

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, April 10, 1991

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

The prayer was offered by the Rev. Barry Lee, Church of God of Prophecy, Bismarck.

The roll was called and all members were present except Representatives B. Anderson, Bodine, Dalrymple, and Payne.

A quorum was declared by the Speaker.

REQUEST

REP. KLOUBEC REQUESTED that the record show that Rep. Payne was excused due to the death of his father, which request was granted.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1167 and subsequently passed the same.

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

MR. SPEAKER: The President has signed: HB 1048, HB 1383.

MOTION

REP. KLOUBEC MOVED that the House be on the Seventh order of business and at the conclusion of the Seventh order, the House stand in recess until 10:00 a.m., which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2594 and SCR 4073 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 HB 1018 and HB 1517 and subsequently passed the same.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2003.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1603 and subsequently passed the same.

REPORTS OF CONFERENCE COMMITTEES

SB 2594, as engrossed: Your conference committee (Sens. Satrom, Yockim, Goetz and Reps. Wentz, Gerntholz, Laughlin) recommends that the HOUSE RECEDE from the House amendments on HJ pages 1577-1578, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1577 and 1578 of the House Journal and page 1478 of the Senate Journal, and that Engrossed Senate Bill No. 2594 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with " for an Act to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction,

commissioner of insurance, supreme court justices, district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The sums hereinafter listed, or so much thereof as may be necessary, are hereby appropriated out of the general fund and from special funds or moneys derived from federal funds or income in the state treasury as indicated to the agencies and institutions of state government named for the purpose of providing additional compensation to employees for the various agencies and institutions for the period beginning July 1, 1992, and ending June 30, 1993:

| AGENCY OR INSTITUTION | GENERAL FUND | SPECIAL FUNDS | TOTAL |
|--|-----------------|------------------|----------|
| Governor | \$ 8,435 | | \$ 8,435 |
| Lieutenant governor | 1,691 | | 1,691 |
| Secretary of state | 14,089 | | 14,089 |
| Office of management and budget | | | |
| Facility management | 33,571 | | 33,571 |
| Central operations | 36,066 | | 36,066 |
| Information services division | | \$ 72,680 | 72,680 |
| State auditor | 23,078 | 13,553 | 36,631 |
| Central duplicating services | | 13,524 | 13,524 |
| State treasurer | 5,072 | | 5,072 |
| Attorney general | 68,453 | 3,602 | 72,055 |
| Tax department | 87,896 | | 87,896 |
| Legislative council | 22,772 | | 22,772 |
| Supreme court | 32,589 | | 32,589 |
| Judicial qualifications commission | 2,254 | | 2,254 |
| District court | 54,322 | | 54,322 |
| Retirement and investment office | | 12,361 | 12,361 |
| Public employees retirement board | | 12,962 | 12,962 |
| Public instruction | 34,155 | 41,744 | 75,899 |
| Board of higher education | 7,816 | | 7,816 |
| Land department | | 10,989 | 10,989 |
| Bismarck state college | 80,120 | | 80,120 |
| UND-Lake Region | 26,550 | | 26,550 |
| UND-Williston | 27,836 | | 27,836 |
| University of North Dakota | 585,288 | | 585,288 |
| Medical center rehabilitation hospital | | 109,395 | 109,395 |
| University of North Dakota medical center | 122,387 | 81,931 | 204,318 |
| State toxicologist | 4,332 | | 4,332 |
| North Dakota state university | 456,891 | | 456,891 |
| North Dakota state college of science | 145,154 | | 145,154 |
| Dickinson state university | 75,129 | | 75,129 |
| Mayville state university | 45,136 | | 45,136 |
| Minot state university | 159,204 | | 159,204 |
| Valley City state university | 68,265 | | 68,265 |
| NDSU-Bottineau branch | 25,440 | | 25,440 |
| North Dakota forest service | 11,947 | | 11,947 |
| State library | 13,810 | | 13,810 |
| School for the deaf | 29,615 | | 29,615 |
| School for the blind | 19,806 | | 19,806 |
| Vocational education | 8,169 | 9,984 | 18,153 |
| State department of health and consolidated laboratories | 97,076 | 64,718 | 161,794 |
| Veterans home | 16,071 | 24,106 | 40,177 |
| Indian affairs commission | 1,127 | | 1,127 |
| Veterans affairs | 2,818 | | 2,818 |

