

JOURNAL OF THE HOUSE

Fiftieth Legislative Assembly

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FIFTY-SECOND DAY

Bismarck, March 20, 1987

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

The prayer was offered by Mark Dagley, Presbyterian Reformed Church, Bismarck, North Dakota.

ROLL CALL

The roll was called and all Representatives were present, except Representatives Almlie and Flaagan.

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 Fifty-first Day and finds the same to be correct.

REP. THOMPSON, Chairman

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

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Forty-eighth Day and recommends that the same be corrected as follows and, when so corrected, recommends that the same be approved:

On page 1882, delete lines 21 through 26

REP. THOMPSON, Chairman

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

DOCTOR OF THE DAY SCHEDULE

March 23:	Norman Bystol, M.D.	- Fargo
March 24:	Kathy Keimig, M.D.	- Bismarck
March 25:	Howard Eliason, D.O.	- Bismarck
March 26:	Erling Martinson, M.D.	- Hillsboro

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker was about to sign the certification by which HB 1040 failed to pass the House over

the Governor's veto, and the Speaker signed the same in the Presence of the House of Representatives:

HB 1040

ROY GILBREATH, Chief Clerk

DELIVERY OF ENROLLED BILLS

THE SPEAKER ANNOUNCED that the following bill was delivered to the Secretary of State for his filing at the hour of 10:50 a.m., March 20, 1987:

HB 1040, which has failed to pass the House of Representatives over the Governor's veto, also a copy of the Governor's objections as well as the certificate of the presiding officers of the House of Representatives as to the final action of that body with reference to the failure to pass of this bill.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2008 as recommended by the Committee on Appropriations as printed on pages 2037-2038 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2008 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. PETERSON MOVED that the amendments to SB 2014 as recommended by the Committee on Appropriations as printed on page 2038 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2014 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. PETERSON MOVED that the House reconsider its action whereby the committee report was accepted and SB 2027 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

REP. PETERSON MOVED that SB 2027 be rereferred to the Committee on Appropriations, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that SB 2027 was referred to the Committee on Appropriations.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2031 as recommended by the Committee on Appropriations as printed on pages 2039-2040 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2031 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to SB 2097 as recommended by the Committee on Industry, Business and Labor as printed on page 2040 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2097 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to SB 2128 as recommended by the Committee on Industry, Business and Labor as printed on page 2040 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2128 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2166 as recommended by the Committee on State and Federal Government as printed on page 2041 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2166, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2166, the roll was called and there were 63 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson; Belter; Berg, R.; Christman; Cleveland; Dorso; Dotzenrod; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hamerlik; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Kent; Kingsbury; Knell; Knudson; Koland; Kretschmar; Lang; Larson; Lindgren; Martin; Martinson; Melby; Moore; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rice; Rydell; Schindler; Shaft; Shaw; Shide; Skjerven; Smette; Sorensen; Starke; Strinden; Thompson; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Winkelman; Speaker Kloubec

NAYS: Berg, G.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Graba; Halmrast; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shockman; Solberg; Stofferahn; Tomac; Ulmer; Wilkie; Williams, C.; Williams, W.

ABSENT AND NOT VOTING: Almlie; Flaagan; Meyer

The motion to adopt the amendments to SB 2166 passed.

SB 2166 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. MOORE MOVED that the amendments to SB 2387 as recommended by the **Committee on Political Subdivisions** as printed on pages 2042-2043 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2387 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2391 as recommended by the **Committee on State and Federal Government** as printed on pages 2044-2045 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2391 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. MARTINSON MOVED that the House reconsider its action whereby the committee report was accepted and SB 2392 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. MARTINSON MOVED that SB 2392 be rereferred to the **Committee on State and Federal Government**, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that SB 2392 was referred to the **Committee on State and Federal Government**.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to SB 2489 as recommended by the **Committee on Industry, Business and Labor** as printed on page 2054 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2489 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. MARTINSON MOVED that the amendments to SB 2535 as recommended by the **Committee on State and Federal Government** as printed on pages 2055-2056 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. J. DEMERS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2535, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2535, the roll was called and there were 53 YEAS, 47 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Brokaw; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Graba; Hanson, L.; Hill; Hoffner; Hokana; Kelly; Klundt; Knudson; Kolbo; Kuchera; Laughlin; Lautenschlager; Linderman; Marks; Mertens; Meyer; Nelson, C.; Nelson, J.; Nowatzki; Oban; O'Connell; Opedahl; O'Shea; Riehl; Scherber; Schneider; Shaft; Shockman; Skjerven; Solberg; Starke; Stofferahn; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Almlie; Flaagan; Halmrast; Nicholas; Peterson; Williams, C.

