, after the word "paid" insert the words ", except that the amounts in subsections 1 and 2 of this section may not exceed a total of one hundred thousand dollars" and delete the words "two and one-half"

On page 8 of the reengrossed bill, line 15, delete the word "percent" and insert in lieu thereof the word "funds"

On page 10 of the reengrossed bill, line 10, delete the words "There is hereby appropriated out"

On page 10 of the reengrossed bill, delete lines 11 through 16

On page 10 of the reengrossed bill, line 17, delete the words "commission operating fund established under this Act."

On page 10 of the reengrossed bill, line 18, after the word "accept" insert the numerals and word "\$100,000 in"

On page 10 of the reengrossed bill, line 22, delete the word "However,"

On page 10 of the reengrossed bill, delete lines 23 and 24

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

These amendments delete the \$100,000 general fund appropriation for the initial costs of administering the North Dakota Racing Commission. The first \$100,000 of proceeds from racing license fees and other collections will be deposited in the Economic Development Commission Tourism Division operating fund, and up to \$100,000 of the Racing Commission's salaries and other expenses will be paid through a grant from the fund.

REP. PETERSON, Chairman

SB 2319 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2005 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act making an appropriation for defraying the expenses of the director of institutions of the state of North Dakota and providing for a transfer from the capitol building fund.

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, 18 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, G.; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martinson; Mertens; Moore; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Olson, V.; Opedahl; O'Shea; Payne; Peterson; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shockman; Skjerven; Smette; Solberg; Starke; Stofferahn; Strinden; Thompson; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Belter; Dorso; Gunsch; Hanson, O.; Haugen; Kingsbury; Knudson; Lang; Martin; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Shide; Sorensen; Tokach; Vander Vorst

ABSENT AND NOT VOTING: Klundt; Knell; Meyer; Murphy

SB 2005 passed and the title was agreed to.

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## SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2319 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to provide for parimutuel horse racing conducted by certain civic and service clubs,

charitable, fraternal, religious, and veterans' organizations, and other public-spirited organizations, the creation of a racing commission, license authorization, and fees; to provide a penalty; and to provide an appropriation.

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 51 YEAS, 52 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Almlie; Anderson; Berg, G.; Berg, R.; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gorman; Halmrast; Hamerlik; Hanson, L.; Haugen; Hausauer, R.; Hoffner; Hokana; Kelly; Kent; Koland; Kolbo; Kretschmar; Kuchera; Larson; Lindgren; Martinson; Mertens; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; O'Shea; Payne; Peterson; Riehl; Schneider; Shaw; Solberg; Stofferahn; Tollefson; Tomac; Trautman; Ulmer; Wald; Wentz; Williams, W.; Speaker Kloubec

**NAYS:** Aas; Belter; Brokaw; Christman; Cleveland; Dorso; Dotzenrod; Enget; Gertholz; Goetz; Graba; Gunsch; Hanson, O.; Haugland; Hausauer, A.; Hill; Kingsbury; Knudson; Lang; Laughlin; Lautenschlager; Linderman; Marks; Martin; Melby; Moore; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Rice; Rydell; Scherber; Schindler; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Starke; Strinden; Thompson; Tokach; Vander Vorst; Watne; Whalen; Wilkie; Williams, A.; Williams, C.; Winkelman

**ABSENT AND NOT VOTING:** Klundt; Knell; Meyer

SB 2319 was declared lost.

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#### MOTION

**REP. STRINDEN MOVED** that the House stand in recess until 3:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Kloubec presiding.

#### REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER:** Your Conference Committee to which was referred Engrossed HB 1350 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on pages 1978-1979 of the House Journal and that Engrossed HB 1350 be amended as follows:



On page 4 of the engrossed bill, line 16, delete the words "Except as otherwise" and insert in lieu thereof the words "Before it may offer insurance in any state, each risk retention group doing business in this state which has more than twenty-five resident members or insureds shall also submit for approval to the insurance commissioner of this state a plan of operation or a feasibility study and revisions of such plan or study if the group intends to offer any additional lines of liability insurance. Immediately upon receipt of an application for charter in this state the risk retention group shall provide summary information concerning the filing to the national association of insurance commissioners including the name of the risk retention group, the identity of the initial members of the group, the identity of the individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group, the amount and nature of initial capitalization, the coverages to be afforded, and the states in which the group intends to operate. Providing notification to the national association of insurance commissioners is in addition to, and is not sufficient to satisfy the requirements of this Act."

On page 4 of the engrossed bill, delete lines 17 through 19

On page 5 of the engrossed bill, after line 2, insert the following subsection:

- "b. For risk retention groups doing business in this state which have more than twenty-five resident members or insureds, a copy of its plan of operation or a feasibility study and revisions of such plan or study submitted to its state of domicile; provided, however, that the provision relating to the submission of a plan of operation or a feasibility study does not apply with respect to any line or classification of liability insurance which was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986, and was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date."

On page 5 of the engrossed bill, after line 24, insert the following subsection:

"3. Taxation.

- a. All premiums paid for coverages within this state to risk retention groups are subject to taxation at the same rate and subject to the

same interest, fines, and penalties for nonpayment that are applicable to foreign-admitted insurers.

- b. To the extent agents or brokers are utilized, they shall report and pay the taxes for the premiums for risks which they have placed with or on behalf of a risk retention group not chartered in this state.
- c. To the extent the agents or brokers are not utilized or fail to pay the tax, each risk retention group shall pay the tax for risks insured within the state. Further, each risk retention group shall report all premiums paid to it for risks insured within the state."
- d. This subsection does not apply to risk retention groups doing business in this state which have fewer than twenty-six resident members or insureds."

On page 9 of the engrossed bill, after line 12, insert the following new section:

**"SECTION 11. Duty of agents or brokers to obtain license.**  
Any person acting, or offering to act, as an agent or broker for a risk retention group or purchasing group, which solicits members, sells insurance coverage, purchases coverage for its members located within the state, or otherwise does business in this state, shall, before commencing any such activity, obtain a license from the commissioner. This section does not apply to any person acting as an agent or broker for a risk retention group doing business in this state which has fewer than twenty-six resident members or insureds."

And renumber the lines, sections, and pages accordingly

**For the Senate:** Sens. Keller, Schoenwald, Mutch  
**For the House:** Reps. Dorso, Lang, Frey

Engrossed HB 1350 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

**MR. SPEAKER:** Your Conference Committee to which was referred Engrossed SB 2294 has had the same under consideration and recommends that the SENATE ACCEDE to the amendments as found on pages 2207-2211 of the House Journal.

**For the Senate:** Sens. Maxson, Peterson, Nalewaja  
**For the House:** Reps. Hamerlik, Rydell, J. DeMers

Engrossed SB 2294 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1062 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2234 of the House Journal and that engrossed HB 1062 be amended as follows:

On page 2 of the engrossed bill, line 3, after the period insert the words "This section does not prohibit disclosure of the fact that a report or return required under this chapter has not been filed if the disclosure is made to further a tax investigation being conducted by the tax commissioner."

And renumber the lines, sections, and pages accordingly

For the Senate: Sens. Richard, Maixner, Ingstad

For the House: Reps. Moore, Haugen, W. Williams

Engrossed HB 1062 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2030 has had the same under consideration and recommends by a vote of 13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the numerals "1,837,684" and insert in lieu thereof the numerals "1,415,199"

On page 1 of the engrossed bill, line 15, delete the numerals "3,103,110" and insert in lieu thereof the numerals "2,187,423"

On page 1 of the engrossed bill, line 16, delete the numerals "60,293" and insert in lieu thereof the numerals "54,293"

On page 1 of the engrossed bill, line 17, delete the numerals "550,000" and insert in lieu thereof the numerals "315,000"

On page 1 of the engrossed bill, line 19, delete the numerals "17,780" and insert in lieu thereof the numerals "11,500"