| | | | |
|--|---------|---------|---------|
| Children's services coordinating committee | 2,215 | | 2,215 |
| Department of human services | | | |
| Executive office | 997 | 111 | 1,108 |
| Managerial support | 34,577 | 15,535 | 50,112 |
| Economic assistance | 19,345 | 6,448 | 25,793 |
| Medical assistance | 7,924 | 13,491 | 21,415 |
| Vocational rehabilitation | 12,050 | 11,578 | 23,628 |
| Office of field services | 38,147 | 1,180 | 39,327 |
| Regional centers | 337,161 | 21,521 | 358,682 |
| State hospital | 409,223 | 8,352 | 417,575 |
| Developmental center | 136,633 | 277,405 | 414,038 |
| Protection and advocacy project | 16,263 | | 16,263 |
| Insurance commissioner | | 19,142 | 19,142 |
| Industrial commission | | 30,414 | 30,414 |
| Labor commissioner | 3,905 | | 3,905 |
| Public service commission | 18,288 | 9,848 | 28,136 |
| Aeronautics commission | 358 | 2,460 | 2,818 |
| Department of banking and financial institutions | | 12,962 | 12,962 |
| Securities commissioner | 3,945 | | 3,945 |
| Bank of North Dakota | | 103,044 | 103,044 |
| Housing finance agency | | 21,134 | 21,134 |
| Job service | | 257,493 | 257,493 |
| Workers compensation bureau | | 60,019 | 60,019 |
| Highway patrol | | 114,476 | 114,476 |
| Radio communications | 16,906 | | 16,906 |
| Emergency management | 2,536 | 7,608 | 10,144 |
| Department of corrections | | | |
| Central office | 2,818 | | 2,818 |
| Juvenile services | 13,226 | | 13,226 |
| Industrial school | 32,017 | 13,722 | 45,739 |
| State penitentiary | 103,271 | | 103,271 |
| Penitentiary industries | | 12,962 | 12,962 |
| Parole and probation | 21,302 | 2,367 | 23,669 |
| Adjutant general | 19,123 | 49,665 | 68,788 |
| Economic development and finance department | 18,542 | | 18,542 |
| Department of agriculture | 18,935 | 4,734 | 23,669 |
| Milk stabilization board | | 3,156 | 3,156 |
| Oilseed council | | 564 | 564 |
| Seed department | | 20,007 | 20,007 |
| Board of animal health | 3,495 | | 3,495 |
| State wheat commission | | 4,175 | 4,175 |
| Transportation institute | 2,112 | 3,596 | 5,708 |
| Extension service | 111,639 | 13,798 | 125,437 |
| Northern crops institute | 2,771 | 1,132 | 3,903 |
| Main research center | 141,325 | 60,568 | 201,893 |
| Dickinson research center | 6,317 | | 6,317 |
| Central grassland research center | 2,812 | | 2,812 |
| Hettinger research center | 3,285 | 365 | 3,650 |
| Langdon research center | 2,866 | 506 | 3,372 |
| North central research center | 3,369 | | 3,369 |
| Williston research center | 3,653 | | 3,653 |
| Carrington research center | 5,828 | 2,048 | 7,876 |
| Agronomy seed farm | | 1,685 | 1,685 |
| Land reclamation research center | | 11,344 | 11,344 |
| Historical society | 27,839 | 1,465 | 29,304 |
| Council on the arts | 1,803 | 451 | 2,254 |
| Soil conservation committee | 6,156 | | 6,156 |
| Centennial trees commission | 564 | | 564 |
| Game and fish department | | 66,500 | 66,500 |
| Department of tourism | 5,072 | | 5,072 |
| Department of parks and recreation | 20,880 | 1,099 | 21,979 |
| Water commission | 45,630 | | 45,630 |
| Department of transportation | | | |
| Transportation operation | | 567,091 | 567,091 |

| | | |
|----------------|-------------|-------------|
| Fleet services | 9,242 | 9,242 |
| Motor vehicle | 27,614 | 27,614 |
| Total | \$4,141,553 | \$2,345,626 |
| | | \$6,487,179 |

SECTION 2. STATE EMPLOYEE SALARY INCREASES - EFFECTIVE DATE. The amounts appropriated in section 1 of this Act are only to be available to state agencies and institutions beginning on July 1, 1992, to be paid beginning on August 1, 1992, or later, for employee compensation increases of forty dollars per month for each permanent full-time employee.

SECTION 3. AMENDMENT. Section 4-01-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-01-21. Salary of commissioner of agriculture. The annual salary of the commissioner of agriculture is forty-nine fifty-one thousand three two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

SECTION 4. AMENDMENT. Section 15-21-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-21-02. Salary and traveling expenses. The annual salary of the superintendent of public instruction is fifty fifty-two thousand three hundred twelve dollars through June 30, 1992, and fifty-two thousand seven hundred ninety-two dollars thereafter. The superintendent is also entitled to reimbursement for expenses incurred in the discharge of official duties, such expenses to be paid monthly on a warrant prepared by the office of management and budget and signed by the state auditor, upon the filing of an itemized and verified statement of expenses.

SECTION 5. AMENDMENT. Section 26.1-01-09 of the North Dakota Century Code is amended and reenacted as follows:

26.1-01-09. Salary of commissioner. The annual salary of the commissioner is forty-nine fifty-one thousand three two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

SECTION 6. AMENDMENT. Section 27-02-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court shall is entitled to receive an annual salary commencing July 1, 1989, of sixty-three seventy-one thousand eight hundred seventy-one seventy-five dollars except that the through June 30, 1992, and seventy-one thousand five hundred fifty-five dollars thereafter. The chief justice of the supreme court shall is entitled to receive an additional one two thousand seven hundred seventy-seven dollars per annum commencing on July 1, 1990, each judge of the supreme court shall receive an annual salary of sixty-eight thousand three hundred forty-two dollars except that the chief justice of the supreme court shall receive an additional one thousand nine hundred one dollars per annum through June 30, 1992, and two thousand forty dollars per annum thereafter.

