

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

Bismarck, March 26, 1991

The House convened at 10:00 a.m., with Speaker R. Anderson presiding.

The prayer was offered by Deacon Lynn Clancy, Corpus Christi Catholic Church, Bismarck.

The roll was called and all members were present except Representatives Carlson, Flaagan, and Stofferahn.

A quorum was declared by the Speaker.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1023, HB 1029, HB 1111, HB 1151, HB 1176, HB 1185, HB 1188, HB 1189, HB 1227, HB 1293, HB 1318, HB 1324, HB 1370, HCR 3037.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1127: Sens. Schoenwald; Krauter; Krebsbach

HB 1381: Sens. Schoenwald; O'Connell; David

HB 1424: Sens. Mathern; Jerome; Lindgren

HB 1439: Sens. Langley; Schoenwald; David

HB 1441: Sens. Langley; Krauter; Mutch

HB 1450: Sens. Heinrich; Graba; Freborg

SIXTH ORDER OF BUSINESS

SB 2206, as engrossed: REP. DORSO (Committee on Industry, Business and Labor) **MOVED** that the amendments on HJ pages 1378-1410 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTIONS

REP. KLOUBEC **MOVED** that Engrossed SB 2206 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. KLOUBEC **MOVED** that the House waive the reading of the title to SB 2206, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to create and enact a new section to chapter 65-01, seven new sections to chapter 65-02, two new sections to chapter 65-04, three new sections to chapter 65-05, two new subsections to section 65-05-07, sections 65-05-08.1, 65-05-09.3, 65-05-34, and 65-05-35, and a new section to chapter 65-05.1 of the North Dakota Century Code, relating to workers' compensation administration, coverage, and benefits; and to amend and reenact sections 65-01-02, 65-01-10, 65-02-08, 65-04-13, 65-04-14, 65-04-15, 65-04-18, 65-04-20, 65-05-01, 65-05-08, 65-05-09, 65-05-09.2, 65-05-10, 65-05-25, 65-05-28, 65-05-33, 65-05.1-01, 65-05.1-02.1, 65-05.1-04, 65-05.1-06.1, 65-05.2-01, 65-05.2-02, and subsection 4 of section 65-06.2-02 of the North Dakota Century Code, relating to workers' compensation administration, coverage, and benefits; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Berg, G.; Bodine; Cleary; DeMers; Enget; Martinson; Mutzenberger; Nelson; Oban; Ring; Skjervén

ABSENT AND NOT VOTING: Carlson; Flaagan

Engrossed SB 2206 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has failed to pass: SB 2267.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2054: Reps. Martinson; Kelsch; Mutzenberger

SB 2083: Reps. Bernstein; Price; Kroeber

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1333 as printed on HJ page 1366 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1333: Reps. Byerly, A. Olson, Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do not concur in the Senate amendments to HB 1378 as printed on HJ pages 1366-1367 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1378: Reps. Dorso, Carlisle, Oban.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to Engrossed HCR 3038 as printed on HJ page 1373 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HCR 3038: Reps. Urlacher, Brown, Nelson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2211: Reps. Wardner, Grosz, Pyle.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all action taken this morning be messaged to the Senate immediately, which motion prevailed.

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

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1322, HB 1328, HB 1382, HB 1409, HB 1410, HB 1434, HB 1451, HB 1497, HB 1504, HB 1513.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill and resolution: SB 2489, SCR 4021.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HMR A.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 12:13 p.m., March 26, 1991: HMR A.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolutions: SCR 4007, SCR 4017, SCR 4019, SCR 4025, SCR 4029, SCR 4031, SCR 4032, SCR 4034, SCR 4035, SCR 4038, SCR 4039, SCR 4043, SCR 4047, SCR 4050, SCR 4051, SCR 4052.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1051: Sens. Meyer; Traynor; Marks
HB 1053: Sens. Meyer; Traynor; Marks
HB 1135: Sens. Kinnoin; Langley; Bowman
HB 1138: Sens. Meyer; DeKrey; Solberg
HB 1483: Sens. Hanson, E.; Bowman; Mathern

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2039 and SB 2149, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2039: Sens. Krauter; Wogsland; Moore
SB 2149: Sens. Kinnoin; Langley; Vosper

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1175, HB 1182, HB 1187, HB 1199, HB 1306, HB 1389, HB 1422, HB 1489, HB 1536, HB 1543, HB 1608, HCR 3001, HCR 3002, HCR 3010, HCR 3015, HCR 3019, HCR 3020, HCR 3021, HCR 3029, HCR 3033, HCR 3034, HCR 3040, HCR 3041, HCR 3047, HCR 3049, HCR 3050, HCR 3052, HCR 3054, HCR 3055, HCR 3058, HCR 3059, HCR 3060, HCR 3062, HCR 3065, HCR 3069.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1001.

Page 1, line 20, replace "2,881,408" with "2,981,408"

Page 2, line 2, replace "4,107,093" with "4,207,093"

Page 2, line 3, replace "10,302,730" with "10,402,730"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

The amendment adds \$100,000 from the general fund to salaries and wages to provide funding for necessary salary adjustments.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1009, HB 1013, HB 1060, HB 1061, HB 1177, HB 1242, HB 1534, HB 1596, HB 1597, HB 1606, HCR 3035.

SENATE AMENDMENTS TO ENGROSSED HB 1009

Page 1, line 15, replace "46,903" with "96,903"

Page 1, line 18, replace "4,813,308" with "4,863,308"

Page 1, line 19, replace "3,232,463" with "3,282,463"

Page 2, line 1, replace "307,485" with "315,381"

Page 2, line 5, replace "392,587" with "400,483"

Page 2, line 7, replace "382,587" with "390,483"

Page 2, line 8, replace "1,963,432" with "1,971,328"

Page 2, line 9, replace "3,242,463" with "3,292,463"

Page 2, line 10, replace "5,205,895" with "5,263,791"

Page 2, line 12, replace "\$196,876" with "\$246,876"

Page 2, line 16, replace "\$26,876" with "\$76,876"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

The equipment line item is increased by \$50,000 from the veterans postwar trust fund earnings for additional equipment for the special care unit. Section 2 is amended to reflect the increased spending from the veterans postwar trust fund.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

The salaries and wages line item is increased by \$7,896 from the general fund to fund the 5.5 FTE recommended in the executive budget and to provide an employee a family health plan rather than a single plan.