On page 1 of the engrossed bill, line 20, delete the numerals "5,620,929" and insert in lieu thereof the numerals "4,035,477"

On page 1 of the engrossed bill, line 21, delete the numerals "2,638,437" and insert in lieu thereof the numerals "2,380,367"

On page 1 of the engrossed bill, line 22, delete the numerals "2,982,492" and insert in lieu thereof the numerals "1,655,110"

On page 2 of the engrossed bill, after line 14, insert the following new section:

"SECTION 5. GRANTS - PARIMUTUEL HORSE RACING. The grants line item in section 1 of this Act includes \$100,000 to be transferred as needed to the state racing commission. The economic development commission's operating fund is to be repaid from the first \$100,000 of fees and licenses collected by the state racing commission."

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Economic Development Commission

These amendments make the following changes:

	Total All <u>Funds</u>	General <u>Fund</u>	Other <u>Funds</u>
<u>Salaries and wages</u>			
Delete six FTE positions for the small business development centers	\$ (422,485)	\$ (211,242)	\$(211,243)
<u>Operating expenses</u>			
Delete funds relating to six FTE positions	(165,687)	(25,000)	(140,687)
Delete funds for home-based industry development and marketing	(200,000)	(200,000)	
Delete funds for statewide tourism site development study	(100,000)	(100,000)	
Delete funds for alternate crops feasibility studies	(250,000)	(250,000)	
Reduce additional funds for tourism promotion from \$500,000 to \$300,000	(200,000)	(200,000)	
<u>Equipment</u>			
Delete funds relating to six FTE	(6,000)	(3,000)	(3,000)

Grants

Delete funds for regional development organizations	(320,000)	(320,000)	
Reduce additional grant funds for Center for Innovation from \$45,000 to \$30,000	(15,000)	(15,000)	
Add funds for the receipt and expenditure of revenue collected pursuant to Senate Bill No. 2319 relating to horse racing	100,000		100,000

Data processing

Delete funds for six FTE	(6,280)	(3,140)	(3,140)
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Total change	\$(1,585,452)	\$(1,327,382)	\$(258,070)
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A new section is added to authorize the Economic Development Commission to make a grant of \$100,000 to the state racing commission to be repaid from fees and licenses collected by the state racing commission.

REP. PETERSON, Chairman

SB 2030 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Governor's office delivered to the Speaker vetoed HB 1621 at 2:30 p.m., Monday, April 6, 1987.

## COMMUNICATION FROM GOVERNOR

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

April 6, 1987

The Honorable Richard Kloubec  
Speaker of the House  
House Chamber  
State Capitol  
Bismarck, North Dakota 58505

Dear Speaker Kloubec:

HB 1621 would allow banks to defer losses on certain types of loans received through the collection of debts.

It would be extremely difficult to apply this legislation because it conflicts with current bank reporting requirements established by the Federal Deposit Insurance Corporation and enforced by federal examination. It does not square with current law,

insolvency definitions, generally accepted accounting principles or federal regulatory guidelines. This type of legislation must be enacted on a national basis in order to be effective.

What is more important, HB 1621 would not be of any benefit to borrowers attempting to repay debt obligations.

I have been informed by our Banking Commissioner that several programs, including capital forbearance and loan restructuring, already address the concerns raised by this legislation, and other federal legislation is being proposed as well.

Because it would unnecessarily complicate the interpretation of reporting requirements and would not address the problems of borrowers, I veto HB 1621.

Sincerely,

GEORGE A. SINNER  
Governor

HB 1621 was placed on the Eleventh order of business on the calendar for reconsideration over the Governor's veto.

#### REPORT OF CONFERENCE COMMITTEE

REP. WENTZ MOVED that the conference committee report on HB 1233 be adopted and that a new conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. STRINDEN MOVED that the House do not concur in the Senate amendments to HB 1448 as printed on page 2369 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1448:

Reps. Larson, Haugland, Schneider

#### REPORTS OF CONFERENCE COMMITTEES

REP. O. HANSON MOVED that the conference committee report on HB 1561 as printed on page 2275 of the House Journal be adopted, which motion prevailed.