SECTION 7. AMENDMENT. Section 27-05-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state shall is entitled to receive an annual salary commencing July 1, 1989, of fifty-nine sixty-five thousand four hundred five ninety dollars and commencing July 1, 1990, an annual salary of sixty-two thousand nine hundred sixty-nine dollars and his through June 30, 1992, and sixty-five thousand nine hundred seventy dollars thereafter. Each district judge is entitled to actual travel

expenses, ~~which shall include~~ including mileage and subsistence while engaged in the discharge of ~~his~~ official duties outside the county in which ~~his~~ the judge's chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district ~~shall~~ is entitled to receive an additional one thousand ~~four~~ five hundred ~~eight~~ fifty dollars per annum ~~commencing July 1, 1989, and one thousand four hundred ninety-three dollars per annum commencing July 1, 1990, through June 30, 1992, and one thousand five hundred eighty-one dollars thereafter.~~

SECTION 8. AMENDMENT. Section 34-05-01.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-05-01.2. Department of labor to be administered by commissioner of labor. The department of labor must be administered by a commissioner of labor who must be elected for a four-year term on a no-party ballot in the year 1966 and every four years thereafter in the same manner as provided for no-party candidates pursuant to title 16.1. Following his election, the term of the commissioner of labor commences on the same day as the terms for other elected state officials. The commissioner of labor shall possess the same qualifications for office as the commissioner of agriculture. The annual salary of the commissioner of labor is forty-nine thousand three nine hundred dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

SECTION 9. AMENDMENT. Section 49-01-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-01-05. Salary of commissioners. The annual salary of a commissioner is forty-nine ~~forty-nine~~ fifty-one thousand three two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter. All fees received or charged by any such commissioner for any act or service rendered in any official capacity, shall be accounted for and paid over by him monthly to the state treasurer and shall be credited to the general fund of the state.

SECTION 10. AMENDMENT. Section 54-07-04 of the North Dakota Century Code is amended and reenacted as follows:

54-07-04. Salary of governor. The annual salary of the governor is sixty-five ~~sixty-five~~ sixty-seven thousand two eight hundred four dollars through June 30, 1992, and sixty-eight thousand two hundred eighty-four dollars thereafter.

SECTION 11. AMENDMENT. Section 54-08-03 of the North Dakota Century Code is amended and reenacted as follows:

54-08-03. Salary of lieutenant governor. The annual salary of the lieutenant governor is up to fifty-three ~~up to fifty-three~~ fifty-five thousand five six hundred thirty-six dollars through June 30, 1992, and fifty-six thousand one hundred sixteen dollars thereafter.

SECTION 12. AMENDMENT. Section 54-09-05 of the North Dakota Century Code is amended and reenacted as follows:

54-09-05. Salary of secretary of state. The annual salary of the secretary of state is forty-nine ~~forty-nine~~ fifty-one thousand three two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

SECTION 13. AMENDMENT. Section 54-10-10 of the North Dakota Century Code is amended and reenacted as follows:

54-10-10. Salary of state auditor. The annual salary of the state auditor is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

SECTION 14. AMENDMENT. Section 54-11-13 of the North Dakota Century Code is amended and reenacted as follows:

54-11-13. Salary of state treasurer. The annual salary of the state treasurer is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter.

SECTION 15. AMENDMENT. Section 54-12-11 of the North Dakota Century Code is amended and reenacted as follows:

54-12-11. Salary of attorney general. The annual salary of the attorney general is ~~fifty-five~~ fifty-seven thousand ~~seven~~ nine hundred twenty-eight dollars through June 30, 1992, and fifty-eight thousand four hundred eight dollars thereafter.

SECTION 16. AMENDMENT. Section 57-01-04 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-01-04. Salary. The annual salary of the state tax commissioner is ~~forty-nine~~ fifty-one thousand ~~three~~ two hundred seventy-two dollars through June 30, 1992, and fifty-one thousand seven hundred fifty-two dollars thereafter."

Renumber accordingly

SCR 4073, as engrossed: Your conference committee (Sens. Satrom, Kelsh, Naaden and Reps. Trautman, Wardner, Scherber) recommends that the SENATE ACCEDE to the House amendments on HJ page 1699, further amend as follows, and then place on the Seventh order:

Page 1, after line 23, insert "Assistant Appropriations Committee Clerk"

Renumber accordingly

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

MOTION

REP. KLOUBEC MOVED that SB 2234, SB 2282, SB 2324, SB 2594, and SCR 4073 be placed at the head of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on Engrossed SB 2234 as printed on HJ pages 1846-1852 be adopted, which motion prevailed.