SENATE AMENDMENTS TO ENGROSSED HB 1013

Page 1, line 10, replace "317,718" with "350,000"

Page 1, line 11, replace "527,718" with "560,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 665 - STATE FAIR ASSOCIATION

The premiums line item is increased by \$32,282 from the general fund, from \$317,718 to \$350,000. The change is an increase of \$20,758 over the executive budget recommendation for premiums of \$329,242.

SENATE AMENDMENTS TO ENGROSSED HB 1060

Page 1, line 2, replace "ten" with "eleven"

Page 3, line 3, after the underscored comma insert "furnace, water heater, humidifier, dehumidifier, garbage disposal, trash compactor,"

Page 5, line 29, after the underscored period insert "In conducting the review, if the department finds that an applicant for a permit has intentionally misrepresented or concealed any material fact from the department, or has obtained a permit by intentional misrepresentation or concealment of a material fact, has been convicted of a felony or pleaded guilty or nolo contendere to a felony involving the laws of any state or the federal government within three years preceding the application for the permit, or has been adjudicated in contempt of an order of any court enforcing the laws of this state or any other state or the federal government within three years preceding the application for the permit, the department may deny the application. The department shall consider the relevance of the offense to the business to which the permit is issued, the nature and seriousness of the offense, the circumstances under which the offense occurred, the date of the offense, and the ownership and management structure in place at the time of the offense."

Page 11, after line 16, insert:

"SECTION 18. A new section to chapter 23-29 of the North Dakota Century Code is created and enacted as follows:

Statewide coordinating committee. The chairman of the governing board of each solid waste management district shall select a representative to serve on a statewide solid waste management coordinating committee. A representative of the department, the state engineer, and the state geologist shall also serve on the committee. The coordinating committee shall assist the districts in managing and regulating solid waste and shall coordinate efforts of the districts with state agencies. In addition, the coordinating committee shall review alternative means of managing solid waste including a review of forms of public ownership and financial assurance mechanisms for waste management facilities. A report of the review must be provided to the legislative assembly and the governor by January 1, 1993."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1061

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; to provide an appropriation; and to provide a statement of legislative intent"

Page 1, line 21, after "commissioner" insert "a monthly surcharge of"

Page 2, line 1, remove "household," replace "or" with "residence," and after "residence" insert "of three units or less"

Page 2, line 2, remove "seventy-five"

Page 2, line 3, replace "cents" with "a monthly surcharge equivalent to five percent on all gross receipts for collection services"

Page 2, line 4, after "a" insert "multiple residence of four units or more, mobile home park," and after "office" insert "building"

Page 2, line 8, after the period insert "The surcharge must be submitted quarterly to the state tax commissioner."

Page 2, line 9, replace "monthly" with "quarterly"

Page 2, line 11, replace "monthly" with "quarterly"

Page 2, line 16, replace "the twenty-fifth day of" with "thirty days after the conclusion of each quarter"

Page 2, line 17, remove "each month"

Page 2, line 19, replace "month" with "quarter"

Page 2, line 23, remove "appropriated"

Page 2, line 24, replace "under section 1 of this Act" with "in the solid waste management fund"

Page 3, after line 8, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the state aid distribution fund, not otherwise appropriated, the sum of \$350,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories for distribution to the solid waste management districts to assist the districts in developing comprehensive solid waste management plans for each district, and \$100,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories to provide assistance to the solid waste management districts in developing the comprehensive plans for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any moneys remaining in the solid waste management fund on June 30, 1993, be available for appropriation for the biennium beginning July 1, 1993, and ending June 30, 1995. The fund must be used solely for the purpose of solid waste management activities."

Renumber accordingly

SENATE AMENDMENTS TO HB 1177

Page 2, line 11, remove "irrevocably"

Page 2, line 14, remove "Any tax irrevocably dedicated under this"

Page 2, remove lines 15 and 16

Page 2, line 27, remove "irrevocably"

Page 3, line 1, remove "Any tax irrevocably dedicated under this"

Page 3, remove lines 2 and 3

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1242

Page 1, line 8, after the third comma insert "26.1-10-10,"

Page 1, line 9, remove "and"

Page 1, line 12, after "companies" insert "; and to provide a penalty"

Page 96, after line 26, insert:

"SECTION 7. AMENDMENT. Section 26.1-10-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-10-10. Receivership. Whenever it appears to the commissioner that any person has committed a violation of this chapter which so impairs the financial condition of a domestic insurance company as to threaten insolvency or make the further transaction of business by it hazardous to its policyholders, creditors, shareholders, or the public, then the commissioner may proceed as provided in chapter ~~26.1-07~~ 26.1-06.1 to take possession of the property of the insurance company and to carry on its business."

Page 100, replace lines 16 through 25 with:

- "1. "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls, or is under the control of, or is under common control with, the person specified.
2. "Control" or "controlled" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a contract for goods or nonmanagement services, or otherwise. No person may be deemed to control another person solely by reason of being an officer or director of that person.
 - a. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent or more of the voting securities of any other person. This presumption may be rebutted upon filing with the commissioner by any person a disclaimer of control of any authorized insurance company. The disclaimer must fully disclose all material relationships and basis for affiliation between the person and the insurance company as well as the basis for disclaiming control. After a disclaimer has been filed, the person is relieved of any duty to register or report under this chapter which arises out of the person's relationship with the insurance company unless and until the commissioner disallows the disclaimer. The commissioner shall disallow the disclaimer only after furnishing all parties in interest with notice and opportunity to be heard and after making specific findings of fact to support the disallowance.
 - b. The commissioner may determine, after furnishing all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect. The commissioner may prospectively revoke or modify the determination after notice and opportunity to be heard, whenever in the commissioner's judgment, revocation or modification is consistent with this chapter."

Page 100, line 26, replace "2" with "3"

Page 101, line 3, replace "3" with "4"

Page 101, line 22, replace "4" with "5"

Page 101, line 28, replace "5" with "6"

Page 105, line 8, remove "1. a."

Page 105, line 10, replace "the commissioner shall" with "and that the violation substantially contributed to the insolvency of a controlled insurer, the commissioner or receiver may maintain a civil action against the controlling insurance broker for all damages caused by the insurance broker's acts."

