

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, April 4, 1991

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

The prayer was offered by the Rev. Martin Blasy, Deacon, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present, except Representatives Mahoney, Meyer, and Porter.

A quorum was declared by the Speaker.

## REPORTS OF CONFERENCE COMMITTEES

SB 2023, as engrossed: Your conference committee (Sens. Maxson, Holmberg, E. Hanson and Reps. Kretschmar, Porter, Flaagen) recommends that the SENATE ACCEDE to the House amendments on HJ page 903 and then place it on the Seventh order.

SB 2067: Your conference committee (Sens. Kelsh, O'Connell, O. Hanson and Reps. Schindler, Muhs, Kroeber) recommends that the SENATE ACCEDE to the House amendments on HJ page 1058 and then place it on the Seventh order.

SB 2083: Your conference committee (Sens. Mathern, O'Connell, Mutch and Reps. Bernstein, Price, Kroeber) recommends that the SENATE ACCEDE to the House amendments on HJ page 1140 and then place it on the Seventh order.

SB 2115, as engrossed: Your conference committee (Sens. Marks, Bowman, Freborg and Reps. Bateman, Miller, Kerzman) recommends that the HOUSE RECEDE from the House amendments on HJ page 930, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 930 of the House Journal and page 891 of the Senate Journal and that Engrossed Senate Bill No. 2115 be amended as follows:

Page 1, line 3, after "way" insert "; to provide an appropriation; and to declare an emergency"

Page 2, after line 16, insert:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the lands and minerals trust fund in the state treasury, not otherwise appropriated, the sum of \$115,000, or so much thereof as may be necessary, to the commissioner of agriculture for the purpose of participating in the cooperative rangeland grasshopper control program for the period beginning with the effective date of this Act and ending June 30, 1993.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2118, as engrossed: Your conference committee (Sens. Mathern, E. Hanson, Nalewaja and Reps. Trautman, St. Aubyn, Scherber) recommends that the SENATE ACCEDE to the House amendments on HJ page 1106 and then place it on the Seventh order.

SB 2151: Your conference committee (Sens. Kelsh, Marks, Bowman and Reps. Shide, Schimke, Aarsvold) recommends that the SENATE ACCEDE to the House amendments on HJ pages 1027-1029 and then place it on the Seventh order.

SB 2211, as engrossed: Your conference committee (Sens. Wogsland, Tomac, Moore (refused to sign), and Reps. Wardner, Grosz, Pyle) recommends that the SENATE ACCEDE to the House amendments on HJ page 1107 and then place it on the Seventh order.

SB 2249, as reengrossed: Your conference committee (Sens. Dotzenrod, Tomac, Moore and Reps. Wardner, Belter, Nichols) recommends that the HOUSE RECEDE from the House amendments on HJ pages 1258-1259, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1258 and 1259 of the House Journal and page 1185 of the Senate Journal and that Reengrossed Senate Bill No. 2249 be amended as follows:

Page 1, line 10, after "taxation" insert "for the first ten full taxable years after commencement of construction"

Page 1, line 11, after "oilfield" insert "in this state"

Page 1, line 16, after "taxes" insert "during the time it is exempt from taxation under section 1 of this Act"

Renumber accordingly

SB 2422: Your conference committee (Sens. Dotzenrod, Tennefos, Kinnoin and Reps. Grosz, B. Anderson, Nicholas) recommends that the SENATE ACCEDE to the House amendments on HJ pages 984-985 and then place it on the Seventh order.

SB 2425, as engrossed: Your conference committee (Sens. Krauter, Keller, Mutch and Reps. Martinson, Shide, Mahoney) recommends that the HOUSE RECEDE from the House amendments on HJ pages 740-741, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 740 and 741 of the House Journal and page 907 of the Senate Journal and that Engrossed Senate Bill No. 2425 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to oral transmission of refilled prescriptions; and to"

Page 2, after line 3, insert:

"SECTION 2. A new section to chapter 43-15 of the North Dakota Century Code is created and enacted as follows:

Oral transmission of refill prescriptions. An oral reorder for a prescription drug may be accepted and dispensed by a pharmacist or registered pharmacist intern if received from a practitioner, or a nurse licensed under chapter 43-12.1 who is authorized by the practitioner to transmit the oral refill prescription. Before authorizing the transmittal of the oral refill prescription, the practitioner shall place a written copy of the prescription in the patient's records. Only a registered pharmacist or a registered pharmacist intern may receive an oral refill prescription. An oral refill prescription received by an agent or clerical person employed by a pharmacy may not be dispensed. The licensing board of a practitioner shall notify the board of pharmacy and board of nursing in writing, on an annual basis or more frequent basis if necessary, of the specific nurse or nurses who are authorized by the practitioner to transmit oral refill prescriptions."

Renumber accordingly

SB 2542, as engrossed: Your conference committee (Sens. O'Connell, Heinrich, O. Hanson and Reps. Muhs, Schimke, Huether) recommends that the HOUSE RECEDE from the House amendments on HJ page 1063, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1063 of the House Journal and pages 1036 and 1037 of the Senate Journal and that Engrossed Senate Bill No. 2542 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction; and" and replace "sections 4 and" with "section"

Page 1, remove lines 4 through 22

Page 2, remove lines 1 through 27

Page 3, line 12, remove "if so requested by the parent"

Page 4, line 9, remove "An"

Page 4, remove lines 10 and 11

Page 4, line 12, remove "any state in the area of the apparent deficiency of the child."

Page 5, remove lines 19 through 21

Page 5, line 22, remove "thirtieth percentile."