The motion to adopt the amendments to SB 2535 passed.

SB 2535 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

REP. WHALEN MOVED that the House reconsider its action whereby the committee report was accepted and SB 2127 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

REP. WHALEN MOVED that SB 2127 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SPEAKER KLOUBEC ANNOUNCED that SB 2127 was referred to the Committee on Industry, Business and Labor.

**MESSAGE 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 2026, SB 2032, SB 2052, SB 2054, SB 2057, SB 2058,
SB 2059, SB 2085, SB 2100, SB 2122, SB 2131, SB 2132,
SB 2164, SB 2170, SB 2174, SB 2175, SB 2176, SB 2208,
SB 2215, SB 2229, SB 2231, SB 2232, SB 2262, SB 2263,
SB 2278, SB 2306, SB 2338, SB 2422

PERRY GROTEBERG, Secretary

MOTION

REP. STRINDEN MOVED that the rules be suspended, that Friday, March 20, 1987, be designated as a legal day of mourning for the departed Lt. Governor Ruth Meiers, and that the day not be considered a Legislative Day for the purposes of House Rule 315(4)(d), which states that "Reconsideration after next legislative day or after previous motion to reconsider, as provided in House Rule 341."

DELEGATION TO MEMORIAL SERVICE

REP. STRINDEN MOVED that the following Representatives be designated as the official Delegation representing the House of Representatives of the State of North Dakota to attend the Memorial Service for Lt. Governor Ruth Meiers, which motion prevailed:

Rep. G. Berg	Rep. and Mrs. Mertens
Rep. and Mrs. Brokaw	Rep. Myrdal
Rep. Cleveland	Rep. and Mrs. Nowatzki
Rep. J. DeMers	Rep. and Mrs. Oban
Rep. P. DeMers	Rep. and Mrs. O'Connell
Rep. Frey	Rep. A. Olson
Rep. Gorman	Rep. Opedahl
Rep. Graba	Rep. and Mrs. O'Shea
Rep. and Mrs. Halmrast	Rep. Peterson
Rep. Hamerlik	Rep. and Mrs. Rice
Rep. L. Hanson	Rep. and Mr. Rydell
Rep. and Mrs. O. Hanson	Rep. Scherber
Rep. Haugland	Rep. Schindler
Rep. and Mrs. A. Hausauer	Rep. and Mrs. Shockman
Rep. and Mr. Hill	Rep. Smette
Rep. and Mrs. Hoffner	Rep. Sorensen
Rep. and Mr. Kelly	Rep. and Mrs. Tokach
Rep. Knudson	Rep. Tomac
Rep. Lang	Rep. and Mrs. Ulmer
Rep. and Mrs. Laughlin	Rep. and Mrs. Vander Vorst
Rep. and Mrs. Lautenschlager	Rep. and Mrs. Watne
Rep. and Mrs. Linderman	Rep. Wentz
Rep. and Mrs. Marks	Rep. Wilkie
Rep. Martin	Rep. A. Williams and Mr. Williams
Rep. and Mrs. Martinson	Rep. W. Williams

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 stand adjourned until 12:30 p.m., Monday, March 23, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Agriculture to which was referred HCR 3086 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. NICHOLAS, Chairman

HCR 3086 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations to which was referred SB 2019 has had the same under consideration and recommends by a vote of 22 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 of the engrossed bill, line 7, delete the numerals "5,000,000" and insert in lieu thereof the numerals "5,200,000"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment increases the appropriation for insurance premiums to fire departments payments by \$200,000, from \$5,000,000 to \$5,200,000, or the same amount appropriated for the 1985-87 biennium.