Page 105, remove lines 11 through 29

Page 106, replace lines 1 through 10 with:

"26.1-26.2-04. Administrative penalties. In addition to any other remedies provided herein, whenever it appears to the commissioner that a person has committed or is committing an act that could be determined to be a violation, the commissioner may institute a proceeding under chapter 28-32. After the hearing, the commissioner may order one or both of the following:

1. That the person permanently cease and desist from committing the acts found to be in violation of this chapter.
2. Payment of a penalty of not more than ten thousand dollars for each and every act or violation.

This section does not affect the right of the commissioner to impose any other penalties provided for in title 26.1.

26.1-26.2-05. Third party remedies unaffected.

1. This chapter is not intended to and does not in any manner alter or affect the rights of policyholders, claimants, creditors, or other third parties.
2. This chapter is not intended to and does not in any manner create a defense to any claim of, or alter or affect the rights of, a receiver, existing in law or otherwise, to maintain a civil action against any person for all damages caused by that person's acts."

Renumber accordingly

SENATE AMENDMENTS TO HB 1534

Page 5, line 19, remove the overstrike over **"No structure qualifies for this"**

Page 5, remove the overstrike over lines 20 through 23

Page 5, line 24, remove the overstrike over **"by the previous occupant; Notwithstanding the vacancy requirement, for"** and remove **"For"**

Renumber accordingly

SENATE AMENDMENTS TO HB 1596

Page 1, line 3, after the first comma insert "credit unions,"

Page 1, line 9, after "institution" insert "and credit union"

Page 1, line 10, replace "Every banking institution may pay interest on the" with "Before the mortgage is executed by the mortgagor, each"

Page 1, remove lines 11 and 12

Page 1, line 13, after the first "institution" insert "and credit union intending to maintain an escrow account for the payment of taxes, assessments, insurance premiums, and other charges upon the mortgagor's residence", replace "its mortgagors" with "the mortgagor", and after the second "institution" insert "or credit union"

Page 1, line 14, after "on" insert "the", replace "accounts under this section" with "account funds", and remove "Interest must be paid"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "accounts of the banking institution." and after the second "institution" insert "and credit union that maintains an escrow account"

Page 1, line 19, after "interest" insert ", if interest is offered"

Page 2, line 2, replace "Every savings and loan association" with "Before the mortgage is executed by the mortgagor, every"

Page 2, remove lines 3 and 4

Page 2, line 5, remove "mortgagor's residence. Every", after "association" insert "intending to maintain an escrow account for the payment of taxes, assessments, insurance premiums, and other charges upon the mortgagor's residence", and replace "its" with "the"

Page 2, line 6, replace "mortgagors" with "mortgagor", after "on" insert "the", and replace "accounts under" with "account funds."

Page 2, remove lines 7 and 8

Page 2, line 9, remove "is compounded on savings accounts of the savings and loan association."

Page 2, line 10, after "association" insert "that maintains an escrow account"

Page 2, line 12, after "interest" insert ", if interest is offered"

Page 2, line 16, replace "Every person or other legal entity, including any insurance" with "Before the mortgage is executed by the mortgagor, every residential mortgagee, including any insurance company whose articles of incorporation are filed under section 26.1-01-03 or who is required to obtain a certificate of authority under section 26.1-01-05, intending to maintain an escrow account for the payment of taxes, assessments, insurance premiums, and other charges upon the mortgagor's residence"

Page 2, remove lines 17 through 20

Page 2, line 21, remove "mortgagor's residence. Each person or other legal entity" and replace "its" with "the"

Page 2, line 22, replace "mortgagors" with "mortgagor", after "on" insert "the", and replace "accounts under this section" with "account funds"

Page 2, remove line 23

Page 2, replace line 24 with "The mortgagee"

Page 2, line 25, remove "other legal entity"

Page 2, line 27, after "interest" insert ", if interest is offered"

Renumber accordingly

SENATE AMENDMENTS TO HB 1597

Page 1, line 10, remove the overstrike over "~~one~~" and remove "~~two~~"

Page 1, line 11, overstrike "fifty" and insert immediately thereafter "seventy-five"

Page 1, line 20, replace "two" with "one"

Page 2, line 1, replace "three" with "two"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1606

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to sales tax exemptions and use tax rates; to amend and reenact subsections 2 and 3 of section 57-60-02 of the North Dakota Century Code, relating to exemption from the privilege tax on coal facilities during the first five years of production from a new electrical generating plant; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Reduced rate and exemption for power plant construction and production equipment.

1. As used in this section, unless the context otherwise requires:
 - a. "Operator" means any person owning, holding, or leasing a power plant.
 - b. "Power plant" means an electrical generating plant, together with all additions thereto, which processes or converts lignite from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
 - c. "Production equipment" means machinery and attachment units, other than replacement parts, directly and exclusively used in the generation, transmission, or distribution of electrical energy for sale by a power plant.
2. Sales of production equipment used exclusively in power plants that begin construction after June 30, 1991, are exempt from the tax imposed by this chapter.
3. Sales of tangible personal property, other than production equipment, which is used in the construction of new power plants are exempt from the tax imposed by this chapter.
4. To receive the reduced rate or exemption at the time of purchase, the operator must receive from the commissioner a certificate that the tangible personal property or production equipment the operator intends to purchase qualifies for the reduced rate or exemption. If a certificate is not received prior to the purchase, the operator shall pay the five percent sales tax rate and apply to the commissioner for a refund.
5. If the tangible personal property or production equipment is purchased or installed by a contractor subject to the tax imposed by this chapter, the operator may apply for a refund of the difference between the amount remitted by the contractor and the reduced rate or exemption imposed or allowed by this section.

SECTION 2. A new section to chapter 57-40.2 of the North Dakota Century Code is created and enacted as follows:

Reduced rate and exemption for power plant construction and production equipment.