Page 6, after line 2, insert:

"SECTION 2. AMENDMENT. A new section to chapter 198 of the 1989 Session Laws of North Dakota is created and enacted as follows:

Home-based instruction - Liability. No state agency, public school, or county superintendent may be found liable for accepting as correct the information on the statement of intent or for any damages resulting from the parent's failure to educate the child."

Renumber accordingly

SB 2324, as engrossed: Your conference committee (Sens. Heinrich, Jerome, Stenehjem and Reps. Freier - refused to sign, Kunkel, Goffe) recommends that the HOUSE RECEDE from the House amendments on HJ pages 1280-1281 and then place it on the Seventh order.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1575.

SENATE AMENDMENTS TO ENGROSSED HB 1006

Page 1, line 17, replace "20,895,109" with "21,265,109"

Page 1, line 19, replace "9,247,504" with "9,652,504"

Page 1, replace line 22 with:

"Galactosemia equipment and testing program

280,000"

Page 2, line 2, replace "53,038,064" with "53,943,064"

Page 2, line 3, replace "39,090,105" with "39,565,105"

Page 2, line 4, replace "13,947,959" with "14,377,959"

Page 2, replace lines 15 through 20 with:

"SECTION 4. GALACTOSEMIA TESTING PROGRAM FUNDING. The estimated income line item in section 1 of this Act includes \$280,000 which the department of health and consolidated laboratories may spend from the department of health and consolidated laboratories operating account for the galactosemia testing program for the biennium beginning July 1, 1991, and ending June 30, 1993, as appropriated in section 1 of this Act."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Operating Expenses

This amendment adds a total of \$370,000 to operating expenses, of which \$25,000 is from the general fund, to provide a total of \$50,000 from the general fund, \$300,000 from other funds for a health task force, and \$45,000 from other funds to implement Senate Bill No. 2589 relating to a directory of physicians. The health task force will study the health care delivery system in North Dakota and address health care cost containment and the uninsured and underinsured.

##### Grants, Benefits, and Claims

This amendment adds \$100,000 from the general fund to the grants line item for emergency medical technician grants to provide a total of \$500,000, the level recommended in the executive budget. The House provided \$400,000 for this purpose.

In addition, the grants line item is also increased by \$305,000 from the general fund to increase funds for local health district grants to \$1,000,000. The House provided \$695,000 for this purpose.

##### Other Line Items

This amendment provides funding of \$280,000 from estimated income for a galactosemia equipment and testing program line item as required by Senate Bill No. 2522.

The amendment also eliminates the \$150,000 from special funds vaccination program and Section 4 related to the program added by the House.

#### SENATE AMENDMENTS TO ENGROSSED HB 1575

In lieu of the amendments adopted by the Senate as printed on pages 1057-1059 of the Senate Journal, Engrossed House Bill No. 1575 is amended as follows:

Page 1, line 1, replace "section" with "sections" and remove "subsection 2 of"

Page 1, line 2, remove the first "section", remove the second "section", and remove "subsection 2 of section"

Page 1, line 6, remove "to suspend subsection 2 of section 57-43.1-02"

Page 1, remove lines 7 and 8

Page 1, line 9, remove "alcohol;"

Page 7, line 22, replace "Subsection 2 of section" with "Section"

Page 7, replace lines 25 through 29 with:

**"57-43.1-02. Tax imposed on motor vehicle fuels —~~Tax reduced for certain alcohol-blended fuels.~~**

1. Except as otherwise provided in this section, a tax of seventeen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.
2. The tax imposed on gasoline sold which contains a minimum ten percent blend of a qualifying alcohol whose purity is at least ninety-nine percent alcohol is reduced in accordance with this subsection and subsection 3. An alcohol is a qualifying alcohol if it is methanol produced from coal or if the taxpayer certifies that it is derived from agricultural products produced entirely in the United States. For qualifying alcohols, the tax is:
  - a. From July 1, 1985, through June 30, 1987, eight cents per gallon (3.79 liters) less than the tax imposed under subsection 1.
  - b. From July 1, 1987, through December 31, 1992, four cents per gallon (3.79 liters) less than the tax imposed under subsection 1.
  - c. After December 31, 1992, at the same rate as the tax imposed under subsection 1.
3. The tax reduction allowed on gasoline under this section does not apply to gasoline which contains qualifying alcohol manufactured or distilled outside this state, unless the state where the alcohol is manufactured or distilled provides a specific reduction, exemption, credit, or refund from that state's motor vehicle fuels tax for what would be a qualifying alcohol manufactured or distilled in this state. Qualifying alcohols manufactured or distilled in another state are eligible for the tax reduction allowed by this section, but only to the extent that state's specific reduction, exemption, credit, or refund allowance applies to qualifying alcohol manufactured or distilled in this state. The tax reduction allowed by this subsection qualifying alcohol manufactured or distilled in another state cannot exceed the amount specified in subsection 2.
4. The dealer shall collect the tax imposed by this section from the consumer on all sales.
5. 3. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax."

Page 8, remove lines 1 through 10

Page 9, line 3, replace "Subsection 2 of section" with "Section"

Page 9, replace lines 6 through 20 with:

**"57-43.2-02. Tax imposed - Exemptions.**

1. An excise tax of seventeen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any special fuel user, except that special fuel to be used for heating, agricultural, or railroad purposes or for industrial purposes other than in the performance of a contract with any unit of government is exempt from the tax imposed by this chapter, provided that the sale or delivery of special fuel

for use in a motor vehicle is not exempt. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.