Engrossed SB 2234, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to provide for the creation of an office of administrative hearings, the appointment of a director of administrative hearings and other administrative hearings officers, to require the adoption of uniform rules of administrative practice and procedure, and to establish an advisory council; to repeal subsection 2 of section 50-24.4-18 and subsection 18 of section 54-12-01 of the North Dakota Century Code, relating to appointment of administrative hearings officers by the attorney general and certain appeals by nursing homes; to provide an appropriation; and to provide for a transfer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Delzer; DeWitz; Olsen, D.; Schindler; Shide; Thompson; Wardner

ABSENT AND NOT VOTING: Anderson, B.; Dalrymple; Erickson; Gerntholz; Kaldor; Nicholas; Payne

Engrossed SB 2234 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. PAYNE MOVED that the conference committee report on Reengrossed SB 2282 as printed on HJ page 1852 be adopted, which motion prevailed on a verification vote.

Reengrossed SB 2282, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to provide for a North Dakota corn utilization council; to provide for an assessment on corn production; to provide a penalty; 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 37 YEAS, 63 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Enget; Freier; Gerntholz; Gorman; Grosz; Hausauer; Henegar; Hokana; Kerzman; Kloubec; Kretschmar; Kunkel; Martin; Miller; Muhs; Myrdal; Nichols; Nowatzki; Olsen, D.; Peterson; Porter; Rennerfeldt; Scherber; Shide; Skjerven; Soukup; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen

NAYS: Berg, G.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Delzer; DeMers; DeWitz; Dorso; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Gorder; Grumbo; Hanson; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Larson; Laughlin; Linderman; Mahoney; Martinson; Meyer; Mutzenberger; Nelson; Oban; Olson, A.; Price; Pyle; Ring; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Skar; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Wentz; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Anderson, B.; Berg, R.; Dalrymple; Erickson; Nicholas; Payne

Reengrossed SB 2282 was declared lost.

REPORT OF CONFERENCE COMMITTEE

REP. FREIER MOVED that the conference committee report on Engrossed SB 2324 as printed on HJ pages 1852-1853 be adopted, which motion lost.

MOTION

REP. MARTINSON MOVED that the Conference Committee on Engrossed SB 2324 be discharged and a new Conference Committee be appointed on Engrossed SB 2324, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SPEAKER R. ANDERSON APPOINTED as a new Conference Committee on Engrossed SB 2324: Reps. Clayburgh, Svedjan and Gabrielson.

MOTION

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

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2006, SB 2009, SB 2015, SB 2025, SB 2039, SB 2070, SB 2258, SB 2451, SB 2507, SB 2541, SB 2595.

REPORTS OF CONFERENCE COMMITTEES

HB 1439, as engrossed: Your conference committee (Sens. Schoenwald (refused to sign), Meyer, David and Reps. Whalen, Soukup, Skjerven) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1267, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1078 and 1079 of the Senate Journal and page 1267 of the House Journal, and that Engrossed House Bill No. 1439 be amended as follows:

Page 1, line 2, remove "to repeal sections 1"

Page 1, remove line 3

Page 1, line 4, remove "Dakota;"

Page 1, line 5, after the first semicolon insert "and" and remove "; and to declare an"

Page 1, line 6, remove "emergency"

Page 2, after line 13, insert:

"8. "Insurance premium" means an insurance premium payment assessed on all petroleum products subject to any taxes imposed under chapters 57-43.1 and 57-43.2, except liquefied petroleum."

Page 2, line 14, replace "8" with "9"

Page 2, line 16, replace "9" with "10"

Page 2, line 18, replace "10" with "11"

Page 2, line 23, replace "11" with "12"

Page 2, line 27, replace "12" with "13"

Page 3, line 4, replace "13" with "14"

Page 4, remove lines 4 through 6

Page 7, line 6, replace "tariffs" with "insurance premiums"

Page 7, line 14, replace "Tariff" with "Insurance premium"

Page 7, line 15, replace "tax" with "insurance" and replace "tariff" with "insurance premium"

Page 7, line 16, replace "tax" with "insurance" and replace "tariff" with "insurance premium"

Page 7, line 17, replace "tax" with "insurance"

Page 7, line 18, replace "tariff" with "insurance premium"

Page 7, line 19, replace "two" with "three"

Page 7, line 20, replace "tariff" with "insurance premium"

Page 7, line 21, replace "tariff" with "insurance premium"

Page 7, line 22, replace "tariff" with "insurance premium"

Page 7, line 24, replace "fund tariff" with "insurance premium"

Page 7, line 25, replace "Tariff" with "Insurance premium" and replace "tax" with "insurance"

Page 7, line 26, replace "a tariff" with "an insurance premium of nine-fortieths"

Page 7, line 27, remove "except liquefied petroleum"

Page 7, line 29, after "equipment" insert "and liquefied petroleum"

Page 8, line 1, replace "shall" with "may", replace "tariff" with "insurance premium", and replace "purchaser or user" with "owner or operator"

Page 8, line 2, replace "tariff" with "insurance premium"

Page 8, line 3, replace "tariff" with "insurance premium"

Page 8, line 4, replace "tax" with "insurance"

Page 8, line 7, remove "The provisions"

Page 8, remove lines 8 and 9

Page 8, line 10, remove "administration of the tariff levied by this section."