1. As used in this section, unless the context otherwise requires:
 - a. "Operator" means any person owning, holding, or leasing a power plant.
 - b. "Power plant" means an electrical generating plant, together with all additions thereto, which processes or converts lignite from its natural form into electrical power and which has at least one single electrical energy generation unit with a capacity of one hundred twenty thousand kilowatts or more.
 - c. "Production equipment" means machinery and attachment units, other than replacement parts, directly and exclusively used in the generation, transmission, or distribution of electrical energy for sale by a power plant.
2. Sales of production equipment used exclusively in power plants that begin construction after June 30, 1991, are exempt from the tax imposed by this chapter.
3. Sales of tangible personal property, other than production equipment, which is used in the construction of new power plants are exempt from the tax imposed by this chapter.
4. To receive the reduced rate or exemption at the time of purchase, the operator must receive from the commissioner a certificate that the tangible personal property or production equipment the operator intends to purchase qualifies for the reduced rate or exemption. If a certificate is not received prior to the purchase, the operator shall pay the five percent sales tax rate and apply to the commissioner for a refund.
5. If the tangible personal property or production equipment is purchased or installed by a contractor subject to the tax imposed by this chapter, the operator may apply for a refund of the difference between the amount remitted by the contractor and the reduced rate or exemption imposed or allowed by this section.

SECTION 3. AMENDMENT. Subsections 2 and 3 of section 57-60-02 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. For electrical generating plants, the tax shall be at a rate of twenty-five one-hundredths of one mill times sixty percent of the installed capacity of each unit times the number of hours in the taxable period. All electrical generating plants that begin construction after June 30, 1991, are exempt from sixty-five percent of the tax imposed by this subsection for five years from the date of the first taxable production from the plant. The board of county commissioners may, by resolution, grant to the operator of an electrical generating plant located within the county which begins construction after June 30, 1991, partial or complete exemption from the remaining thirty-five percent of the tax imposed by this subsection for a period not exceeding five years from the date of the first taxable production from the

plant. Notwithstanding section 57-60-14, any tax collected from a plant subject to the exemption provided by this subsection must be allocated entirely to the county for allocation as provided in section 57-60-15. If a unit is incapable of generating electricity for eighteen consecutive months, the tax on that unit for taxable periods beginning after the eighteenth month must be reduced by the ratio that the cost of repair of the unit bears to the original cost of the unit. This reduced rate remains in effect until the unit is capable of generating electricity.

3. For electrical generating plants, in addition to the tax imposed by subsection 2, there shall be a tax at the rate of twenty-five one-hundredths of one mill on each kilowatt hour of electricity produced for the purpose of sale. For all electrical generating plants that begin construction after June 30, 1991, the production from the plants is exempt from the tax imposed by this subsection for five years from the date of the first taxable production from the plant.

SECTION 4. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 1991."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HCR 3035

Page 1, line 14, replace "primary" with "general"

Page 2, line 8, replace "July" with "January" and replace "1992" with "1993"

Renumber accordingly

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1262 as printed on HJ page 1363 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1262: Reps. Clayburgh, Kretschmar, Jacobson

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to Engrossed HB 1300 as printed on HJ page 1364 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1300: Reps. Freier, Gorman, Hokana.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do not concur in the Senate amendments to HB 1571 as printed on HJ pages 1317-1318 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1571: Reps. Miller, Shide, Kerzman.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to HB 1132 as printed on HJ page 1361 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1132: Reps. Carlisle, Boehm, Boucher.

MOTION

REP. KLOUBEC MOVED that the Conference Committee on HB 1073 be dissolved and that a new conference committee be appointed, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on HB 1073: Reps. Price, Delzer, Boucher.

HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

MOTION

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

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

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:06 p.m., March 26, 1991: HB 1023, HB 1029, HB 1111, HB 1151, HB 1176, HB 1185, HB 1188, HB 1189, HB 1227, HB 1293, HB 1318, HB 1324, HB 1370.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:06 p.m., March 26, 1991: HB 1044, HB 1047, HB 1108, HB 1137, HB 1141, HB 1159, HB 1161, HB 1164, HB 1203, HB 1208, HB 1216, HB 1231, HB 1245, HB 1248, HB 1270, HB 1277, HB 1484.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1333, HB 1378, and HCR 3038, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1333: Reps. Byerly; Olson, A.; Williams

HB 1378: Reps. Dorso; Carlisle; Oban

HCR 3038: Reps. Urlacher; Brown; Nelson

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2211: Reps. Wardner; Grosz; Pyle

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2206.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1322, HB 1328, HB 1382, HB 1409, HB 1410, HB 1434, HB 1451, HB 1497, HB 1504, HB 1513.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed: SB 2489, SCR 4021.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed. SCR 4007, SCR 4017, SCR 4019, SCR 4025, SCR 4029, SCR 4031, SCR 4032, SCR 4034, SCR 4035, SCR 4038, SCR 4039, SCR 4043, SCR 4047, SCR 4050, SCR 4051, SCR 4052.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has dissolved its Conference Committee on HB 1073 and has appointed a new committee to act with a like committee from the Senate on:

HB 1073: Reps. Price, Delzer, Boucher

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1132, HB 1262, HB 1300, and HB 1571, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1132: Reps. Carlisle; Boehm; Boucher

HB 1262: Reps. Clayburgh; Kretschmar; Jacobson

HB 1300: Reps. Freier; Gorman; Hokana

HB 1571: Reps. Miller; Shide; Kerzman

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:35 p.m., March 26, 1991: HCR 3037.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1145: Sens. Marks; Traynor; Stenehjem

HB 1165: Sens. Meyer; Holmberg; Stenehjem

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2205, SB 2249, SB 2335, SB 2385, SB 2422, SB 2425, and SB 2542, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2205: Sens. Heinrich; Evanson; Jerome

SB 2249: Sens. Dotzenrod; Tomac; Moore

SB 2335: Sens. Meyer; DeKrey; Traynor

SB 2385: Sens. Meyer; Stenehjem; Solberg

SB 2422: Sens. Dotzenrod; Kinnoin; Tennefos

SB 2425: Sens. Krauter; Keller; Mutch

SB 2542: Sens. O'Connell; Heinrich; Hanson, O.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2596.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1387.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has failed to pass: HB 1428, HB 1572.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, and SB 2108 and subsequently passed the same.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2039: Reps. Timm, Carlisle, Huether.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2149: Reps. Bateman, Miller, Jacobson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2205: Reps. Clayburgh, Freier, Mutzenberger.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2335: Reps. Byerly, Kelsch, Grumbo.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2385: Reps. Brown, DeWitz, Snyder.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2542: Reps. Muhs, Schimke, Heuther.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2425: Reps. Martinson, Shide, Mahoney.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 26, 1991

This is to inform you that on March 25, 1991, I signed the following: HB 1024, HB 1026, HB 1140, HB 1156, HB 1178, HB 1212, HB 1217, HB 1232, HB 1252, HB 1319, HB 1320, HB 1367, HB 1376, HB 1405, HB 1427, HB 1430, HB 1449, HB 1478, HB 1481, HB 1045, HB 1120, HB 1123, HB 1131, HB 1146, HB 1160, HB 1195, HB 1207, HB 1218, HB 1268, HB 1316, HB 1351, HB 1377, HB 1415, HB 1448, HB 1455, HB 1551, HB 1553, HB 1588.