REP. SHAW MOVED that the conference committee report on HB 1601 as printed on page 2375 of the House Journal be adopted, which motion prevailed.

REP. MURPHY MOVED that the conference committee report on HCR 3007 as printed on page 2274 of the House Journal be adopted, which motion prevailed.

## SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2430, SB 2449, SB 2461, SB 2465, SB 2527, SCR 4005,  
SCR 4051

ROY GILBREATH, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2430, SB 2449, SB 2461, SB 2465, SB 2527, SCR 4005,  
SCR 4051

ROY GILBREATH, Chief Clerk

## SECOND READING OF HOUSE BILL

HB 1578: A BILL for an Act to create and enact six new sections to chapter 15-62.2 of the North Dakota Century Code, relating to the establishment of a North Dakota merit scholarship program; and to amend and reenact sections 15-62.2-01, 15-62.2-02, and 15-62.2-04 of the North Dakota Century Code, relating to administration of the student financial assistance program and merit scholarship program.

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 97 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, R.; Brokaw; Christman; Cleveland; Dalrymple; DeMers, J.; 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; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; 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; Berg, G.; DeMers, P.;  
Dorso; Klundt; Knell; Larson; Meyer; Olsen, D.

HB 1578 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. ALMLIE MOVED that the conference committee report on HB 1073 as printed on page 2374 of the House Journal be adopted, which motion prevailed.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1073 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1073: A BILL for an Act to amend and reenact subsection 1 of section 39-04-02 of the North Dakota Century Code, relating to motor vehicle liability insurance.

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 87 YEAS, 7 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; 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; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Laughlin; Lautenschlager; Linderman; Lindgren; Martin; Martinson; Melby; Mertens; Moore; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; Opedahl; Payne; Rice; Riehl; Rydell; Scherber; Schindler; Schneider; Shaw; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Brokaw; Marks; Murphy; O'Connell; O'Shea; Shaft; Shockman

ABSENT AND NOT VOTING: Anderson; Berg, G.; DeMers, P.; Dorso; Klundt; Knell; Larson; Meyer; Olsen, D.; Peterson; Tomac; Whalen



HB 1073 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. KOLAND MOVED that the conference committee report on HB 1129 as printed on page 2558 of the House Journal be adopted, which motion prevailed.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1129 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, 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, as amended, the roll was called and there were 10 YEAS, 85 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Brokaw; Kretschmar; Laughlin; Mertens; Moore; O'Shea; Riehl; Starke; Wentz; Wilkie

NAYS: Aas; Almlie; Belter; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; 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; Knudson; Koland; Kolbo; Lang; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Olson, A.; Olson, V.; Opedahl; Payne; Rice; Rydell; Scherber; Schindler; Schneider; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Stofferahn; Strinden; Thompson; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Winkelman; Speaker Kloubec

ABSENT AND NOT VOTING: Anderson; Berg, G.; DeMers, P.; Dorso; Klundt; Knell; Kuchera; Larson; Meyer; Olsen, D.; Peterson

HB 1129 was declared lost.

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## MOTION

REP. STRINDEN MOVED that the House stand in recess until 4:30 p.m., which motion prevailed.

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

## MESSAGES FROM THE SENATE

## SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith HCR 3064 which the Senate has amended, and subsequently passed:

## SENATE AMENDMENTS TO ENGROSSED HCR 3064

On page 1 of the engrossed resolution, line 1, after the word "resolution" delete the remainder of the resolution and insert in lieu thereof the following: "urging the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the United States and to establish the United States Monetary Commission.