Page 8, line 11, replace "tariff" with "insurance premium" and replace "tax" with "insurance"

Page 8, line 12, after "dealer" insert "with the tax commissioner"

Page 8, line 14, replace "tax" with "insurance"

Page 8, line 15, after "correct" insert "copy of their"

Page 8, line 20, replace "tax" with "insurance"

Page 8, line 22, replace "tariffs" with "insurance premiums"

Page 8, line 25, replace "tariffs" with "insurance premiums"

Page 8, line 26, replace "tax" with "insurance"

Page 8, line 27, replace "tariffs" with "insurance premiums"

Page 8, line 28, replace "a tariff" with "insurance premiums"

Page 9, line 1, replace "a tariff is" with "insurance premiums are" and replace "it is" with "they are"

Page 9, line 2, replace "tariff" with "premium"

Page 13, remove lines 19 and 20

Page 13, line 29, after the period insert "When this Act becomes ineffective, or at any earlier time that the state health officer certifies to the state treasurer that federal law no longer requires the state to maintain a petroleum release compensation fund, the state treasurer shall transfer the entire balance of the petroleum release compensation fund to the highway fund."

Page 14, remove lines 1 and 2

Renumber accordingly

HB 1016, as engrossed: Your conference committee (Sens. Satrom, Robinson, Ingstad and Reps. Schmidt, Gerntholz, Meyer) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1556-1559, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1329-1333 and page 1360 of the Senate Journal and pages 1556-1559 of the House Journal, and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 3, after the semicolon insert "to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the assignment of motor vehicle number plates; to provide for a contingent temporary transfer from the petroleum tank release compensation fund;"

Page 1, line 14, replace "67,228,301" with "69,435,365"

Page 1, line 16, replace "47,317,225" with "49,474,121"

Page 1, line 17, replace "5,600,500" with "5,915,500"

Page 1, line 18, replace "277,243,000" with "331,785,000"

Page 1, line 21, replace "409,867,849" with "469,088,809"

Page 2, line 4, replace "1,440,893" with "1,840,000"

Page 2, line 7, replace "781,659" with "1,800,000"

Page 2, line 8, replace "5,512,241" with "6,929,689"

Page 2, line 16, replace "432,974,931" with "499,689,851"

Page 2, line 21, after "FUND" insert "- ADDITIONAL INCOME - TRANSFER"

Page 2, line 25, after the period insert "Income in excess of the amounts appropriated for operating expenses and equipment in subdivision 3 of section 1 of this Act may be spent within the provisions of Senate Bill No. 2168 for purposes of those items. The director of the department of transportation may transfer \$2,500,000, or so much thereof as may be necessary, from the operating fund to the highway fund and may transfer appropriation authority of \$2,500,000 from the equipment line item in subdivision 3 of section 1 of this Act to the capital improvements line item in subdivision 1 of section 1 of this Act for the purpose of matching federal funds for highway construction."

Page 2, replace lines 26 through 29 with:

"SECTION 4. LEGISLATIVE INTENT - REVIEW OF FEDERAL MATCHING NEEDS. It is the intent of the legislative assembly that the reconvened fifty-second legislative assembly address the need for providing additional state funding via the motor vehicle fuel tax to the department of transportation for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 3, remove lines 1 and 2

Page 3, replace lines 10 through 17 with:

"SECTION 6. CONTINGENT APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated, subject to approval of the budget section of the legislative council, out of any moneys in the state treasury, not otherwise appropriated, from special funds derived from federal funds and other income, to the various divisions under the supervision of the director of the department of transportation for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1991, and ending June 30, 1993, as follows:

Subdivision 1.

TRANSPORTATION OPERATIONS

| | |
|-----------------------------------|-------------|
| Salaries and wages | \$1,580,863 |
| Operating expenses | 4,294,649 |
| Total special funds appropriation | \$5,875,512 |

Subdivision 2.

FLEET SERVICES

| | |
|-----------------------------------|-----------|
| Operating expenses | \$201,000 |
| Total special funds appropriation | \$201,000 |

SECTION 7. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Assignment of motor vehicle number plates. Motor vehicle number plates may not be assigned as a reward for any political activity, in recognition of any political affiliation or membership in any political party, or on the basis of political favoritism. However, an elected state office may be assigned a single or double digit number on a number plate as requested by that official. The department of transportation shall adopt rules governing the assignment of numbers on motor vehicle number plates in accordance with this section.

SECTION 8. SPECIAL ROAD FUND. Notwithstanding section 24-02-37, the director of the department of transportation may use the moneys in the special road fund for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 9. PETROLEUM TANK RELEASE COMPENSATION FUND. If House Bill No. 1439 of the fifty-second legislative assembly does not become effective, the state treasurer, at the request of the director of the department of transportation, shall transfer \$1,000,000, or so much thereof as may be necessary, from the petroleum tank release compensation fund to the highway fund for the purpose of matching federal funds for highway maintenance, construction, and reconstruction for the biennium beginning July 1, 1991, and ending June 30, 1993. An amount equal to all moneys transferred must be paid to the petroleum tank release compensation fund from the highway fund by December 31, 1992."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DOT - TRANSPORTATION OPERATIONS

This amendment makes the following changes to the Transportation Operations Division of the Department of Transportation:

Salaries and wages are increased by \$2,207,064, of which \$441,413 is from the highway fund and \$1,765,651 is from federal funds for an additional 28 FTE positions, from 991.6 FTE to 1,019.6 FTE, and temporary and overtime pay relating to highway maintenance, construction, and reconstruction.