On March 26, 1991, I signed the following: HB 1284, HB 1482.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 26, 1991

HB 1091 extends the wartime veterans' public employment preference to non-wartime veterans.

While some limited preference for an adjustment period might be in order for non-wartime veterans, this legislation goes too far in providing a lifetime preference. By doing so, the bill dilutes the value of the preference to wartime veterans.

We need to devote greater efforts to assist wartime and disabled veterans.

This bill would lessen our ability to do that.

Therefore, I veto HB 1091.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 26, 1991

HB 1365 prohibits political subdivisions from enacting, maintaining or enforcing ordinances or resolutions "...that would have the effect of controlling the amount of rent charged for leasing private residential or commercial property."

Our contacts with numerous city attorneys have indicated that while home rule cities may have the authority to impose rent controls, there has never been any serious discussion of doing so of which they are aware. Therefore, if this legislation is aimed at prohibiting direct rent controls, it appears to be a solution in search of a problem.

More importantly, the language, "have the effect of" is problematic. It could be interpreted to mean that a change in a zoning ordinance could "have the effect of" limiting rent increases by permitting new apartments or commercial buildings. It could be interpreted to mean inability of a city to build or maintain streets could "have the effect of" lowering the value -- and the rent -- of a building. Many actions taken or refused to be taken by city governments could "have the effect of" rent controls.

Our cities do not need to be burdened by such restrictions.

Therefore, I veto HB 1365.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2039: Reps. Timm; Carlisle; Huether
SB 2149: Reps. Bateman; Miller; Jacobson
SB 2205: Reps. Clayburgh; Freier; Mutzenberger
SB 2542: Reps. Muhs; Schimke; Huether
SB 2335: Reps. Byerly; Kelsch; Grumbo
SB 2385: Reps. Brown; DeWitz; Snyder

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2425: Reps. Martinson; Shide; Mahoney

MOTIONS

REP. KLOUBEC MOVED that the House be on the Twelfth order of business on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 5:00 p.m., which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2134, SB 2158, SB 2173, SB 2180, SB 2181, SB 2212, and SB 2213 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1322, HB 1328, HB 1382, HB 1409, HB 1410, HB 1434, HB 1451, HB 1497, HB 1504, HB 1513.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2266, SB 2279, SB 2333, SB 2357, SB 2378, SB 2416, and SB 2472 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2492, SB 2493, SB 2494, SB 2498, SB 2506, SB 2508, and SB 2520 and subsequently passed the same.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: HB 1004, HB 1005, HB 1011, HB 1050, HB 1186, HB 1201, HB 1271, HB 1282, HB 1285, HB 1327, HB 1336, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1486, HB 1487, HB 1492, HB 1499, HB 1500, HB 1511, HB 1519, HB 1522, HB 1523, HB 1530, HB 1567, HB 1568, HB 1581, HB 1584, HB 1590, HCR 3027, HCR 3031.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1004, HB 1005, HB 1011, HB 1050, HB 1186, HB 1201, HB 1271, HB 1282, HB 1285, HB 1327, HB 1336, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1486, HB 1487, HB 1492, HB 1499, HB 1500, HB 1511, HB 1519, HB 1522, HB 1523, HB 1530, HB 1567, HB 1568, HB 1581, HB 1584, HB 1590, HCR 3027, HCR 3031.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:50 p.m., March 26, 1991: HB 1322, HB 1328, HB 1382, HB 1409, HB 1410, HB 1434, HB 1451, HB 1497, HB 1504, HB 1513.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2526, SB 2530, SB 2539, SB 2556, and SB 2559 and subsequently passed the same.

THE HOUSE RECONVENED pursuant to recess taken with Speaker R. Anderson presiding.

MOTION

REP. KLOUBEC MOVED that HB 1091 and HB 1365 be reconsidered pursuant to article V, section 9, of the Constitution of the state of North Dakota for the purpose of overriding the Governor's veto, and that HB 1091 and HB 1365 be placed on the Eleventh order on tomorrow's calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. LARSON MOVED that the amendments to Engrossed SB 2332, as recommended by a Majority of the Committee on Human Services and Veterans Affairs, as printed on HJ pages 1410-1411, be adopted, and when so adopted recommends the same DO NOT PASS.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that in accordance with House Rule 602, that if the Majority Report proposed amendments to Engrossed SB 2332 are adopted, the proposed amendments of the Minority Report will not be voted upon; however, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon.

REQUEST

REP. D. OLSEN REQUESTED a recorded roll call vote on the motion to adopt the proposed Majority Report amendments to Engrossed SB 2332, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Majority Report amendments to Engrossed SB 2332, the roll was called and there were 30 YEAS, 73 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Byerly; Carlson; DeMers; Gabrielson; Gates; Gilmore; Grosz; Hanson; Henegar; Hokana; Jacobson; Jensen; Kloubec; Kroeber; Mutzenberger; Payne; Peterson; Price; Pyle; Ring; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Thorpe; Wentz; Williams; Speaker R. Anderson

NAYS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gerntholz; Goffe; Grumbo; Hausauer; Howard; Huether; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Porter; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie

ABSENT AND NOT VOTING: Gorder; Gorman; Skar

The motion to adopt the proposed Majority Report amendments to Engrossed SB 2332 failed.

SIXTH ORDER OF BUSINESS

REP. LARSON MOVED that the amendments to Engrossed SB 2332, as recommended by a Minority of the Committee on Human Services and Veterans Affairs, as printed on HJ page 1411, be adopted, and when so adopted recommends the same DO PASS, which motion prevailed.