WHEREAS, the rights of the citizens of the United States to economic freedom, domestic tranquility, and prosperity without excessive interest and taxation should not be abridged nor denied by any private corporation using any debt instrument or note as a basis for credit and currency; and

WHEREAS, by passage of the Federal Reserve Act of 1913 [38 Stat. 251; 12 U.S.C. 221], Congress established the Federal Reserve System, which is composed of a Board of Governors, 12 regional Federal Reserve Banks and member banks, the Federal Open Market Committee, and several councils; and

WHEREAS, the Federal Reserve System operates on a fractional reserve banking basis and possesses wide discretionary authority to issue federal reserve notes, determine the cost and availability of money and credit, and to direct and influence the monetary policy of the United States; and

WHEREAS, the termination of fractional reserve banking and the establishment of the United States Monetary Commission would ensure an equitable and sound monetary policy;

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

That the Fiftieth Legislative Assembly urges the Congress of the United States to enact legislation to terminate all fractional reserve banking practices in the

United States and to establish the United States Monetary Commission; and

BE IT FURTHER RESOLVED, that the legislation provide for the initiation of a United States Treasury Credit Monetary System, and grant the United States Treasury, when authorized by the United States Monetary Commission, the sole and exclusive power to create all money and establish the value thereof; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives, and to each member of the North Dakota Congressional Delegation."

And renumber the lines, sections, and pages accordingly  
PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

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

HB 1001, HB 1037, HB 1625, HB 1679  
PERRY GROTEBERG, Secretary

#### SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2030 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS.

#### REQUEST

REP. HILL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2030, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to SB 2030, the roll was called and there were 51 YEAS, 52 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, R.; Christman; Dalrymple; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Koland; Kretschmar; Kuchera; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Shaft; Shaw; Shide; Smette; Sorensen; Strinden; Thompson; Tokach; Trautman; Vander Vorst; Wald; Whalen; Winkelman; Speaker Kloubec

NAYS: Almlie; Berg, G.; Brokaw; Cleveland; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Hill; Hoffner; Hokana;

Kelly; Knudson; Kolbo; Lang; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schindler; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tollefson; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, C.; Williams, W.

**ABSENT AND NOT VOTING:** Klundt; Knell; Meyer

The motion to adopt the amendments to HB 2030 lost.

**MOTION**

**REP. STRINDEN MOVED** that SB 2030 be rereferred to the **Committee on Appropriations**, which motion prevailed.

**SPEAKER KLOUBEC ANNOUNCED** that SB 2030 was rereferred to the **Committee on Appropriations**.

**MESSAGES TO THE SENATE  
HOUSE CHAMBER**

**MR. PRESIDENT:** I have the honor to inform you that the House has concurred in the Senate amendments to HB 1578 and subsequently passed the same but has refused to concur in the Senate amendments to HB 1448 and the Speaker has appointed as a conference committee to act with a like committee from the Senate,

**HB 1448:** Reps. Larson, Haugland, Schneider

**ROY GILBREATH, Chief Clerk**

**HOUSE CHAMBER**

**MR. PRESIDENT:** I have the honor to transmit herewith the following on which the House has adopted the conference committee report:

**HB 1561, HB 1601, HCR 3007**

**ROY GILBREATH, Chief Clerk**

**HOUSE CHAMBER**

**MR. PRESIDENT:** I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently failed to pass the same:

**HB 1129**

**ROY GILBREATH, Chief Clerk**

**HOUSE CHAMBER**

**MR. PRESIDENT:** I have the honor to transmit herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

**HB 1073**

**ROY GILBREATH, Chief Clerk**

## MOTION

REP. SHAFT MOVED that the House reconsider its action whereby SB 2319 failed to pass.