In addition, a separate contingent appropriation section is added to the bill providing that upon Budget Section approval additional funds of \$1,580,863, of which \$316,172 is from the highway fund and \$1,264,691 of federal funds, may be spent by the department to hire up to 20 additional FTE positions, from 1,019.6 FTE to 1,039.6 FTE, and temporary and overtime pay relating to highway maintenance, construction, and reconstruction.

Operating expenses are increased by \$2,156,896, of which \$431,379 is from the highway fund and \$1,725,517 is from federal funds for consultant engineers (\$1,750,000) and for travel and other operating costs (\$406,896).

In addition, a separate contingent appropriation section is added to the bill providing that upon Budget Section approval additional funds of \$4,294,649, of which \$858,930 is from the highway fund and \$3,435,719 of federal funds, may be spent by the department for consultant engineers (\$4,000,000) and for travel and other operating costs (\$294,649).

Equipment is increased by \$315,000, of which \$63,000 is from the highway fund and \$252,000 is from federal funds for engineering and computer equipment.

Capital improvements are increased by \$56,342,000, of which \$11,268,400 is from the highway fund and \$45,073,600 is from federal funds for additional highway construction projects.

Capital improvements are also decreased by \$1,800,000 from the highway fund relating to the elimination of funding for the construction of a new Fargo district headquarters. Highway fund revenues are reduced by \$2,500,000 as a result of the elimination of the sale of the present Fargo district headquarters.

A section of legislative intent is added providing that the reconvened 52nd Legislative Assembly address the need for additional state funding via the motor vehicle fuel tax to match federal funds for highway maintenance, construction, and reconstruction.

A section is added providing that the department may use moneys in the special road fund to match federal funds for highway maintenance, construction, and reconstruction rather than for recreational roads. The special road fund contains interest income collections on the highway fund balance beginning July 1, 1991.

A section is added providing that if House Bill No. 1439 does not become effective, the department may use up to \$1,000,000 from the petroleum tank release compensation fund to match federal funds for highway maintenance, construction, and reconstruction. All moneys transferred from the fund must be returned by the highway fund by December 31, 1992.

DEPARTMENT 802 - FLEET SERVICES

A section is added to the bill providing that upon Budget Section approval operating expenses are increased by \$201,000 from other funds for increased usage of motor pool vehicles by the Transportation Operations Division.

Section 3 of the bill is amended to allow Fleet Services to spend additional income for operating expenses and equipment upon Emergency Commission approval and to allow the director of the Department of Transportation to transfer up to \$2,500,000 from the Fleet Services operating fund to the

highway fund to provide matching funds for federal highway construction funds.

DEPARTMENT 803 - MOTOR VEHICLE

The operating expenses line item is increased by \$399,107 and the license plates and tabs line item is increased by \$1,018,341 for costs related to a new general license plate issue to begin in November 1992. Funding for the increases is from motor vehicle registration fees. Additional funding to complete the general issue during the 1993-95 biennium is to be addressed by the 53rd Legislative Assembly.

A section is added providing guidelines regarding the assignment of motor vehicle number plates.

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 adopted the conference committee report on SB 2234 and subsequently passed the same.

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

MR. PRESIDENT: The House has not adopted the conference committee report on SB 2324. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2324: Reps. Clayburgh; Svedjan; Gabrielson

REPORT OF CONFERENCE COMMITTEE

REP. WENTZ MOVED that the conference committee report on Engrossed SB 2594 be adopted, which motion prevailed.

Engrossed SB 2594, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2594: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees; to amend and reenact sections 4-01-21, 15-21-02, 26.1-01-09, 27-02-02, 27-05-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, superintendent of public instruction, commissioner of insurance, supreme court justices, district court judges, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner; 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 89 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bateman; Belter; Boehm; Delzer; DeWitz; Freier; Grosz; Myrdal; Olsen, D.; Olson, A.; Schimke; Schindler; Shide; Thompson

ABSENT AND NOT VOTING: Erickson; Mahoney; Payne

Engrossed SB 2594 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. TRAUTMAN MOVED that the conference committee report on Engrossed SCR 4073 be adopted, which motion prevailed.

Engrossed SCR 4073, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4073: A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

ROLL CALL

The question being on the final adoption of the amended resolution, 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; 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.; 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: Erickson; Payne

Engrossed SCR 4073 was declared adopted on a roll call vote.

REPORT OF CONFERENCE COMMITTEE

REP. WHALEN MOVED that the conference committee report on Engrossed HB 1439 be adopted, which motion prevailed.