MOTIONS

REP. KLOUBEC MOVED that Engrossed SB 2332, as amended, be placed on the calendar for second reading and final passage, which motion prevailed.

REP. KOLBO MOVED that SB 2332 be rereferred to the Committee on Human Services and Veterans Affairs, which motion was subsequently withdrawn.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to prohibit the assisting of suicide and to provide for actions against any person assisting in the commission of a suicide; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gerntholz; Goffe; Gorman; Grumbo; Hausauer; Howard; Huether; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Porter; Rennerfeldt; Ritter; Rydell; Scherber; Schindler; Schmidt; Shide; Skjerven; Soukup; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie

NAYS: Anderson, B.; Brown; Carlson; DeMers; Gabrielson; Gates; Gilmore; Grosz; Hanson; Henegar; Hokana; Jacobson; Jensen; Kloubec; Kolbo; Martinson; Mutzenberger; Nelson; Olson, A.; Payne; Peterson; Price; Pyle; Ring; Schimke; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorder; Skar

Engrossed SB 2332 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1132: Sens. O'Connell; Mathern; Streibel
HB 1262: Sens. Marks; Solberg; Traynor
HB 1300: Sens. Dotzenrod; Wogsland; Tennefos
HB 1571: Sens. Marks; Kelsch; Freborg

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221.

MOTION

REP. R. BERG MOVED that the House reconsider its action whereby SB 2590 passed.

REQUEST

REP. SCHMIDT REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2590 passed, which request was granted.

MOTION

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

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2590 passed, the roll was called and there were 49 YEAS, 53 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Delzer; DeWitz; Dorso; Enget; Freier; Gerntholz; Goffe; Gorman; Grosz; Hanson; Howard; Kaldor; Kloubec; Martin; Martinson;

Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; Thompson; Timm; Tollefson; Trautman; Uriacher; Wald; Wardner; Whalen; Wilkie

NAYS: Aarsvold; Anderson, B.; Berg, G.; Boucher; Brokaw; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Grumbo; Henegar; Hokana; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Scherber; Schneider; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Wentz; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorder; Hausauer; Rydell; Skar

So the motion to reconsider the action whereby SB 2590 passed, failed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to HB 1200 as printed on HJ pages 1154-1155 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1200: Reps. Gorman, A. Olson, B. Anderson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1061 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1061: Reps. A. Olson, Uriacher, Oban.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 8:00 a.m., Wednesday, March 27, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HCR 3070: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, after "appropriated" insert "and the possibility of a bonus system in lieu of sick leave use"

Page 1, after line 12, insert:

"WHEREAS, use of state employee sick leave can put stress on understaffed and overworked state agencies; and

WHEREAS, incentives in lieu of the use of sick leave has in some states reduced the use of sick leave; and"

Page 1, line 22, after "appropriated" insert "and the possibility of a bonus system in lieu of sick leave use"

Renumber accordingly

SB 2017, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "providing for an appropriation from the solid waste management fund;"

Page 1, line 14, replace "6,520,790" with "6,619,290"

Page 1, line 16, replace "5,118,447" with "5,409,947"

Page 1, line 19, replace "10,263,960" with "11,263,960"

Page 1, line 21, replace "53,548,619" with "54,938,619"

Page 1, line 22, replace "48,763,496" with "48,903,496"

Page 2, line 1, replace "4,785,123" with "6,035,123"

Page 2, after line 19, insert:

"SECTION 6. SOLID WASTE MANAGEMENT FUND. The estimated income line item included in section 1 of this Act includes \$140,000 which the state water commission may spend from the solid waste management fund for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

This amendment adds \$98,500 to salaries and wages for one FTE hydrologist and temporary summer help and \$41,500 to operating expenses from the solid waste management fund for the requirements of House Bill No. 1060.

This amendment adds \$250,000 from the general fund to operating expenses for additional funding for operations of the Atmospheric Resources Division of the State Water Commission to enable weather modification operation to continue for both years of the 1991-93 biennium to allow North Dakota to continue receiving research funding of approximately \$1 million from the National Oceanographic Atmospheric Administration.

This amendment increases the grants and estimated income line items by \$1,000,000 from the resources trust fund to provide additional funds for water projects. The estimated income line item is further amended by decreasing the fund by \$1,000,000 from the resources trust fund with a corresponding increase to the general fund to replace funds that would have been used for administrative functions from the resources trust fund. The intent is that the additional resources trust fund moneys be used for water projects.

SB 2020, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "agencies" insert "; and requiring reports on the group self-insurance plan"

Page 1, line 21, replace "1,367,113" with "1,157,314"

Page 1, line 22, replace "385,250" with "377,250"

Page 2, line 1, replace "641,294" with "620,344"

Page 2, line 2, replace "63,540" with "48,340"

Page 2, remove line 3

Page 2, line 5, replace "2,632,197" with "2,253,248"

Page 2, line 6, replace "5,606,196" with "5,227,247"

Page 2, after line 6, insert:

"SECTION 2. REPORT TO BUDGET SECTION OF LEGISLATIVE COUNCIL. In addition to the report required under North Dakota Century Code section 54-52.1-04.3, the public employees retirement board shall report to the budget section of the legislative council during the 1991-92 interim. The report must describe the status of the group self-insurance plan's reserve fund, the required balance of the reserve fund, and how the provisions of the plan including premiums, deductibles, coinsurance, out-of-pocket expenses, and out-of-pocket maximums, compare to those recommended by the administrative services contractor."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM (PERS)

The amendment reduces the appropriation by \$253,949 as follows:

	FTE	SALARIES AND WAGES	INFORMATION SERVICES	OPERATING EXPENSES	EQUIPMENT	TOTAL
Flex comp program	2.5	\$123,624	\$5,000	\$15,475	\$ 9,020	\$153,119
Pre-retire- ment	.5	28,725	1,000	3,425	3,430	36,580
Benefits program manager	1.0	57,450	2,000	2,050	2,750	64,250
Total	4.0	\$209,799	\$8,000	\$20,950	\$15,200	\$253,949

FlexComp Program

The program is to continue on a contract basis with a consultant firm. Through a competitive contract basis, the PERS Board is to ensure that the party providing the services is not to promote or sell its services while enrolling employees in the FlexComp program.

Pre-retirement Counseling Program

Funding remains in the budget after the amendments to allow PERS the resources to continue its pre-retirement counseling program.