## REQUEST

REP. WINKELMAN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2319 failed to pass, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby SB 2319 failed to pass, the roll was called and there were 72 YEAS, 31 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Berg, G.; Berg, R.; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Lindgren; Martin; Martinson; Melby; Mertens; Moore; Murphy; Myrdal; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; Olsen, D.; Opedahl; O'Shea; Payne; Peterson; Riehl; Rydell; Schneider; Shaft; Shaw; Solberg; Stofferahn; Strinden; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Wentz; Whalen; Wilkie; Williams, C.; Williams, W.; Speaker Kloubec

NAYS: Belter; Brokaw; Cleveland; Dotzenrod; Enget; Gerntholz; Gunsch; Hanson, O.; Hausauer, A.; Kingsbury; Knudson; Lang; Linderman; Marks; O'Connell; Olson, A.; Olson, V.; Rice; Scherber; Schindler; Shide; Shockman; Skjerven; Smette; Sorensen; Starke; Thompson; Vander Vorst; Watne; Williams, A.; Winkelman

ABSENT AND NOT VOTING: Klundt; Knell; Meyer

So the motion to reconsider the action whereby SB 2319 failed to pass prevailed.

## SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to provide for parimutuel horse racing conducted by certain civic and service clubs, charitable, fraternal, religious, and veterans' organizations, and other public-spirited organizations, the creation of a racing commission, license authorization, and fees; to provide a penalty; and to provide an appropriation.

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 62 YEAS, 39 NAYS, 5 ABSENT AND NOT VOTING.

**YEAS:** Aas; Almlie; Anderson; Berg, G.; Berg, R.; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, R.; Hill; Hoffner; Hokana; Kelly; Kent; Koland; Kolbo; Kretschmar; Kuchera; Larson; Laughlin; Lautenschlager; Lindgren; Martinson; Melby; Mertens; Murphy; Nelson, C.; Nelson, J.; Nicholas; Nowatzki; Oban; O'Connell; O'Shea; Payne; Peterson; Riehl; Schneider; Shaft; Shaw; Solberg; Starke; Stofferahn; Tokach; Tollefson; Tomac; Trautman; Ulmer; Wald; Wentz; Whalen; Williams, W.; Speaker Kloubec

**NAYS:** Belter; Brokaw; Christman; Cleveland; Dorso; Dotzenrod; Enget; Gerntholz; Goetz; Gunsch; Hanson, O.; Hausauer, A.; Kingsbury; Knudson; Lang; Linderman; Marks; Martin; Moore; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Rice; Rydell; Scherber; Schindler; Shockman; Skjerven; Smette; Sorensen; Thompson; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, C.; Winkelman

**ABSENT AND NOT VOTING:** Klundt; Knell; Meyer; Shide; Strinden

SB 2319 passed and the title was agreed to.

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## MOTION

REP. ULMER MOVED that the vote by which SB 2319 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

## REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on HB 1121 as printed on page 2274 of the House Journal be adopted, which motion prevailed.

## MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1121 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

HB 1121: A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol; and to amend

and reenact section 39-21-46 of the North Dakota Century Code, relating to brake and equipment requirements.

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, 0 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Anderson; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Dotzenrod; Enget; Flaagan; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kingsbury; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; 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; Shaft; Shaw; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stofferahn; Thompson; Tokach; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Brokaw; Hanson, O.; Hausauer, R.; Kent; Klundt; Knell; Meyer; Peterson; Schneider; Strinden; Tomac; Williams, C.

HB 1121 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. HAUGEN MOVED that the conference committee report on Engrossed HB 1131 be adopted, which motion prevailed.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1131 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to create and enact a new section to chapter 39-29 and a new subsection to section 39-29-09 of the North Dakota Century Code, relating to an all terrain vehicle safety fee and to all-terrain vehicle operation

requirements; to amend and reenact subsection 1 of section 39-29-01 and section 39-29-10 of the North Dakota Century Code, relating to definition of all-terrain vehicle, safety requirements, and certification fees; and to provide for application of this Act.