2. ~~The tax on agriculturally derived alcohol if used in a pure state or if blended with another agriculturally derived liquid is:~~

- a. ~~Through December 31, 1983, four cents per gallon (3.79 liters) less than the tax imposed under subsection 1.~~
- b. ~~From January 1, 1984, through December 31, 1984, five cents per gallon (3.79 liters) less than the tax imposed under subsection 1.~~
- c. ~~From January 1, 1985, through December 31, 1985, six cents per gallon (3.79 liters) less than the tax imposed under subsection 1.~~
- d. ~~From January 1, 1986, through June 30, 1992, four cents per gallon (3.79 liters) less than the tax imposed under subsection 1.~~
- e. ~~After June 30, 1992, at the same rate as the tax imposed under subsection 1.~~

3. ~~The tax attaches at the time of sale, delivery, or transfer of title of such special fuel to a special fuel user or unlicensed dealer. The special fuel dealer shall collect the tax from the special fuel user and pay the tax to the commissioner as provided in this chapter.~~

4. ~~3.~~ Except as prohibited by section 57-43.1-09 the tax is refundable when used for nonhighway purposes, and the provisions and procedures of chapter 57-43.1 relating to the refund of motor fuel taxes apply to the tax imposed by this chapter, provided that the amount refunded for any special fuel does not include the amount of tax imposed by section 57-43.2-03 on the sale of that fuel."

Page 10, line 15, replace "No producing plant may receive payment under this section for" with "If two or more ethanol production plants are in operation in this state throughout the 1991-93 biennium, a single plant may not receive incentive payments of more than nine hundred fifty thousand dollars for production in either fiscal year of the 1991-93 biennium. However, during any time one of the plants eligible for production incentives is not in operation for thirty or more consecutive days, any other ethanol production plant that is in operation may receive up to one hundred fifty thousand dollars per thirty calendar days in incentive payments for production during such time and the annual incentive payment limitation is waived to the extent of payments received under the authority of this sentence."

Page 10, remove line 16

Page 10, line 17, remove "fuel in either year of the 1991-93 biennium."

Page 10, line 20, replace "state auditor a full financial statement, in such" with "budget section of the legislative council a statement, certified by a certified public accountant, as to whether or not the plant produced a profit from its operation in the preceding fiscal year, after deducting the payments received from this incentive program."

Page 10, remove lines 21 through 29

Page 11, remove lines 1 through 3

Page 11, line 4, remove "SUSPENSION -"

Page 11, remove lines 5 through 10

Page 11, line 11, remove "57-43.2-02 are no longer suspended and become effective immediately."

Page 11, line 12, replace "1993" with "1995"

Page 11, line 14, replace "1992" with "1994"

ReNUMBER accordingly

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2008, SB 2010, SB 2036, SB 2335, and SB 2385 and subsequently passed the same.

REPORTS OF CONFERENCE COMMITTEES

SB 2008, as engrossed: Your conference committee (Sens. Lindaas, Yockim (refused to sign), Naaden and Reps. Wald, Myrdal, Brokaw) recommends that the SENATE ACCEDE to the House amendments on HJ page 1137 and place it on the Seventh order.

SB 2010: Your conference committee (Sens. Robinson, Yockim, Thane and Reps. Howard, Schmidt, Laughlin) recommends that the SENATE ACCEDE to the House amendments on HJ page 1225 and place it on the Seventh order.

SB 2036, as engrossed: Your conference committee (Sens. Meyer, Krauter, Moore and Reps. Tollefson, Henegar, Hanson) recommends that the HOUSE RECEDE from the House amendments on HJ pages 1137-1138, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1137 and 1138 of the House Journal and page 1102 of the Senate Journal and that Engrossed Senate Bill No. 2036 be amended as follows:

Page 1, line 4, after "reenact" insert "subsection 42 of section 20.1-01-02," and replace the first comma with "and"

Page 1, line 7, after "to" insert "the definition of,"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subsection 42 of section 20.1-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42. "Wildlife" means any member of the animal kingdom including ~~without limitation~~ any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals as defined by the board of animal health, or birds or animals held in private ownership."

ReNUMBER accordingly

SB 2335, as engrossed: Your Conference Committee (Sens. Meyer, DeKrey, Traynor and Reps. Byerly, Kelsch, Grumbo) recommends that the HOUSE RECEDE from the House amendments, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1059 of the House Journal and page 1034 of the Senate Journal and that Engrossed Senate Bill No. 2335 be amended as follows:

Page 2, line 28, replace the second "may" with "must"

Renumber accordingly

SB 2385: Your conference committee (Sens. Meyer, Stenehjem, Solberg and Reps. Brown, DeWitz, Snyder) recommends that the SENATE ACCEDE to the House amendments on HJ pages 1060-1061 and then place it on the Seventh order.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1517 as printed on HJ pages 1469-1470 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 HB 1517: Reps. Kretschmar, Clayburgh, Skar.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2016: Reps. Myrdal, Wald, Nowatzki.

#### MOTION

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

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

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

MR. PRESIDENT: The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1117 and wishes to inform you that the House does now concur with the Senate amendments to HB 1117 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1117.

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 2003: Reps. Hausauer; Gates; Kaldor

SB 2113: Reps. Hausauer; Gates; Kaldor

SB 2572: Reps. Hausauer; Gates; Kaldor

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

MR. PRESIDENT: The House has passed unchanged: SB 2069.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2259.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2596.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2004, SB 2005, SB 2006, SB 2007, SB 2019, SB 2070, SB 2234, SB 2272, SB 2282, SB 2384, SB 2451, SB 2594.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2001.



MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2509.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1028, HB 1266, HB 1325, and HB 1552 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has adopted the conference committee report on HB 1127 and subsequently failed to pass the same.

#### SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1261.

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 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1261.

#### SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2021, SB 2032, SB 2168, SB 2284, SB 2332, SB 2353, SB 2357, SB 2403, SB 2457, SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579, SCR 4001, SCR 4003, SCR 4033, SCR 4036, SCR 4048, SCR 4061, SCR 4072.

#### SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1242.

#### SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: HB 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1461, HB 1471, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606, HB 1613, HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043, HCR 3067, HCR 3071.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2169 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has adopted the conference committee report on SB 2041 and subsequently failed to pass the same.

#### MOTION

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 CHIEF CLERK ANNOUNCED that the Speaker was about to sign the certification by which HB 1365 failed to pass over the Governor's veto, and the Speaker signed the same in the presence of the House of Representatives.

#### SIGNING of BILLS and RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker was about to sign the certification by which HB 1091 failed to pass over the Governor's veto, and the Speaker signed the same in the presence of the House of Representatives.

## SIGNING of BILLS and RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker was about to sign the certification by which HB 1371 failed to pass over the Governor's veto, and the Speaker signed the same in the presence of the House of Representatives.

## SIGNING of BILLS and RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker was about to sign the certification by which HB 1447 failed to pass over the Governor's veto, and the Speaker signed the same in the presence of the House of Representatives.

## COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 4, 1991

HB 1336 provides for new state payments to counties of the amount of discounts allowed for installment payments, without delinquency, of property taxes by any taxpayer who receives the homestead exemption.

This is an extension of the homestead credit program at a time when the state has had to cut or severely restrict other programs which benefit our citizens.

Although the appropriation is rather small, at \$82,200, it will result in cuts to other programs of equal or greater merit. We cannot afford new programs when we cannot adequately fund current programs.

Therefore, I veto HB 1336.

## COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 4, 1991

HB 1462 would increase the community spouse resource allowance for those persons who entered long-term care prior to September 30, 1989, from \$25,000 to \$66,480.

The fiscal impact to the budget of the Department of Human Services (DHS) is estimated at \$1,061,400. No funding has been provided by the legislature in this bill nor has additional funding been added to the DHS budget for this purpose. In fact, to this point, even funding for the "critical needs funding pool," which could have provided a source for this program, has now been deleted from the DHS budget.

Therefore, there is no funding for this enhancement. It would be the worst kind of fiscal mismanagement to begin the 1991-93 biennium with cuts in other DHS programs to accommodate this legislation.

Under the North Dakota Constitution, I have no choice but to stop unfunded programs before they start. We have discussed this issue with interested legislators who, we understand, are working to restore this language if a new funding source can be found.

Therefore, I veto HB 1462.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Senator John H. Mahoney

## MOTION

REP. KLOUBEC MOVED that the House reconsider its action whereby the conference committee report was accepted and SB 2324 was placed on the Seventh order of business on the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

REP. RENNERFELDT MOVED that the conference committee report on HB 1135 as printed on HJ page 1578 be adopted, which motion prevailed.

HB 1135, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to create and enact sections 19-18-04.1 and 19-18-04.2 of the North Dakota Century Code, relating to use reporting requirements for pesticides, and protection of trade secrets; and to amend and reenact section 19-18-08 of the North Dakota Century Code, relating to penalties.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Huether; Williams

HB 1135 passed and the title was agreed to.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1517, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1517: Reps. Kretschmar; Clayburgh; Skar

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 2016: Reps. Myrdal; Wald; Nowatzki

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 1242.

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 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1461, HB 1471, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606, HB 1613, HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043, HCR 3067, HCR 3071.

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

MR. PRESIDENT: The Speaker has signed: SB 2021, SB 2032, SB 2168, SB 2284, SB 2332, SB 2353, SB 2357, SB 2403, SB 2457, SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579, SCR 4001, SCR 4003, SCR 4033, SCR 4036, SCR 4048, SCR 4061, SCR 4072.

## REPORT OF CONFERENCE COMMITTEE

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed HB 1138 as printed on HJ page 1463 be adopted, which motion prevailed.

Engrossed HB 1138, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to create and enact a new subsection to section 53-06.1-14 of the North Dakota Century Code, relating to the costs of background investigations of gaming applicants; and to amend and reenact section 51-15-10, subsection 2 of section 53-06.1-06.1, and section 54-12-18, relating to costs, expenses, attorney's fees, and costs of background investigations for gaming applicants recovered by the attorney general and deposited into a special fund; and to provide an appropriation.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Huether; Williams

Engrossed HB 1138 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on Engrossed HB 1165 as printed on HJ page 1463 be adopted, which motion prevailed.

Engrossed HB 1165, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to amend and reenact subsection 1 of section 12-44.1-24 of the North Dakota Century Code, relating to the removal of the requirement that the Administrative Agencies Practice Act be complied with in adopting jail rules; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 66 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Linderman; Martin; Martinson; Muhs; Myrdal; Nicholas; Nichols;

Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie

NAYS: Aarsvold; Anderson, B.; Bodine; Boucher; Carlson; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Mahoney; Meyer; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Stofferahn; Thorpe; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Miller; Williams

Engrossed HB 1165 passed, the title was agreed to, but the emergency clause was declared lost.

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#### REQUEST

REP. SCHNEIDER REQUESTED a ruling by the Speaker with reference to Joint Rule 301, subsection 5, pertaining to conference committees confining their conferences and recommendations to consideration of the general differences that gave rise to the appointment of the committee.