Benefits Program Manager

The funding for this position was from federal funds. If PERS receives a federal grant for this position and related expenses, the board is to ask for Emergency Commission approval to receive the grant.

Self-Funded Health Insurance

The amount of \$125,000 provided by the Senate for a self-funded health insurance program is deleted since PERS and Blue Cross Blue Shield have reached an agreement regarding a fully insured contract.

Also, the amendment requires the PERS Board to report to the Budget Section of the Legislative Council. The report is to describe the status of the self-insurance plan reserve fund and how the self-insurance plan's provisions compare to those recommended by the board's administrative services contractor. Under North Dakota Century Code Section 54-52.1-04.3 the board is required to report the necessary balance of the reserve fund.

SB 2021, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "a statement regarding" with "an appropriation for"

Page 2, replace lines 27 through 29 with:

"Grants	\$125,600
Total general fund appropriation	\$125,600"

Page 3, remove lines 1 and 2

Page 3, line 6, replace "47,000" with "47,000"

Page 3, after line 6, insert:

"Capital improvements	<u>89,901"</u>
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Page 3, line 7, replace "81,000" with "170,901"

Page 3, line 9, replace "42,000" with "131,901"

Page 3, after line 23, insert:

"Subdivision 14.	SCHOOL FOR THE DEAF	
Capital improvements		\$89,000
Total general fund appropriation		\$89,000"

Page 3, line 24, replace "2,472,552" with "2,123,068"

Page 3, line 25, replace "274,054" with "39,000"

Page 3, line 26, replace "2,746,606" with "2,162,068"

Page 3, replace lines 27 through 29 with:

"SECTION 2. APPROPRIATION - INCREASED RATES FOR NURSING HOMES. The appropriation included in subdivision 9 of section 1 of this Act shall be used by the department of human services to match available federal and county funds to provide a total of \$456,331 for the payment of increased rates to nursing homes for the period beginning April 1, 1991, and ending June 30, 1991. These increased rates are intended to restore a portion of the funding for efficiency incentives and operating margins which was reduced as a result of the December 1989 tax referrals. The department shall submit amendments to the state plan for medical assistance necessary to increase the funding for efficiency incentives and operating margins. The appropriation included in subdivision 9 of section 1 of this Act is contingent on approval of necessary state plan amendments by the health care financing administration."

Page 4, remove lines 1 through 6

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 252 - SCHOOL FOR THE DEAF

This amendment provides \$89,000 from the general fund for the replacement of the utility/pedestrian tunnel.

DEPARTMENT 313 - VETERANS HOME

The capital improvements are increased by \$89,901 from the general fund for a telephone system (\$48,095) and for self-closing door devices and smoke alarms (\$41,806).

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

The amendment reduces by \$763,439 the proposed deficiency appropriation of \$889,039, \$235,054 from other funds and \$653,985 from the general fund leaving \$125,600 from the general fund for case mix nursing home reimbursement. The funds will be available for the period April 1, 1991, through June 30, 1993.

SB 2029, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). SB 2029 was placed on the Fourteenth order on the calendar.

SB 2032, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, remove line 9

Page 1, line 10, replace "assistance payments for basic care" with "allocation pursuant to section 50-01-09.2 to assist counties in meeting the cost of services provided in basic care facilities"

Page 1, line 11, after the period insert "County social service boards need not have established and paid rates for residents of basic care facilities which conform to the payable rate requirements of section 75-02-07-17 of the North Dakota Administrative Code in order to receive a part of this allocation."

ReNUMBER accordingly

SB 2033, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2033 was placed on the Fourteenth order on the calendar.

SB 2112: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "54.44.1" with "54-44.1"

Page 1, line 4, after "projects" insert "; and to provide an effective date"

Page 1, after line 21, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 1993."

ReNUMBER accordingly

SB 2126, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Fourteenth order on the calendar.

SB 2187, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (10 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). SB 2187 was placed on the Fourteenth order on the calendar.

SB 2284, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact sections 54-01-05.2 and 54-01-05.5 of the North Dakota Century Code, relating to sale or exchange of state land;"

Page 1, after line 20, insert:

"SECTION 2. AMENDMENT. Section 54-01-05.2 of the North Dakota Century Code is amended and reenacted as follows:

54-01-05.2. Sale of state-owned land - Notice. Except as provided by section 54-01-05.5, whenever any department or agency of the state other than the board of university and school lands, the housing finance agency, and the Bank of North Dakota is authorized to sell such real property, the property must be sold for cash by the county auditor or other person designated by the department or agency concerned at public auction at the front door of the courthouse in the county in which the property lies. A notice of sale must have been published in the official newspaper of the county in which the property lies for three successive weeks, with the last publication not less than ten days before the day of sale. The notice must be given in the name of the administrative head of the department or agency concerned, and must state the place, day, and hour of the sale, the description of the real property to be sold, the appraised value, and that the state reserves the right to reject any and all bids. No land may be sold at auction for less than the appraised value. In addition to the purchase price at auction, the buyer must pay the cost of preparing the land for sale. For a land sale or exchange when the value of the land is not more than one hundred thousand dollars, one appraisal must be obtained, and when the value of the land is in excess of one hundred thousand dollars, two appraisals must be obtained. If more than one appraisal is obtained, the appraised value of the land is the average of the two appraisals. If no bid is received on the land at public auction, the land may be sold for not less than ninety percent of the appraised value.

SECTION 3. AMENDMENT. Section 54-01-05.5 of the North Dakota Century Code is amended and reenacted as follows:

54-01-05.5. Bills authorizing sale or exchange of state-owned land to be prefilled - Written report to accompany bill - ~~Commissioner of university and school lands to give opinion~~ Opinion.

1. Every legislative bill authorizing the sale or exchange of state-owned land must be prefilled with the legislative assembly by the first day of the organizational session in December of each even-numbered year. Legislative bills authorizing the sale of state-owned land must provide for sale at public auction.
2. A written report from the The supervising agency, board, commission, department, or institution owning or controlling the land must accompany each legislative bill and must include the following proposed by a bill introduced in the legislative assembly to be sold or exchanged shall prepare a written report that includes:
 - a. An analysis of the type of land involved.