REP. PETERSON, Chairman

SB 2019 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 2024 has had the same under consideration and recommends by a vote of 22 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 of the engrossed bill, line 25, delete the numerals "407,884" and insert in lieu thereof the numerals "387,884"

On page 1 of the engrossed bill, line 26, delete the numerals "8,673" and insert in lieu thereof the numerals "3,673"

On page 2 of the engrossed bill, line 2, delete the numerals "1,888,748" and insert in lieu thereof the numerals "1,863,748"

On page 2 of the engrossed bill, line 9, delete the numerals "10,000" and insert in lieu thereof the numerals "7,000"

On page 2 of the engrossed bill, line 10, delete the numerals "54,258" and insert in lieu thereof the numerals "51,258"

On page 2 of the engrossed bill, line 16, delete the numerals "21,786" and insert in lieu thereof the numerals "17,786"

On page 2 of the engrossed bill, delete line 17

On page 2 of the engrossed bill, line 18, delete the numerals "278,758" and insert in lieu thereof the numerals "264,758"

On page 2 of the engrossed bill, line 20, delete the numerals "2,321,764" and insert in lieu thereof the numerals "2,279,764"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Insurance Commissioner

The amendments reduce the Insurance Commissioner's appropriation by \$25,000. An analysis of the \$25,000 net reduction is as follows:

	<u>Other Funds</u> <u>Increase (Decrease)</u>
<u>Operating expenses</u>	
Building lease rental	\$(10,000)
Travel	(15,000)
Allow funding for Conference of Insurance Legislators (COIL)	5,000
(\$1,000 for dues and \$4,000 for travel)	
	<hr/>
Total operating expenses	\$(20,000)
	 <u>Other Funds</u> <u>Increase (Decrease)</u>
<u>Data processing</u>	<u>\$ (5,000)</u>
Total	\$(25,000)
<u>Bonding Fund</u>	

Funding for the bonding fund is decreased by \$3,000 from the equipment line item.

Fire and Tornado Fund

Funding for the fire and tornado fund is decreased by a total of \$14,000. Of the total, \$4,000 is from equipment and \$10,000 is from the deletion of the contingency line item.

REP. PETERSON, Chairman

SB 2024 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary to which was referred SB 2053 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 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 20, overstrike the words "and no" and insert immediately thereafter the words "except for the"

On page 2 of the engrossed bill, line 13, after the word "support" insert the words "and which have been in effect for a period of at least one year"

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

SB 2053 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 rereferred Engrossed SB 2115 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 of the engrossed bill, line 5, delete the second word "and" and insert in lieu thereof a comma and after the word "city" insert the words ", and park district"

On page 2 of the engrossed bill, line 2, after the word "city" insert the words "or park district"

On page 2 of the engrossed bill, line 26, delete the numeral "6" and insert in lieu thereof the numeral "5"

On page 3 of the engrossed bill, line 1, after the word "city" insert the words "or park district"

On page 3 of the engrossed bill, line 9, after the word "city" insert the words "or park district"

- On page 3 of the engrossed bill, line 12, delete the numeral "4" and insert in lieu thereof the numeral "3"
- On page 3 of the engrossed bill, line 13, delete the numeral "5" and insert in lieu thereof the numeral "4"
- On page 3 of the engrossed bill, line 18, after the word "city" insert the words "or park district"
- On page 3 of the engrossed bill, line 20, after the word "may" insert the words "be used to fund an intergovernmental program under a joint powers agreement pursuant to chapter 54-40, but may"
- On page 3 of the engrossed bill, line 25, after the word "city" insert the words "or park district"
- On page 3 of the engrossed bill, line 30, after the word "city" insert the words "or park district"
- On page 3 of the engrossed bill, line 34, delete the word "of" and insert in lieu thereof the words "voting in an election in", delete the word "or" and insert in lieu thereof a comma, after the word "city" insert the words ", or park district", and delete the words "directing the governing"
- On page 3 of the engrossed bill, line 35, delete the words "body to do so"

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

Engrossed SB 2115 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Reengrossed SB 2259 has had the same under consideration and recommends by a vote of 11 YEAS, 5 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 reengrossed bill, line 2, delete the words "; and to"
- On page 1 of the reengrossed bill, line 3, delete the words "provide for a transfer of funds"
- On page 5 of the reengrossed bill, line 29, remove the overstrike over the words "~~Every traitor, semitraitor, or farm~~"
- On page 5 of the reengrossed bill, remove the overstrike on lines 30 through 32
- On page 8 of the reengrossed bill, delete lines 19 through 22

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

Reengrossed SB 2259 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 SB 2333 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 NOT PASS:

On page 2, line 21, after the letter "c." insert the numeral "(1)", after the word "Is" insert the words "subject to a conditional sales contract that was made before July 1, 1987, is", remove the overstrike over the words "permanently attached to a foundation", after the word "and" insert an underscored comma, and remove the overstrike over the word "is"

On page 2, line 22, remove the overstrike over the words "assessed as real property," and after the word "provided" insert the words "and is"

On page 2, line 24, after the word "located" insert the following: ". (2) Is not subject to a conditional sales contract that was made before July 1, 1987"

On page 2, line 25, delete the word "and" and after the word "property" insert the words ", and is owned by the owner of the land on which it is located"

On page 2, line 26, delete the word "subdivision" and insert in lieu thereof the word "paragraph"

On page 2, line 28, underscore the period

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

SB 2333 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2368 has had the same under consideration and recommends by a vote of 10 YEAS, 6 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 18, overstrike the word "two" and insert immediately thereafter the word "three"

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

Engrossed SB 2368 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources to which was referred Reengrossed SB 2409 has had the same under consideration and recommends by a vote of 10 YEAS, 7 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 reengrossed bill, line 19, after the word "offering" insert the words "together with a current title opinion for the mineral interests certified by an attorney licensed to practice law in the state of North Dakota"

On page 2 of the reengrossed bill, line 11, delete the words " , and the person is required to accept"

On page 2 of the reengrossed bill, line 12, delete the words "the highest bid at the offering"

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

Reengrossed SB 2409 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 SB 2435 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 1, after the word "reenact" insert the word and numeral "section 15-55-02.1,"

On page 1, line 4, after the word "by" insert the words "the state board of higher education,"

On page 1, after line 8, insert the following new section:

"SECTION 1. AMENDMENT. Section 15-55-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-55-02.1. Refunding bonds. The amount of refunding bonds which the state board of higher education may issue under this chapter shall not exceed the principal amount of the bonds to be refunded. Bonds may be refunded whether heretofore or hereafter issued, but no bonds may be refunded hereunder under this chapter unless they the bonds either mature or are callable for prior redemption under their terms within thirty years from the date of issuance of the refunding bonds, or unless the holder or holders thereof of the bonds voluntarily surrender them for

exchange or payment. Outstanding bonds of more than one issue or series and bonds for refunding and other bonds to construct, furnish, or equip any building or addition or other campus improvement for which bonds are authorized may be combined into one issue or series and may provide for and restrict the combination of future series with the issue. Except as ~~in this section~~ otherwise provided, such in this section, the bonds shall must have such details and shall must be authorized and issued in the manner provided in this chapter provided. Refunding bonds so issued may carry forward for the payment of the refunding bonds such security and sources of payment as were pledged to the payment of the bonds refunded, and a combined issue of refunding and other bonds may combine such security and sources of payment with a pledge of the revenues of buildings or other campus improvements acquired in whole or in part from the proceeds of the issue, including the security and sources of payment of any future series of refunding bonds or revenues of any building or other campus improvement acquired from the proceeds of a future series if and to the extent that provision is made for combination of future series with the issue. The word "building" as used in this section ~~shall be construed to refer to~~ means all the buildings or other campus improvements the revenues of which are pledged. Any bonds issued for refunding purposes may ~~either~~ be delivered in exchange for the outstanding bonds authorized to be refunded ~~or may be~~ sold at either public or private sale, ~~or may be~~ sold in part and exchanged in part. There ~~shall be~~ is no interest rate ceiling on those issues issued solely for refunding purposes. The sale price may exceed the principal amount of refunding bonds and the excess may be used to provide for payment of redemption premiums of the bonds to be refunded and to provide for expenses of the issuance and sale of the bonds and the retirement of the outstanding bonds. All other proceeds of the sale ~~shall~~ must be, to the extent needed, be immediately applied to the retirement of the bonds to be refunded, or ~~such~~ the proceeds or investments thereof ~~shall~~ must be placed in escrow to be held and applied to the payment of the bonds to be refunded, or in the case of crossover refunding, must be invested in securities irrevocably appropriated to the payment of principal and interest on the refunding bonds until the date the proceeds are applied to the payment or redemption of the bonds to be refunded.