#### MOTIONS

REP. KLOUBEC MOVED that HB 1167, which is on the Seventh order, be laid over one legislative day until the Speaker rules on Joint Rule 301, subsection 5, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

#### REPORTS OF STANDING COMMITTEES

SB 2065, as engrossed: 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 addition to the amendments to Engrossed Senate Bill No. 2065 adopted by the House as printed on pages 1471-1473 of the House Journal, Engrossed Senate Bill No. 2065 is amended as follows:

Page 1, line 1, after the first "to" insert "provide for the administrative costs of the gaming commission; and to"

Page 8, after line 15, insert:

"SECTION 3. Gaming commission expenses. Notwithstanding section 53-06.1-12.1, an amount not to exceed twenty thousand dollars per biennium may be spent for the administrative costs of the gaming commission from the games of chance tax collections deposited in the attorney general's operating fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

This amendment provides that up to \$20,000 per biennium of the \$200,000 of games of chance tax collections deposited in the Attorney General's operating fund may be used within the limits of legislative appropriations for the Gaming Commission's administrative costs.

SB 2507: Committee on State and Federal Government (Rep. Martinson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 54-52-19.2 and"

Page 1, line 2, after "to" insert "crediting prior service for certain members of the public employees retirement system and to"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 54-52-19.2 of the North Dakota Century Code is amended and reenacted as follows:

54-52-19.2. Grant of prior service credit after refund. A member who exercised the privilege to withdraw from the predecessor plan to the public employees retirement system, under subsection 10 of section 54-52-17 as created by section 13 of chapter 499 of the 1977 Session Laws, is entitled to a regrant of the member's prior service credit forfeited by that withdrawal. To be eligible for the regrant, the member must have been an employee of this state from the date of withdrawal from the predecessor plan through at least July 1, ~~1987~~ 1991. An eligible member is entitled to prior service credit for service before July 1, 1966. The cost of the repurchase of the credit is the amount of refund the member received, plus interest, compounded at the rate of ~~seven and one-half~~ eight percent per year, for the period since June 30, 1977. To claim the grant of prior service credit, the member shall notify the executive director of the public employees retirement system of that election and pay to the public employees retirement system the entire cost, with interest, of that repurchase, computed in accordance with this section, by December 31, ~~1987~~ 1991."

Renumber accordingly

#### REPORTS OF CONFERENCE COMMITTEES

HB 1145, as engrossed: Your conference committee (Sens. Marks, Traynor, Stenehjem and Reps. Kelsch, Kretschmar, Skar) recommends that the HOUSE ACCEDE to the Senate amendments on HJ pages 1049-1050 and then place it on the Seventh order.

HB 1152, as engrossed: Your conference committee (Sens. Schoenwald, O'Connell, Tennefos and Reps. Belter, Delzer, Hokana) recommends that the SENATE RECEDE from the Senate amendments on HJ page 988, amend as follows, and then place it on the Seventh order:

That the Senate recede from its amendments as printed on page 988 of the House Journal and page 856 of the Senate Journal and that House Bill No. 1152 be amended as follows:

Page 1, line 12, replace "; however, any" with " . A"

Page 1, line 14, replace "one hundred" with "fifty" and after "dollars" insert "; however, if the person provides proof of registration since the violation, the fee may be reduced by one-half"

Renumber accordingly

HB 1157, as engrossed: Your conference committee (Sens. Schoenwald, O'Connell, Tennefos and Reps. Belter, Delzer, Hokana) recommends that the SENATE RECEDE from the Senate amendments on HJ page 988, amend as follows, and then place it on the Seventh order:

That the Senate recede from its amendments as printed on page 988 of the House Journal and page 856 of the Senate Journal and that House Bill No. 1157 be amended as follows:

Page 1, line 14, replace "one hundred" with "fifty" and after "assessed" insert ". If the person provides proof of registration since the violation, the fee may be reduced by one-half"

Renumber accordingly

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

MR. PRESIDENT: The House has reconsidered the action whereby it placed SB 2324 with its conference committee report on the 7th order. The House conferees respectfully request that the conference committee reconvene to further consider SB 2324.

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

MR. SPEAKER: The President has signed: HB 1242.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1261.

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

MR. SPEAKER: The President has signed: HB 1247, HB 1255, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431, HB 1471, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606, HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043, HCR 3067, HCR 3071.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1006 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 1006: Reps. R. Berg, Dalrymple, Wilkie.

#### SIXTH ORDER OF BUSINESS

SB 2065, as engrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

Engrossed SB 2065, as amended, was placed on the Fourteenth order of business on the calendar.

#### MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to Engrossed SB 2065, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2065: A BILL for an Act to provide for the administrative costs of the gaming commission; and to create and enact two new sections to chapter 53-06.1 of the North Dakota Century Code, relating to the establishment of a state gaming commission; to amend and reenact sections 53-06.1-01, 53-06.1-03, 53-06.1-14, and 53-06.1-17 of the North Dakota Century Code, relating to definitions and the conducting of games of chance.

#### 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 92 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar;

Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Schmidt; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

NAYS: Brokaw; Delzer; Gorder; Grosz; Myrdal; Olson, A.; Scherber; Schimke; Schindler; Shide; Stofferahn; Thorpe; Wilkie

ABSENT AND NOT VOTING: Huether

Engrossed SB 2065 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

SB 2507: REP. MARTINSON (Committee on State and Federal Government) MOVED that the amendments be placed on the Fourteenth order with DO PASS, which motion prevailed.

SB 2507, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILLS

SB 2507: A BILL for an Act to amend and reenact section 54-52-19.2 and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to crediting prior service for certain members of the public employees retirement system and to calculation of the allowable monthly credit toward hospital and medical benefits coverage under the retiree health benefits fund.

#### 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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Huether; Nicholas; Wald

SB 2507 passed and the title was agreed to.

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SB 2578: A BILL for an Act to provide financial assistance to tribally controlled community colleges; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 46 YEAS, 59 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.



YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Snyder; Starke; Stofferahn; Thorpe; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Jensen; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether

Engrossed SB 2578 was declared lost.

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#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:59 p.m., April 4, 1991: HB 1001, HB 1003, HB 1015, HB 1116, HB 1139, HB 1260, HB 1291, HB 1578, HB 1599.