- b. ~~A title opinion and an updated abstract of title for land sales or exchanges.~~
 - c. ~~A determination whether the land is needed for present or future uses of the agency, board, commission, department, or institution.~~
 - d. c. A description of the party or parties, if known, who are interested in the land and the purposes for which the land is desired.
 - e. ~~A determination whether it is or is not in the best interests of the state to sell or exchange the land.~~
 - f. ~~One appraisal for land sales or exchanges when the value of the land is fifty thousand dollars or less, and two or more appraisals when the value of the land is in excess of fifty thousand dollars.~~
 - g. d. A map showing the boundaries of the land proposed to be sold or exchanged, the present ownership of lands adjacent to such land, and the purposes for which the adjacent lands are used. The legal description of the land shall be determined by a land surveyor registered pursuant to chapter 43-19-1.
3. 2. The commissioner of university and school lands shall review each legislative bill proposing the sale or exchange of state-owned land and the written report from the supervising agency, board, commission, department, or institution prior to the beginning of the regular legislative session. The commissioner shall then issue a written opinion to the standing committee of the legislative assembly to which the bill is initially referred concerning the proposed land sale or exchange and, in doing so, shall consider the "highest and best use" of the land as defined by section 15-02-05.1.
4. 3. If a legislative bill required to be prefiled pursuant to this section becomes law, land to be sold must be offered at public auction conducted by the commissioner of university and school lands pursuant to rules promulgated by the commissioner. No land may be sold at auction for less than appraised value. The buyer or buyers shall additionally pay the cost of preparing the land for sale as determined by the commissioner. If more than one appraisal is provided, the appraised value of the land to be sold must be as determined by the commissioner, but may not be less than the lowest appraisal or higher than the highest appraisal.
5. All rules adopted by the commissioner under may adopt rules to provide for administration of this section must be adopted pursuant to chapter 26-32 and must be published in the North Dakota Administrative Code."

Page 2, replace line 1 with "lands and minerals trust fund"

Page 2, remove line 2

Page 2, line 3, remove "developmental center at Grafton"

Page 2, line 4, replace "income relating to the sale of" with "the lands and minerals trust fund"

Page 2, line 5, remove "land" and replace "those purposes" with "capital improvements or demolition of existing buildings at the state developmental center at Grafton"

Renumber accordingly

SB 2515, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1062-1063 of the House Journal, Reengrossed Senate Bill No. 2515 is amended as follows:

Page 1, line 1, after "programs" insert "; and to provide an appropriation"

Page 4, after line 29, insert:

"SECTION 7. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and from other income, to job service North Dakota for the purpose of defraying expenses of this Act, for the biennium beginning July 1, 1991, and ending June 30, 1993.

Salaries and wages	\$ 60,000
Operating expenses	15,000
Grants, benefits, and claims	425,000
Total all funds	\$500,000
Less estimated income	425,000
Total general fund appropriation	\$ 75,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

This amendment provides for an appropriation of \$500,000 for a work force development program, \$75,000 from the general fund and \$425,000 from other funds. Any additional funds received for the purposes of this Act are to be received and spent pursuant to the provisions of Senate Bill No. 2168.

SB 2528, as engrossed: Committee on Agriculture (Rep. Nicholas, Chairman) recommends DO NOT PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2528 was placed on the Fourteenth order on the calendar.

SB 2541, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2541 was placed on the Fourteenth order on the calendar.

SB 2593, as engrossed: Committee on Education (Rep. Gates, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2593 was placed on the Fourteenth order on the calendar.

SCR 4057: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4057 was placed on the Fourteenth order on the calendar.

SCR 4058, as engrossed: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "urging Congress to enact legislation giving Indian tribes criminal misdemeanor jurisdiction over all Indians on reservations and

to amend the Indian Civil Rights Act to ensure that the constitutional rights of all Indians are protected.

WHEREAS, the Supreme Court in Duro v. Reina, 110 S. Ct. 2053 (1990), ruled that Indian tribes do not have criminal misdemeanor jurisdiction over Indians on their reservations who are not tribal members; and

WHEREAS, as a result of this decision questions have arisen as to which jurisdiction, tribal, state, or federal, should process nontribal member Indians who commit misdemeanors on reservations; and

WHEREAS, the Indian Civil Rights Act of 1968, 25 U.S.C. 1301 et seq., was enacted to secure for all Indians the broad constitutional rights afforded to other Americans and thereby protect individual Indians from unwarranted actions of tribal governments Santa Clara Pueblo v. Martinez, 436 U.S. 49, 61 (1978); and

WHEREAS, the Indian Civil Rights Act requires amendment because its goals have not been met;

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

That the Fifty-second Legislative Assembly urges that the North Dakota Congressional Delegation support federal legislation giving tribal governments criminal misdemeanor jurisdiction over all Indians, including nontribal member Indians, on their reservations; and

BE IT FURTHER RESOLVED, that the Fifty-second Legislative Assembly urges that the North Dakota Congressional Delegation support federal legislation amending the Indian Civil Rights Act to ensure that its goals are accomplished, in particular, that federal courts be given jurisdiction to enforce the Act; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the North Dakota Congressional Delegation."

Renumber accordingly

REPORTS OF CONFERENCE COMMITTEES

HB 1051, as engrossed: Your conference committee (Sens. Meyer, Traynor, Marks and Reps. Byerly, Bateman, Erickson) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1049 and then place it on the Seventh order.

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

HB 1234, as engrossed: Your conference committee (Sens. Graba, Kelsh, Peterson and Reps. Gates, Kunkel, Aarsvold) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1050 and then place it on the Seventh order.

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

HB 1424, as engrossed: Your conference committee (Sens. Mathern, Jerome, Lindgren and Reps. Larson, Henegar, Cleary) recommends that the SENATE RECEDE from the Senate amendments on HJ page 970 and then place it on the Seventh order.

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

HB 1450, as engrossed: Your conference committee (Sens. Heinrich, Graba, Freborg and Reps. Porter, Muhs, Huether) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1118 and then place it on the Seventh order.

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

FIRST READING OF SENATE BILL

SB 2596: A BILL for an Act to provide for adjusted compensation for eligible veterans of Operation Desert Shield and Operation Desert Storm and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to provide a penalty; to provide an appropriation; and to declare an emergency.

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

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

ROY GILBREATH, Chief Clerk