Such The proceeds may, in the discretion or pursuant to covenant of the board, be invested in obligations of the United States of America, or in obligations fully guaranteed by the United States of America, but the obligations so purchased must have such maturities and bear such rates of interest payable at such times as will assure the existence of money sufficient to pay the bonds to be refunded when due or when redeemed pursuant to call for

redemption, together with any interest and redemption premiums; ~~if any~~. The proceeds or obligations so purchased ~~shall~~ must be deposited in trust with the trustee for the refunded bonds, or with the banking corporation or association which is the paying agent for the refunded bonds, or with the state treasurer, to be held, liquidated, and the proceeds of such liquidation paid out for the payment of the bonds to be refunded and interest and redemption premiums thereon as ~~such~~ the refunded bonds become due or subject to redemption under call for redemption previously made, or upon earlier voluntary surrender thereof with the consent of the board. The determination of the board in issuing refunding bonds that the issuance and sale of refunding bonds is necessary for the best interests of the institution and that the limitations herein imposed upon the issuance of refunding bonds have been met ~~shall be~~ is conclusive in the absence of fraud or arbitrary and gross abuse of discretion."

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

SB 2435 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 Engrossed SB 2512 has had the same under consideration and recommends by a vote of 11 YEAS, 7 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 1, after the word "to" insert the words and numbers "create and enact a new section to chapter 15-34.2 of the North Dakota Century Code, relating to a requirement for school districts to provide transportation for certain students residing within school districts; to", delete the word "section" and insert in lieu thereof the words and numerals "sections 15-27.3-20, 15-34.2-06.1, subsection 3 of section 15-40.1-15, sections", and after the numerals "15-40.1-16" insert the following numerals and word ", 15-40.1-16.2, 15-40.1-16.3, 15-40.2-05, 15-40.2-09, 15-47-02.1, and 57-15-55.1"

On page 1 of the engrossed bill, line 2, after the word "to" insert the words "charging for schoolbus service,"

On page 1 of the engrossed bill, line 3, after the word "schools" insert the words ", and the provision of and reimbursement for family-type transportation of students to schools and school district transportation of students; to repeal sections 15-27.3-10, 15-34.2-01, 15-34.2-03, 15-34.2-04, 15-34.2-05, and 15-34.2-06.1 of the North Dakota Century Code, relating to transportation of students to schools and

student transportation required in reorganized school districts" and delete the word "and"

On page 1 of the engrossed bill, line 4, after the word "funds" insert the words "; and to provide an effective date"

On page 1 of the engrossed bill, after line 6, insert the following new sections:

"SECTION 1. AMENDMENT. Section 15-27.3-20 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-27.3-20. Powers of school board in reorganized district - Exceptions. After five years from the effective date of the reorganization proposal, the school board of a reorganized district shall exercise the powers granted to a school board by section 15-29-08 or any other provisions of law regardless of limitations contained in the reorganization proposal. This section does not authorize the school board of a reorganized district to exercise any powers prohibited or limited by ~~sections 15-27.3-10, section 15-27.3-17, or 15-27.3-19.~~

SECTION 2. A new section to chapter 15-34.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

School district transportation required - Contractual arrangements permitted.

1. Every school district shall provide or make contractual arrangements for the transportation of all school age children residing within the district, who live two or more miles [3.22 or more kilometers] from the public school in which the pupils are enrolled, in the district, and outside the corporate limits of the city in which the school is located, or if the district does not operate a school for such children, to a public school or schools in another school district. The transportation required by this section must be provided at no cost to the children or the children's parents or guardians.
2. A school board may contract with a child's parents or guardians or with a private carrier to provide the transportation required by subsection 1.

SECTION 3. AMENDMENT. Section 15-34.2-06.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-34.2-06.1. Charge for bus transportation optional. The school board of any school district ~~which~~ that has not been reorganized may charge a fee for schoolbus service provided to anyone riding on buses provided by the school district. For schoolbus service ~~which~~ that was started prior to July 1, 1981, the total fees collected for the 1987-88 school year may not exceed an amount equal to two-thirds, and the total fees collected for the 1988-89 school year may not exceed an amount equal to one-third, of the difference between the state transportation payment and the state average cost for transportation or the local school district's cost, whichever is the lesser amount. For schoolbus service started on or after July 1, 1981, the total fees collected for the 1987-88 school year may not exceed an amount equal to two-thirds, and the total fees collected for the 1988-89 school year may not exceed an amount equal to one-third, of the difference between the state transportation payment and the local school district's cost for transportation during the preceding school year. Any districts that have not previously provided transportation for pupils may establish charges based on costs estimated by the school board during the first year that transportation is provided.