#### REPORT OF CONFERENCE COMMITTEE

REP. GORMAN MOVED that the conference committee report on HB 1200 as printed on HJ page 1625 be adopted, which motion prevailed.

HB 1200, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to create and enact a new section to chapter 57-57 of the North Dakota Century Code, relating to forest stewardship recognition; and to amend and reenact sections 57-57-01, 57-57-02, 57-57-03, 57-57-04, 57-57-05, 57-57-06, 57-57-07, 57-57-08, 57-57-09, and 57-57-10 of the North Dakota Century Code, relating to changing the name of the native woodland tax to the forest stewardship tax, describing the land that may be subject to the tax setting the rate and the manner of collection of the tax, describing the duties of the state forester and local assessor under the chapter, providing for a hearing; and providing an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Enget; Nichols

ABSENT AND NOT VOTING: Huether; Kloubec

HB 1200 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1006, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1006: Reps. Berg, R.; Dalrymple; Wilkie

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SB 2065, SB 2507.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 2:35 p.m., April 1, 1991: 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.

#### REPORT OF CONFERENCE COMMITTEE

REP. GATES MOVED that the conference committee report on Engrossed HB 1234 as printed on HJ page 1050 be adopted, which motion prevailed.

Engrossed HB 1234, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to amend and reenact section 15-47-27.1 of the North Dakota Century Code, relating to renewal of first-year teacher contracts.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 56 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Martinson; Mutzenberger; Nicholas; Nichols; Nowatzki; Oban; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Urlacher; Wardner; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Howard; Jensen; Kelsch; Kretschmar; Kunkel; Larson; Meyer; Miller; Muhs; Myrdal; Nelson; Olsen, D.; Olson, A.; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Thompson; Timm; Tollefson; Trautman; Wald; Wentz; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Kloubec

Engrossed HB 1234 passed and the title was agreed to.

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## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 4:33 p.m., April 4, 1991: HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043, HCR 3067, HCR 3071.

## REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on Engrossed HB 1262 as printed on HJ page 1463 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1262, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to create and enact a new section to chapter 32-03.1 of the North Dakota Century Code, relating to providing immunity to licensed health care providers who render medical care on a voluntary basis at free clinics.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, B.; Bodine; Dorso; Grumbo; Kelsch; Kolbo; Mahoney; Mutzenberger; Oban; Pyle; Ring; Ritter; Schneider; Snyder; Williams

ABSENT AND NOT VOTING: Huether; Meyer

Engrossed HB 1262 passed and the title was agreed to.

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## MOTION

REP. WARDNER MOVED that the vote by which HB 1234 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed.

## 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 1517: Sens. Maxson; Traynor; Stenehjem

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2234 and SB 2451, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2234: Sens. Marks; Meyer; Stenehjem

SB 2451: Sens. Kelsh; Langley; Vosper

## MOTION

REP. HANSON MOVED that the House reconsider its action whereby Engrossed HB 1127 failed to pass.

## REQUEST

REP. HANSON REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1127 failed to pass, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed HB 1127 failed to pass, the roll was called and there were 56 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlisle; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gerntholz; Gilmore; Goffe; Grumbo; Hanson; Henegar; Hokana; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Svedjan; Thorpe; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gorder; Gorman; Grosz; Hausauer; Howard; Kloubec; Kretschmar; Kunkel; Larson; Martin; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Huether; Martinson

So the motion to reconsider the action whereby Engrossed HB 1127 failed to pass, prevailed.

Engrossed HB 1127, as amended, was placed on the Eleventh order on the calendar.

## SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact subsections 1, 4, and 5 of section 14-02.4-02 of the North Dakota Century Code, relating to the application of age and other employment discrimination restrictions.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 54 YEAS, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Nelson; Nowatzki; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Svedjan; Thorpe; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Kloubec; Kunkel; Larson; Martin; Miller; Muhs; Myrdal; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, R.; Huether

Engrossed HB 1127 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. FREIER MOVED that the conference committee report on Engrossed HB 1300 be adopted, which motion prevailed.

Engrossed HB 1300, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to create and enact a new subsection to section 57-38-01 and a new subdivision to subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to definition of qualified investment fund and exemption from income tax liability for distributions of a qualified investment fund; to amend and reenact subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to exclusion from computation of income tax liability of distributions from a qualified investment fund; and to provide an effective date.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Byerly; Huether; Kloubec; Miller

Engrossed HB 1300 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. HENEGAR MOVED that the conference committee report on Engrossed HB 1313 be adopted, which motion prevailed.

HB 1313, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits; and to amend and reenact section 20.1-03-12.2 of the North Dakota Century Code, relating to game and fish application fees.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, R.; Bernstein; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; DeMers; Dorso; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson;

Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Kunkel; Larson; Linderman; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Williams; Speaker R. Anderson

**NAYS:** Aarsvold; Bateman; Berg, G.; Bodine; Boehm; Coats; Delzer; DeWitz; Enget; Erickson; Flaagan; Grosz; Kerzman; Kretschmar; Laughlin; Mahoney; Meyer; Nichols; Payne; Schimke; Schmidt; Whalen; Wilkie

**ABSENT AND NOT VOTING:** Kloubec; Urlacher

Engrossed HB 1313 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BYERLY MOVED** that the conference committee report on Engrossed HB 1333 as printed on HJ page 1366 be adopted, which motion prevailed.