Engrossed HB 1439, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1439: A BILL for an Act to provide for cleanup of petroleum spills through the establishment of a petroleum release compensation fund; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; 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 86 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Clayburgh; Coats;

Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Speaker R. Anderson

NAYS: Carlisle; Carlson; Cleary; Flaagan; Hokana; Huether; Kerzman; Laughlin; Martinson; Meyer; Mutzenberger; Oban; Ring; Ritter; Schneider; Stofferahn; Williams

ABSENT AND NOT VOTING: Brokaw; Erickson; Payne

Engrossed HB 1439 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. SCHMIDT MOVED that the conference committee report on Engrossed HB 1016 be adopted, which motion prevailed.

Engrossed HB 1016, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the assignment of motor vehicle number plates; to provide for a contingent temporary transfer from the petroleum tank release compensation fund; and to provide a statement of legislative intent.

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; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; Dorso; Enget; 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; Olson, A.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; 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; Brokaw; Delzer; DeWitz; Grosz; Olsen, D.; Schimke; Skar

ABSENT AND NOT VOTING: Erickson; Payne

Engrossed HB 1016 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SCR 4073, HB 1439, and HB 1016 be messaged to the Senate immediately, which motion prevailed.

APPOINTMENT OF COMMITTEES

SPEAKER R. ANDERSON ANNOUNCED the following House interim appointments:

APPOINTMENTS BY THE SPEAKER OF THE HOUSE

Legislative Council

Representative Kloubec
Representative Schneider
Representative Hausauer
Representative R. Anderson
Representative Timm
Representative B. Anderson
Representative Laughlin
Representative Oban

Capitol Grounds Planning Commission

Representative A. Olson
Representative Ritter
Representative Kelsch

Multistate Tax Compact Advisory Committee

Representative Timm
Representative Williams

Medical Center Advisory Council

Representative Payne

Regulatory Reform Review Commission

Representative Larson
Representative Hokana

Comprehensive Health Association of North Dakota Board

Representative Rydell

Education Commission of the States

Representative Gates

North Dakota Heritage Foundation

Representative Henegar

MOTION

REP. KLOUBEC MOVED that the House be on the Seventh and Twelfth orders of business and at the conclusion of those orders that the House stand in recess until 3:00 p.m., which motion prevailed.

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

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

SB 2324: Sens. Heinrich; Jerome; Stenehjem

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1597 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 2515 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 HB 1021, subsequently passed, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

SB 2515, as reengrossed: Your conference committee (Sens. Keller, Krauter, Streibel and Reps. Rydell, Tollefson, Wilkie) recommends that the

SENATE ACCEDE to the House amendments on HJ page 1438, further amend as follows, and then place on the Seventh order:

That the Senate accede to the amendments as printed on pages 1317 and 1318 of the Senate Journal and page 1438 of the House Journal, and that Reengrossed Senate Bill No. 2515 be further amended as follows:

Page 1, line 1, after "programs" insert "; to provide a statement of legislative intent"

Page 4, after line 29, insert:

"SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the North Dakota work force 2000 program receive priority consideration in grant allocation under the grant line item for the department of economic development and finance as provided in Senate Bill No. 2058 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Reumber accordingly

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3072.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3072.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1127, HB 1157, HB 1165, HB 1384, HB 1433.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1127, HB 1157, HB 1165, HB 1384, HB 1433.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1002, HB 1014, HB 1020, HB 1079, HB 1378, HB 1603.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1002, HB 1014, HB 1020, HB 1079, HB 1378, HB 1603.

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

ANNOUNCEMENT

THE CHIEF CLERK ANNOUNCED that the Speaker has received the following House Bill with the Governor's objections to same at the hour of 2:53 p.m. on Wednesday, April 10, 1991: HB 1325.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 10, 1991

HB 1325 reduces the rate of sales tax on natural gas from five percent to two percent of gross receipts by December of 1994.

The fiscal impact is an estimated loss of \$400,000 this biennium, increasing to at least \$5 million per biennium in the years coming up. Even though I personally have tried in 1983 to correct this, it must be done with replacement revenue or we will be short of revenue for coming years.

Therefore, given the revenue constraints with which we are operating, we simply cannot remove any revenue source without replacement.

Therefore, I veto HB 1325.

MOTIONS

REP. KLOUBEC MOVED that HB 1325 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 1325 be placed on the Eleventh order on the calendar, which motion prevailed.

REP. NICHOLAS MOVED that the House reconsider its action whereby Reengrossed SB 2282 failed to pass, which motion prevailed.

REP. HOKANA MOVED that the House reconsider its action whereby the conference committee report was accepted and SB 2282 was placed on the Seventh order of business on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. PAYNE MOVED that the conference committee report on Reengrossed SB 2282 as printed on HJ page 1852 be adopted, which motion lost.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. ANDERSON ANNOUNCED that Rep. Hausauer would replace Rep. Payne on the Conference Committee on Reengrossed SB 2282.

MOTION

REP. KLOUBEC MOVED that the House be on the Seventh and Twelfth orders and at the conclusion of those orders, that the House stand in recess until 5:00 p.m., which motion prevailed.

SIGNING OF BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2003, SB 2006, SB 2009, SB 2010, SB 2015, SB 2025, SB 2034, SB 2036, SB 2039, SB 2070, SB 2090, SB 2113, SB 2115, SB 2149, SB 2151, SB 2205, SB 2206, SB 2231, SB 2258, SB 2335, SB 2385, SB 2451, SB 2507, SB 2541, SB 2542, SB 2572, SB 2591, SB 2595, SCR 4058.