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 73 YEAS, 25 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aas; Almlie; Belter; Berg, G.; Berg, R.; Christman; Cleveland; Dalrymple; Dorso; Dotzenrod; Enget; Frey; Gates; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hamerlik; Hanson, L.; Haugen; Haugland; Hoffner; Hokana; Kelly; Kent; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Marks; Martinson; Melby; Mertens; Moore; Nelson, C.; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Opedahl; Payne; Peterson; Rice; Rydell; Scherber; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Starke; Stoferahn; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Speaker Kloubec

NAYS: Anderson; Brokaw; DeMers, J.; DeMers, P.; Flaagan; Gunsch; Hausauer, A.; Hill; Kingsbury; Linderman; Lindgren; Martin; Murphy; Myrdal; Nelson, J.; O'Connell; O'Shea; Riehl; Schindler; Schneider; Shockman; Solberg; Ulmer; Williams, W.; Winkelman

ABSENT AND NOT VOTING: Hanson, O.; Hausauer, R.; Klundt; Knell; Meyer; Tomac; Whalen; Williams, C.

HB 1131 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. SCHINDLER MOVED that the conference committee report on HB 1161 as printed on pages 2543-2544 of the House Journal be adopted, which motion prevailed.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1161 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to amend and reenact section 15-40.2-05 of the North Dakota Century Code, relating to



the composition of the three-member tuition committee; and to declare an emergency.

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 99 YEAS, 0 NAYS, 7 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.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; 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; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: None

ABSENT AND NOT VOTING: Hanson, O.; Hausauer, R.; Klundt; Knell; Meyer; Tomac; Williams, C.

HB 1161 passed, the title was agreed to, and the emergency clause carried.

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#### REPORT OF CONFERENCE COMMITTEE

REP. LINDGREN MOVED that the conference committee report on HB 1167 as printed on pages 2459-2460 of the House Journal be adopted, which motion prevailed.

#### MOTION

REP. STRINDEN MOVED that the rules be suspended, that HB 1167 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to create and enact a new section to chapter 16.1-11 of the North Dakota Century Code, relating to election endorsements; and to amend and reenact section

16.1-12-03 of the North Dakota Century Code, relating to participation in election nominations.

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 97 YEAS, 1 NAY, 8 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.; Haugen; Haugland; Hausauer, A.; Hill; Hoffner; Hokana; Kelly; Kent; Kingsbury; Knudson; Koland; Kolbo; Kretschmar; Kuchera; Lang; Larson; Laughlin; Lautenschlager; Linderman; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Moore; 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; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Winkelman; Speaker Kloubec

NAYS: Olson, A.

ABSENT AND NOT VOTING: Hanson, O.; Hausauer, R.; Klundt; Knell; Meyer; Tomac; Whalen; Williams, C.

HB 1167 passed and the title was agreed to.

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#### MESSAGES FROM THE SENATE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President Pro Tem has signed:

HB 1331, HB 1349, HB 1644, HB 1680

PERRY GROTEBERG, Secretary

#### SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4070

PERRY GROTEBERG, Secretary

MONDAY, APRIL 6, 1987

2597

COMMUNICATION FROM GOVERNOR

State of North Dakota  
EXECUTIVE OFFICE  
Bismarck

April 6, 1987

The Honorable Richard Kloubec  
Speaker of the House  
House Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Speaker Kloubec:

This is to inform you that on April 4, 1987, I signed the following:

HB 1030, HB 1174, HB 1187, HB 1208, HB 1216, HB 1221,  
HB 1272, HB 1278, HB 1289, HB 1329, HB 1373, HB 1406,  
HB 1424, HB 1426, HB 1457, HB 1504, HB 1572, HB 1593,  
HB 1597, HB 1606, HB 1629, HB 1630, HB 1648, HB 1675,  
HB 1240, HB 1337, HB 1338, HB 1557, HB 1652, HB 1681

Sincerely,

GEORGE A. SINNER  
Governor

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred HB 1242 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 2238 of the House Journal.

For the Senate: Sens. J. Meyer, Stenehjem, Holmberg  
For the House: Reps. Sorensen, Cleveland, Kolbo

HB 1242 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. GOETZ MOVED that the House stand adjourned until 8:00 a.m., Tuesday, April 7, 1987, which motion prevailed.

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

ROY GILBREATH, Chief Clerk