Engrossed HB 1333, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1333:** A BILL for an Act to amend and reenact sections 38-08-09.5 and 38-08-09.9 of the North Dakota Century Code, relating to ratification or approval of unitization plans.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 22 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Shide; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams

**NAYS:** Aarsvold; Bateman; Boehm; Boucher; Brokaw; Brown; Carlson; Enget; Jacobson; Kerzman; Meyer; Nelson; Nichols; Peterson; Pyle; Ring; Ritter; Scherber; Schmidt; Skar; Wilkie; Speaker R. Anderson

**ABSENT AND NOT VOTING:** Kaldor; Kloubec; Nowatzki; Schneider

Engrossed HB 1333 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. ST. AUBYN MOVED** that the conference committee report on Engrossed HB 1343 as printed on HJ pages 1579-1580 be adopted, which motion prevailed.

Engrossed HB 1343, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1343:** A BILL for an Act to provide for the admission as evidence of the videotaped statement of the child victim of certain sexual offenses.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Dorso; Kaldor; Kloubec; Nowatzki

Engrossed HB 1343 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. DELZER MOVED that the conference committee report on Engrossed HB 1381 as printed on HJ page 1463 be adopted, which motion prevailed.

## MOTION

REP. KLOUBEC MOVED that HB 1384 be placed at the bottom of the Seventh order, which motion prevailed.

## REPORTS OF CONFERENCE COMMITTEES

REP. LARSON MOVED that the conference committee report on Engrossed HB 1424 as printed on HJ page 1439 be adopted, which motion prevailed.

REP. SOUKUP MOVED that the conference committee report on Engrossed HB 1441 as printed on HJ pages 1463-1464 be adopted, which motion prevailed.

Engrossed HB 1441, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to amend and reenact sections 26.1-13-01, 26.1-13-02, and 26.1-13-15 of the North Dakota Century Code, relating to organization and territorial limits of a county mutual insurance company.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Carlisle; Carlson; Cleary; Coats; Dalrymple; Delzer; DeMers; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kerzman; Kolbo; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Peterson; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Urlacher; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Bernstein; Byerly; Clayburgh; DeWitz; Dorso; Gorman; Jacobson; Kloubec; Kretschmar; Larson; Muhs; Olson, A.; Payne; Porter; Rennerfeldt; Shide; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Whalen

ABSENT AND NOT VOTING: Kaldor; Nowatzki; Schmidt

Engrossed HB 1441 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the conference committee report on Engrossed HB 1450 as printed on HJ page 1439 be adopted, which motion prevailed.

HB 1450, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1450: A BILL for an Act to create and enact a new section to House Bill No. 1421, compiled as chapter 198 of the 1989 Session Laws of North Dakota, relating to high school diplomas for students receiving home-based instruction.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Boucher; Brown; Gates; Grosz; Schindler; Wilkie

ABSENT AND NOT VOTING: Schmidt

Engrossed HB 1450 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. D. OLSEN MOVED that the conference committee report on Engrossed HB 1483 as printed on HJ page 1580 be adopted, which motion prevailed.

Engrossed HB 1483, as amended, was placed on the Eleventh order of business on the calendar

#### SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to the qualifications of foreign medical graduates for a license to practice medicine.



## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 106 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; 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; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

Engrossed HB 1483 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. GROSZ MOVED that the conference committee report on Engrossed HB 1507 as printed on HJ page 1482 be adopted, which motion prevailed.

Engrossed HB 1507, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to amend and reenact sections 10-22-01, 10-27-01, and 57-39.2-23 of the North Dakota Century Code, relating to the right of foreign corporations to transact business in this state and the release of certain confidential information by the tax commissioner; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Boehm; Grosz; Schimke

ABSENT AND NOT VOTING: Dorso

Engrossed HB 1507 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. LARSON MOVED that the conference committee report on Engrossed HB 1569 as printed on HJ page 1625 be adopted, which motion prevailed.

Engrossed HB 1569, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1569: A BILL for an Act to amend and reenact section 54-38-07 of the North Dakota Century Code, relating to establishment of facilities for the treatment of drug dependent persons by the department of human services.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Larson; Laughlin; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Bodine; Brown; Carlson; Delzer; Gabrielson; Grosz; Hanson; Jacobson; Kroeber; Kunkel; Linderman; Mahoney; Myrdal; Nelson; Olson, A.; Ring; Schneider; Snyder; Thorpe; Williams

ABSENT AND NOT VOTING: Dorso; Timm

Engrossed HB 1569 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. MILLER MOVED that the conference committee report on Engrossed HB 1571 as printed on HJ pages 1580-1581 be adopted, which motion prevailed.

Engrossed HB 1571, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1571: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to revocation of registration of an apiary; to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, 4-12.2-22, and 4-12.2-24 of the North Dakota Century Code, relating to licensure of beekeepers, and registration, identification, and certification of apiaries; to repeal sections 4-12.2-09, 4-12.2-10, 4-12.2-11, 4-12.2-12, and 4-12.2-13 of the North Dakota Century Code, relating to a two-mile radius restriction for apiary locations; to provide a penalty; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Delzer; Grosz; Kerzman; Meyer; Ring; Shide; Skjerven; Soukup

ABSENT AND NOT VOTING: Dorso; Timm

Engrossed HB 1571 passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

REP. SOUKUP MOVED that the conference committee report on HB 1597 as printed on HJ page 1581 be adopted, which motion prevailed.

HB 1597, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1597: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to rent limits for twenty-one and charitable gaming ticket sites.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Rydell; Schindler; Schmidt; Schneider; Skar; Skjerven; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Belter; Berg, G.; Brokaw; Byerly; DeMers; Jensen; Kerzman; Larson; Nichols; Olsen, D.; Pyle; Ring; Ritter; Scherber; Schimke; Shide; Snyder

ABSENT AND NOT VOTING: Dorso; Stofferahn; Timm

HB 1597 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. URLACHER MOVED that the conference committee report on Engrossed HCR 3038 as printed on HJ page 1464 be adopted, which motion prevailed.