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

MR. SPEAKER: The Senate respectfully requests the return of: HB 1614.

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 1127, HB 1157, HB 1165, HB 1384, HB 1433.

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 1002, HB 1014, HB 1020, HB 1079, HB 1378, HB 1603.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3072.

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

MR. PRESIDENT: The Speaker has signed: SB 2003, SB 2006, SB 2009, SB 2010, SB 2015, SB 2025, SB 2034, SB 2036, SB 2039, SB 2070, SB 2090, SB 2113, SB 2115, SB 2149, SB 2151, SB 2205, SB 2206, SB 2231, SB 2258, SB 2335, SB 2385, SB 2451, SB 2507, SB 2541, SB 2542, SB 2572, SB 2591, SB 2595, SCR 4058.

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

MR. PRESIDENT: The House has adopted the conference committee report on SCR 4073 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 1016 and HB 1439 and subsequently passed the same.

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

MR. SPEAKER: The Senate has sustained the Governor's veto on HB 1276 and HB 1462. The vote on HB 1276 is: ayes, 27; nays, 26; absent and not voting, 0. The vote on HB 1462 is: ayes, 28; nays, 25; absent and not voting, 0.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The President has signed: HB 1002, HB 1014, HB 1020, HB 1079, HB 1378, HB 1603, HCR 3072.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The President has signed: HB 1127, HB 1157, HB 1165, HB 1384, HB 1433.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has not adopted the conference committee report on SB 2282. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2282: Reps. Hausauer; Jensen; Nowatzki

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 4:41 p.m., April 10, 1991: HCR 3072.

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

REPORT OF CONFERENCE COMMITTEE

REP. WALD MOVED that the conference committee report on Engrossed HB 1019 as printed on HJ pages 1841-1844 be adopted, which motion prevailed.

Engrossed HB 1019, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to amend and reenact section 57-61-01.5 of the North Dakota Century Code, relating to the lignite research fund; to repeal section 7 of House Bill No. 1005, as approved by the fifty-second legislative assembly, relating to the land reclamation research center; to provide for a bond issuance for a Bismarck state college parking lot; to provide a continuing appropriation for the lignite research fund; and to provide for a lease agreement for the board of higher education to acquire Hastings hall.

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.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; 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; 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.; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; 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: Berg, R.; Dalrymple; Kaldor; Payne

Engrossed HB 1019 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 1575: Sens. Dotzenrod; Tallackson; Vosper

REPORT OF CONFERENCE COMMITTEE

REP. DALRYMPLE MOVED that the conference committee report on Engrossed HB 1558 as printed on HJ page 1844 be adopted, which motion prevailed.

Engrossed HB 1558, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1558: A BILL for an Act to establish a crime victims' account; 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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; 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: Payne

Engrossed HB 1558 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HCR 3026 be placed at the bottom of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on Engrossed SB 2020 as printed on HJ pages 1844-1846 be adopted, which motion prevailed.

Engrossed SB 2020, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of various state retirement and investment agencies; and requiring reports on the group insurance plan.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; 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: Payne

Engrossed SB 2020 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:25 p.m., April 10, 1991: HB 1002, HB 1014, HB 1020, HB 1079, HB 1127, HB 1157, HB 1165, HB 1378, HB 1384, HB 1433, HB 1603.

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

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

SB 2282: Sens. Kelsh; Lindaas; Vosper

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on Reengrossed SB 2515 be adopted, which motion prevailed.

Reengrossed SB 2515, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2515: A BILL for an Act to provide for work force development programs; to provide a statement of legislative intent; 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 105 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; 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: Payne

Reengrossed SB 2515 passed and the title was agreed to.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 10, 1991

This is to inform you that on April 10, 1991, I signed the following: HB 1613, HB 1028, HB 1256, HB 1266, HB 1552, HB 1596, HB 1053, HB 1073, HB 1117, HB 1132.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1019 and HB 1558 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 SB 2020, SB 2515, and SB 2594 and subsequently passed the same.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House be on the Twelfth order of business, and at the conclusion of the Twelfth order, the House stand adjourned until 8:00 a.m., Thursday, April 11, 1991, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1611, as engrossed: Your conference committee (Sens. Graba, Maxson (refused to sign), Holmberg and Reps. DeWitz, Martin, Gilmore) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1470, further amend as follows, and then place on the Seventh order:

That the House accede to the Senate amendments as printed on page 1470 of the House Journal and page 1296 of the Senate Journal, and that Engrossed House Bill No. 1611 be further amended as follows:

Page 1, line 2, after "requirements" insert "; and to provide a statement of legislative intent"

Page 2, after line 5, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any legislative council committee conducting a legislative apportionment study during the 1991-92 interim will consider apportionment plans that provide for at least forty-nine senatorial districts but not more than fifty-three senatorial districts."

Renumber accordingly

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

MR. SPEAKER: The Senate has not adopted the conference committee report on HB 1439.

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

ROY GILBREATH, Chief Clerk