SECTION 4. AMENDMENT. Subsection 3 of section 15-40.1-15 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. "Schoolbus" means any vehicle or other means of conveyance owned or operated by a school district or any vehicle subject to a contract for transportation of school pupils in accordance with the provisions of section 15-34.2-07 2 of this Act."

On page 1 of the engrossed bill, line 7, after the numeral "1." insert the word "AMENDMENT."

On page 2 of the engrossed bill, line 10, delete the word "no" and insert in lieu thereof the word "each", delete the word "may" and insert in lieu thereof the word "must", and after the word "paid" insert the words ", for the 1987-88 school year,"

On page 2 of the engrossed bill, line 11, delete the words "more than one hundred ten" and insert in lieu thereof the words "at least fifty" and after the word "percent" insert the words "and no more than one hundred twenty percent"

On page 2, line 13, after the period insert the words "For the 1988-89 school year, each school district must be paid an annual amount equal to at least sixty percent and no more than one hundred ten percent of the school district's actual expenditures for transportation the preceding school"

year. For any school year after the 1988-89 school year, each school district must be paid an annual amount equal to at least seventy percent and no more than one hundred percent of the school district's actual expenditures for transportation the preceding school year."

On page 3 of the engrossed bill, after line 2, insert the following new sections:

"SECTION 7. AMENDMENT. Section 15-40.1-16.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16.2. Family system transportation reimbursement - Intent. It is hereby recognized that because of certain geographic and population density factors there are certain areas within the state where the providing of a program of vehicular transportation is not practical financially even though a portion of the cost is met through reimbursement payments from the state foundation aid fund. It is also recognized that in such areas parents are often willing to transport their own children to the school; provided, that they receive payments for such transportation under the family system of transportation embedded in section 15-34-2-03 as contracted for under subsection 2 of section 2 of this Act. It is hereby found to be equitable that assistance be provided from the foundation aid fund to those districts that are now meeting the full cost of paying parents under the family system of transportation, in order to induce such districts to provide transportation for their pupils as economically as they can.

SECTION 8. AMENDMENT. Section 15-40.1-16.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.1-16.3. Superintendent to make adopt rules and regulations - Reimbursement to districts for family system method of transportation payments. School districts shall be are entitled to reimbursement from the foundation aid fund for payments made to persons entitled thereto for transporting pupils under the family system of transportation, subsection 2 of section 15-34-2-03 2 of this Act, as provided in sections 15-40.1-16.2 and 15-40.1-16.3.

The superintendent of public instruction shall grant such reimbursement to districts entitled thereto at the rate of fifty percent of the actual payment made by the district. Said The superintendent shall promulgate adopt rules and regulations establishing under what circumstances a district is eligible to receive such reimbursement. The rules and regulations will must take into consideration the following factors:

1. The density of population within the district boundaries.
2. The geographic factors, if any, which impede the furnishing of vehicular transportation.
3. The cost to the district to provide a system of vehicular transportation, including the amount of capital outlay for the purchase of vehicular equipment and the physical facilities for storage and maintenance of the same.
4. Savings to the district that would result if family system reimbursement was granted rather than the providing of vehicular transportation.

The superintendent of public instruction shall administer the reimbursement provided for and shall prepare all forms and statements that may be necessary for school districts to apply for the same.

~~Payments made by school districts for family system transportation under sections 15-40.1-16.2 and 15-40.1-16.3 shall be subject to the provisions of sections 15-34.2-04 and 15-34.2-05.~~

SECTION 9. AMENDMENT. Section 15-40.2-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-05. Application of parent or guardian for payment of tuition by district. The parent or guardian of any pupil who is a resident of a district may apply in writing to the school board of the school district of residence of the pupil for approval of the payment of tuition charges to another school district for attendance of the pupil in such other school district. The school board shall, within sixty days of its receipt of such application, meet with the parent or guardian of the pupil concerned and render a decision in regard to payment of tuition charges. If the school board has not rendered a decision within sixty days of receipt of the application, the application shall be deemed approved. If the school board of the district of residence shall approve such application, it shall pay the tuition charges. In the event such application shall be disapproved, the parent or guardian of the pupil may file an appeal with the county superintendent of schools, and a three-member committee consisting of the county judge, state's attorney, and the county superintendent of schools shall within fifteen days consult with the school boards of the districts concerned and with the parent or guardian of the pupil concerned and render a decision in regard to payment of the tuition charges. In making such decision, the committee shall determine whether the pupil is a high

school pupil, which, for purposes of this section, shall be defined to mean grades nine through twelve, or whether the pupil is an elementary school pupil, which, for purposes of this section, shall be defined to mean grades one through eight, or whether the pupil is a kindergarten pupil, which, for purposes of this section, shall be defined as a program established pursuant to chapter 15-45, and then proceed in accordance with the following:

1. High School. If the pupil is a high school pupil and the committee finds that the attendance of such pupil is necessitated by shorter distances, previous attendance in another high school, inadequacy of curriculum considering the educational needs of the particular pupil, or in cases of extreme family or pupil hardship, the committee may approve or disapprove the application. Upon approval, the committee shall approve the payment of tuition by the district of residence of the pupil, obligating such district of residence to pay the same. The committee's approval for the payment of tuition may be for any fixed number of school terms, up to the completion of the pupil's high school education. The decision of the committee may be appealed to the state board of public school education and the decision of the board shall be final.
2. Elementary. If the pupil is an elementary pupil and the committee finds that the attendance of such pupil is necessitated by shorter distances or in cases of extreme family or pupil hardship, the committee may approve or disapprove the application. Upon approval, the committee shall approve the payment of tuition by the district of residence of the pupil, obligating such district of residence to pay the same. The committee's approval for the payment of tuition shall be limited to one school term, and subsequent applications for the payment of tuition may be made annually. The decision of the committee shall be final.
3. Kindergarten. If the pupil is a kindergarten pupil, the school board of the district of the pupil's residence may pay tuition to the receiving district. The committee shall not hear an appeal from the parents or guardian as provided for in this section if the school board of the district of residence decides not to pay tuition to the admitting district. If the school board of the district of residence does not pay the tuition to the admitting district, the parent or guardian of the pupil may pay the tuition to

the admitting district under the provisions of section 15-40.2-02.

If any portion of the school district lies in more than one county, the committee shall consist of the county judge, state's attorney, and county superintendent of schools from each county lying within the district, and the concurrence of a majority of all members of the committee must render a decision regarding payment of the tuition. In the event that the district of residence of the pupil does not comply with the decision requiring that the tuition charges be paid, the admitting district shall notify the county superintendent of schools of the county of the pupil's residence and the state superintendent of public instruction of such fact, and upon verification by the county superintendent of schools that such tuition payments are in fact due the admitting district and are unpaid, all payments from the state for foundation aid to the district of residence of the pupil, shall be withheld until the tuition due has been fully paid.

~~This section shall not be construed to require the district of residence to provide pupil transportation or payments in lieu thereof, for pupils for whom the payment of tuition has been approved.~~

SECTION 10. AMENDMENT. Section 15-40.2-09 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-40.2-09. Attendance in public schools or institutions of bordering states, when permitted - Continuation of attendance when district annexed or reorganized. Students may attend a school in a bordering state under the following circumstances:

1. A student who lives within forty miles [64.37 kilometers] of another state or in a county bordering on another state may, with the approval of the school board, attend a public school or institution in a bordering state, and the school board of the school district within which such student resides may contract with the bordering state for the education of such student.
2. A student who resides within a school district which is annexed to or reorganized with another district or districts, and which has been sending students to a school district in a bordering state because of proximity or terrain, shall be permitted to attend or continue attending school in the district in the bordering state.

If a request for attendance is denied under subsection 1 or subsection 2 by the school board of the

district in which the student resides, an appeal may be made to the three-member committee referred to in section 15-40.2-05. The decision of the committee may be appealed by the school board, or the parent or guardian of the student, to the state board of public school education, whose decision shall be final. In the event that the district does not comply with a decision requiring that tuition charges be paid, state payments shall be withheld as provided in section 15-40.2-05.

Payments shall be made by the county of the pupil's residence to the school district or institution in the bordering state for attendance under the provisions of this section in an amount equal to the per-pupil payments as provided in section 15-40.1-07 or 15-40.1-08, as the case may be, and the remainder of the pupil's tuition as determined under section 15-40.2-10 shall be paid by the district of the pupil's residence. Pupils attending public schools or institutions in bordering states in accordance with this section shall be certified by the district or institution in the bordering state to the county superintendent of the county of the pupil's residence, and payments shall be made from the county to the school district or institution in the bordering state.