## MOTION

REP. KLOUBEC MOVED that HB 1336 and HB 1462 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 1336 and HB 1462 be placed on the Eleventh order on tomorrow's calendar, which motion prevailed.

## APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2234: Reps. Clayburgh, Kelsch, Ring.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2451: Reps. Rennerfeldt, Bateman, B. Anderson.

## MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fourth order of business, and at the conclusion of the Fourth order, the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House stand adjourned until 8:00 a.m., Friday, April 5, 1991, which motion prevailed.

## COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 4, 1991

This is to inform you that on April 2, 1991, I signed the following: HB 1004, HB 1011, HB 1050, HB 1186, HB 1201, HB 1282, HB 1285, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1487, HB 1492, HB 1499, HB 1500, HB 1511, HB 1519, HB 1522, HB 1523, HB 1530, HB 1567, HB 1103, HB 1190, HB 1555, HB 1609, HB 1610, HB 1568, HB 1581, HB 1584, HB 1590.

On April 3, 1991, I signed the following: HB 1005, HB 1027, HB 1327, HB 1486, HB 1591, HB 1271, HB 1175, HB 1182, HB 1187, HB 1199, HB 1306, HB 1389, HB 1422, HB 1489, HB 1536, HB 1543, HB 1608.

## REPORTS OF STANDING COMMITTEES

SB 2018, 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 7, after "fund" insert "and the general fund"

Page 1, line 17, replace "300,000" with "200,000"

Page 1, line 18, replace "450,000" with "300,000"

Page 1, replace line 19 with:

"Total all funds	\$1,500,000
Less estimated income	1,000,000
Total general fund appropriation	\$ 500,000"

Page 2, remove lines 4 through 10

ReNUMBER accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

## AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

This amendment deletes the appropriation of \$300,000 from Bank of North Dakota profits for cooperative marketing grants and the appropriation of \$450,000 for farm diversification grants, also from Bank of North Dakota

profits. The amendment adds \$300,000 from the general fund for farm diversification grants and \$200,000 from the general fund for cooperative marketing grants.

SB 2595, 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 17, remove ", out of any moneys in"

Page 1, line 18, remove "the general fund in the state treasury, not otherwise appropriated, and"

Page 1, line 19, replace "income" with "available agency funds"

Page 2, line 3, replace "GENERAL" with "AGENCY"

Page 2, line 4, replace "FUND" with "FUNDS"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment replaces the general fund appropriation of \$86,128 with an \$86,128 appropriation from available agency funds. The intent is that the agencies make funds appropriated in their appropriation bills available to match available federal funds to implement the program.

#### REPORT OF CONFERENCE COMMITTEE

HB 1061, as engrossed: Your conference committee (Sens. Graba, Maxson, Nalewaja and Reps. A. Olson, Urlacher, Oban) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1417-1418, amend as follows, and then place it on the Seventh order:

That the Senate recede from its amendments as printed on page 1201 of the Senate Journal and pages 1417 and 1418 of the House Journal, and that Engrossed House Bill No. 1061 be amended as follows:

Page 1, line 2, remove "and"

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

Page 1, line 21, replace "twenty-five" with "a monthly surcharge of twenty"

Page 2, line 1, remove "household,", replace "or" with "residence,", and after "residence" insert "of not more than three units"

Page 2, line 2, replace "seventy-five" with "the following monthly surcharges"

Page 2, line 3, remove "cents", remove "each", and replace "account, which" with "accounts:

1. For each commercial account for which the monthly collection fee is not more than ten dollars, twenty cents.
2. For each commercial account for which the monthly collection fee is more than ten dollars but not more than fifty dollars, seventy-five cents.
3. For each commercial account for which the monthly collection fee is more than fifty dollars but not more than one hundred dollars, one dollar and fifty cents.

4. For each commercial account for which the monthly collection fee is more than one hundred dollars but not more than five hundred dollars, three dollars.
5. For each commercial account for which the monthly collection fee is more than five hundred dollars, one percent of the gross receipts for collection services.

The monthly surcharge for a multiple unit commercial account is twenty cents per unit or the applicable commercial rate under subsections 1 through 5, whichever is higher. For the purposes of this section, a commercial account"

- Page 2, line 4, after "a" insert "multiple residence of four or more units, mobile home park," and after "office" insert "building"
- Page 2, line 5, after the period insert "A multiple unit commercial account includes a multiple residence of four or more units, a mobile home park, a shopping center, an office building, and any other commercial account in which four or more units pay a single collection fee."
- Page 2, line 8, after the period insert "A surcharge equivalent to that for commercial accounts must be assessed on fees imposed on municipal waste delivered directly to a landfill but not included in the collection surcharge above." and after "surcharge" insert "collected under this section"
- Page 2, line 9, replace "monthly" with "quarterly"
- Page 2, line 10, replace "collected" with "received"
- 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 20, after the period insert "The provisions of chapter 57-39.2 relating to the administration of the sales tax, except the provisions relating to refunds and credits and any provision in conflict with this Act, govern the administration of the surcharge imposed under section 2 of this Act. A surcharge that has been collected, but which is not due, must be used to offset any surcharge to be imposed against the person from whom the surcharge was originally collected. A dispute relating to the imposition of the surcharge may be appealed to the department for a final decision. The department's decision may not be appealed under chapter 28-32."
- Page 2, line 23, replace "appropriated" with "in the solid waste management fund"
- Page 2, line 24, remove "under section 1 of this Act"
- 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, and that the fund be used solely for the purpose of solid waste management activities."

Renumber accordingly

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

ROY GILBREATH, Chief Clerk