~~This section shall not be construed to require the district of residence to provide pupil transportation, or payments in lieu thereof, for pupils for whom the payment of tuition has been approved.~~

SECTION 11. AMENDMENT. Section 15-47-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-47-02.1. Discontinuance of schools by school board. Any elementary or high school may be discontinued by action of the school board when proper and convenient school facilities for the pupils can be provided in some other public school. In determining what constitutes proper and convenient school facilities, the board shall consider the distance of each child from the nearest other school and all surrounding circumstances. The board may must, if required by subsection 1 of section 2 of this Act, furnish transportation to the nearest school, or may pay an extra allowance over and above the schedule of payments provided for in section 15-34.2-03 contract for the transportation with the pupils' parents or guardians or a private carrier, or furnish the equivalent thereof in tuition or lodging at some other public school. In case of a dispute between a parent or guardian of a pupil of the school district and the board as to whether the board has furnished or arranged to furnish adequate facilities, the matter may be submitted by such parent or guardian to the board of arbitration consisting of the county

superintendent of schools, one arbitrator named by the parent or guardian, and one arbitrator named by the board, and the determination of the arbitrators, after hearing, shall be binding.

SECTION 12. AMENDMENT. Section 57-15-55.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-15-55.1. City tax levy for transportation of public school students. The governing body of any city, upon approval by a majority vote of the electors of the city at any citywide election, may annually levy a tax on the taxable valuation of property within the city to provide funds for fees charged by a school district pursuant to section ~~15-34.2-06.1~~ 2 of this Act for transportation for public school students who reside in the city but who attend school in another city in the same school district. A city levying a tax pursuant to this section may levy only so much as will be required to provide an amount representing the difference between the estimated state transportation payment to be received by the school district on behalf of students residing in the city but attending school outside of the city and the estimated actual cost to be incurred by the district in providing transportation for those students.

SECTION 13. REPEAL. Sections 15-34.2-01, 15-34.2-03, 15-34.2-04, and 15-34.2-05 of the North Dakota Century Code and sections 15-27.3-10 and 15-34.2-06.1 of the 1985 Supplement to the North Dakota Century Code are hereby repealed.

SECTION 14. EFFECTIVE DATE. Sections 1, 2, 4, and 7 through 13 become effective on July 1, 1990."

And renumber the lines, sections, and pages accordingly

REP. GATES, Chairman

Engrossed SB 2512 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation to which was referred Engrossed SB 2542 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, delete the words "; and to provide for transition"

On page 2 of the engrossed bill, line 3, delete the word "shall" and insert in lieu thereof the words "of motor vehicles"

may" and delete the words "a three-member" and insert in lieu thereof the words "an advisory"

On page 2 of the engrossed bill, delete lines 4 through 10

On page 2 of the engrossed bill, line 11, delete the words "terms under this subsection. The committee shall"

On page 2 of the engrossed bill, line 14, delete the words "with the approval of the"

On page 2 of the engrossed bill, line 15, delete the word "committee", after the word "charge" insert an underscored comma, and delete the word "six" and insert in lieu thereof the word "two"

On page 2 of the engrossed bill, line 16, after the word "dollars" insert the words "per year or part of a year,"

On page 2 of the engrossed bill, line 22, delete the word "The"

On page 2 of the engrossed bill, delete line 23

On page 2 of the engrossed bill, line 24, delete the word "committee."

On page 2 of the engrossed bill, line 27, delete the words "of three years from the date of issuance" and insert in lieu thereof the words "determined by the registrar"

On page 2 of the engrossed bill, line 35, delete the words "and five dollars" and insert in lieu thereof the words ". The rest of the fee"

On page 3 of the engrossed bill, line 5, after the word "state" insert the words ". If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement certificate. The person shall furnish proof satisfactory to the registrar that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars"

On page 3 of the engrossed bill, line 7, delete the word "committee" and insert in lieu thereof the words "registrar of motor vehicles"

On page 3 of the engrossed bill, line 11, delete the word "committee" and insert in lieu thereof the word "registrar"

On page 3 of the engrossed bill, line 12, delete the word "committee" and insert in lieu thereof the word "registrar"

On page 4 of the engrossed bill, delete lines 12 through 15

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

Engrossed SB 2542 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 SCR 4063 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

REP. NICHOLAS, Chairman

SCR 4063 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk