

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

* * * * *

Bismarck, February 23, 1989

The House convened at 12:30 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. James Kraemer.

The roll was called and all Representatives were present, except Representatives Dalrymple, Flaagan, Gerhardt, Laughlin, and Murphy.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-sixth Day and finds it to be correct.

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

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to HB 1586 as recommended by the Committee on State and Federal Government as printed on pages 1078-1080 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that HB 1586 be deemed properly reengrossed and be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

REP. R. ANDERSON MOVED that the House waive the reading of the title to HB 1586, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1586: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to participation by members of the legislative assembly in the public employees retirement system; to amend and reenact sections 15-39.1-10.3, 39-03.1-14.1, 54-52-01, 54-52-02, 54-52-17, and 54-52-17.2 of the North Dakota Century Code, relating to retirement plan provisions under the public employees retirement system and the teachers' fund for retirement; and to repeal sections 18-11-15.1, 39-03.1-08.1, 40-45-10.1, 40-46-09.2, and 54-52-17.3 of the North Dakota Century Code, relating to purchase of legislative service credit under the alternate firemen's relief association retirement plan, the highway patrolmen's system, city police pension plans, city employee pension plans, and the public employees retirement system.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 32 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Shaft; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, R.; Belter; Berg, R.; DeMers, P.; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Huether; Kingsbury; Knell; Lang; Larson, D.; Myrdal; Ness; Olson, A.; O'Shea; Schmidt; Schneider; Shide; Sorensen; Stofferahn; Thompson, K.; Tokach; Tollefson; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Gerhardt; Murphy; Peterson

HB 1586 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Donald Zimbleman

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2006, SB 2014, SB 2016, SB 2021, SB 2022, SB 2025, SB 2030, SB 2037, SB 2245, SB 2256, SB 2274, SB 2291, SB 2310, SB 2355, SB 2357, SB 2371, SB 2376, SB 2416, SB 2422, SB 2454, SB 2456, SB 2509.

SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to SB 2032 as recommended by the Committee on Industry, Business and Labor as printed on page 1081 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2032, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2032, the roll was called and there were 57 YEAS, 45 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Gates; Gerntholz; Goetz; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerl; Gilmore; Gorman; Graba;

Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Dalrymple; Gerhardt; Laughlin; Murphy

The motion to adopt the amendments to SB 2032 passed.

SB 2032 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2032 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2032: A BILL for an Act to amend and reenact section 52-05-07 of the North Dakota Century Code, relating to the appointment of a state council by the job service North Dakota bureau.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 57 YEAS, 44 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Marks; Mertens; Nelson; Ness; Nowatzki; Oban; O'Shea; Ring; Scherber; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Dalrymple; Gerhardt; Laughlin; Murphy; Olson, V.

SB 2032 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. GATES MOVED that the amendments to SB 2195 as recommended by the Committee on Education as printed on page 1082 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2195 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2195 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the superintendent of public instruction; 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 101 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Hanson, O.; Whalen

ABSENT AND NOT VOTING: Gerhardt; Lauglin; Murphy

SB 2195 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

REP. KLOUBEC MOVED that SB 2202, SB 2225, SB 2069, SB 2115, SB 2186, SB 2196, SB 2197, SB 2217, and SB 2221 be placed at the head of the calendar, which motion prevailed.

REP. KLOUBEC MOVED that SB 2394 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2394: A BILL for an Act to amend and reenact sections 43-11-03 and 43-11-04 of the North Dakota Century Code, relating to the state board of cosmetology.

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, 46 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kolbo; Marks; Martinson; Melby; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Ring; Rydell; Schatz; Schneider; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stofferahn; Trautman; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Dalrymple; DeMers, J.; Dorso; Goetz; Gorman; Graba; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Huether; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Mertens; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Scherber; Schindler; Schmidt; Shaft; Shide; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Urlacher; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Gerhardt; Laughlin; Murphy; Peterson

SB 2394 passed and the title was agreed to.

HOUSE ENGROSSING REPORT

The following bill was reengrossed: HB 1586.

SECOND READING OF SENATE BILLS

SB 2202: A BILL for an Act to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to the public dissemination and confidentiality of information held by the state abandoned property office; and to amend and reenact subsections 1 and 2 of section 47-30.1-18 and subsection 1 of section 47-30.1-23 of the North Dakota Century Code, relating to the time for publication of notice of abandoned property reported by life insurance companies, the contents of the publication of notice of abandoned property, and the public dissemination of information held by the state abandoned property office.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen;

Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Laughlin; Murphy

SB 2202 passed and the title was agreed to.

SB 2225: A BILL for an Act to amend and reenact sections 54-29-01, 54-29-02, and 54-29-03 of the North Dakota Century Code, relating to the payment, cancellation, and destruction of state bonds; and to repeal sections 54-29-04 and 54-29-05 of the North Dakota Century Code, relating to the reissuance of canceled and destroyed bonds and the issuance of coupon bonds.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Skjerven

ABSENT AND NOT VOTING: Gates; Gerhardt; Murphy; Wentz

SB 2225 passed and the title was agreed to.

SB 2069: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds issued by public bodies of the state prior to July 1, 1989.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple;

DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Murphy

SB 2069 passed and the title was agreed to.

SB 2115: A BILL for an Act to amend and reenact subsection 13 of section 52-01-01 and subsections 9 and 10 of section 52-06-02 of the North Dakota Century Code, relating to the definition of education institutions under the unemployment compensation law and educational employee disqualification from unemployment compensation benefits.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Gerntholz; Murphy

SB 2115 passed and the title was agreed to.

SB 2186: A BILL for an Act to amend and reenact sections 40-57.1-03, 40-57.1-04.1, and 40-57.1-05 of the North Dakota Century Code, relating to the approval of tax exemptions for new industries.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjerm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gerl

ABSENT AND NOT VOTING: Brokaw; Gerhardt; Murphy

SB 2186 passed and the title was agreed to.

SB 2196: A BILL for an Act to amend and reenact subsection 3 of section 57-38-01 of the North Dakota Century Code, relating to federalization for income tax purposes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjerm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Martinson; Murphy

SB 2196 passed and the title was agreed to.

SB 2197: A BILL for an Act to amend and reenact sections 57-35-05, 57-35-08, and 57-35.1-05 of the North Dakota Century Code, relating to payment of tax by banks and trust companies and building and loan associations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 101 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Gorman; Graba; Lang; Murphy

SB 2197 passed and the title was agreed to.

REQUEST

REP. GRABA REQUESTED that the record show he intended to vote "yea" on SB 2197, which request was granted.

MOTION

REP. KLOUBEC MOVED that SB 2066 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 66 YEAS, 38 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, P.; Enget; Flaagan; Gates; Gerntholz; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hoffner; Howard; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Ness; Nicholas; Nowatzki; Oban;

Olson, V.; O'Shea; Ring; Rydell; Scherber; Schindler; Schmidt; Solberg; Sorensen; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Vander Vorst; Wald; Watne; Wentz; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, R.; Dalrymple; DeMers, J.; Dorso; Frey; Gerl; Gilmore; Gorman; Haugen; Hausauer, R.; Hokana; Huether; Kelly; Kouba; Myrdal; Nelson; Olsen, D.; Olson, A.; Payne; Peterson; Schatz; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Soukup; Starke; Timm; Ulmer; Urlacher; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerhardt; Murphy

SB 2066 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to SB 2217, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2217: A BILL for an Act to amend and reenact subsection 1 of section 57-51-05, subsection 3 of section 57-51-06, and sections 57-51-17 and 57-51-19 of the North Dakota Century Code, relating to interest to be paid on oil and gas production tax if an extension of time for payment has been granted, reports filed to facilitate the administration of the oil and gas production tax, and refunds of the oil and gas production tax; and to repeal sections 57-51-20 and 57-51.1-04 of the North Dakota Century Code, relating to statement sheets for oil or gas and the authority of the commissioner to accept production reports.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gertholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, D.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloube; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Murphy; Thompson, K.

SB 2217 passed and the title was agreed to.

SB 2221: A BILL for an Act to create and enact a new section to chapter 47-21 and a new subsection to section 57-40.3-11 of the North Dakota Century Code, relating to penalty and interest on tax levied on selling and licensing performing rights and fixing motor vehicle excise tax audit assessments; and to amend and reenact section 57-37.1-01 of the North Dakota Century Code, relating to the federalization of the estate tax.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Murphy

SB 2221 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that House Rule 402, pertaining to study resolutions being out of committee, be suspended, which motion prevailed.

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1001 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "Dakota" insert "and the livestock sanitary board;"

Page 1, line 9, after "officials" insert "and the livestock sanitary board"

Page 1, line 11, after "Dakota" insert "and the livestock sanitary board"

Page 1, line 15, replace "2,782,506" with "2,772,826"

Page 2, line 2, replace "4,494,676" with "4,484,996"

Page 2, line 4, replace "2,750,366" with "2,740,686"

Page 2, line 7, replace "231,721" with "223,769"

Page 2, line 10, replace "246,614" with "238,662"

Page 2, line 13, replace "988,306" with "980,673"

Page 2, line 18, replace "1,448,499" with "1,440,866"

Page 2, line 25, replace "8,011,092" with "8,203,485"

Page 3, line 3, replace "200,000" with "8,000"

Page 3, line 7, replace "12,182,170" with "12,182,563"

Page 3, line 9, replace "7,121,591" with "7,121,984"

Page 3, line 12, replace "3,370,998" with "3,363,365"

Page 3, line 16, replace "3,872,249" with "3,864,616"

Page 3, line 18, replace "3,411,138" with "3,403,505"

Page 3, line 21, replace "425,864" with "442,628"

Page 3, line 23, replace "53,683" with "65,214"

Page 3, after line 24, insert:

| | |
|-----------------------|----------------|
| "Total all funds | \$ 528,386 |
| Less estimated income | <u>5,000</u> " |

Page 3, line 25, replace "500,091" with "523,386"

Page 3, line 28, replace "9,024,903" with "8,936,142"

Page 4, line 1, replace "1,702,462" with "1,697,462"

Page 4, line 4, replace "12,367,561" with "12,273,800"

Page 4, line 5, replace "405,000" with "400,000"

Page 4, line 6, replace "11,962,561" with "11,873,800"

Page 4, line 9, replace "521,708" with "514,075"

Page 4, line 12, replace "606,435" with "598,802"

Page 4, line 14, replace "500,448" with "492,815"

Page 4, line 17, replace "4,115,599" with "4,231,055"

Page 4, line 19, replace "3,974,683" with "4,011,866"

Page 4, line 21, replace "8,394,186" with "8,546,825"

Page 4, line 23, replace "3,520,385" with "3,673,024"

Page 4, line 26, replace "2,241,114" with "1,987,403"

Page 4, line 28, replace "1,468,200" with "1,351,299"

Page 4, line 29, replace "12,396" with "11,496"

Page 5, line 2, replace "600,000" with "50,000"

Page 5, line 6, replace "5,627,530" with "4,706,018"

Page 5, line 7, replace "1,682,479" with "1,132,479"

Page 5, line 8, replace "3,945,051" with "3,573,539"

Page 5, line 11, replace "2,040,043" with "1,988,048"

Page 5, line 13, replace "529,070" with "528,102"

Page 5, line 14, replace "11,809" with "10,009"

Page 5, line 15, replace "2,581,890" with "2,527,127"

Page 5, after line 16, insert:

| | |
|----------------------------------|-------------|
| "Subdivision 13. | |
| LIVESTOCK SANITARY BOARD | |
| Salaries and wages | \$ 291,347 |
| Operating expenses | 183,901 |
| Equipment | 900 |
| Total general fund appropriation | \$ 476,148" |

Page 5, line 17, replace "35,691,256" with "35,842,927"

Page 5, line 18, replace "16,915,157" with "16,310,394"

Page 5, line 19, replace "52,606,413" with "52,153,321"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 101 - GOVERNOR'S OFFICE

The salaries and wages line item is reduced by \$9,680 from the general fund to delete funds for an increase for the Governor. The executive budget provided funding for a salary increase for the elected officials of five percent for the first year and four percent for the second year. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 106 - LIEUTENANT GOVERNOR

The salaries and wages line item is reduced by \$7,952 from the general fund to delete funds for an increase for the Lieutenant Governor. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 108 - SECRETARY OF STATE

The salaries and wages line item is reduced by \$7,633 from the general fund to delete funds for an increase for the Secretary of State. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 125 - ATTORNEY GENERAL

The salaries and wages line item is reduced by \$8,271 from the general fund to delete funds for an increase for the Attorney General. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

The salaries and wages line item is also increased by a total of \$200,664 from the general fund for three FTE positions. The amount of \$40,108 was added from the general fund for one FTE clerk proposed in the executive budget to be funded in the Tax Department related to revenue collection responsibilities. The House defeated House Bill No. 1216 that would have transferred the responsibilities to the Tax Department and therefore these amendments restore the position to the Attorney General's office. Also, \$160,556 from the general fund was added for two FTE positions deleted in the executive budget, a drug enforcement agent (\$69,832) and the Bureau of Criminal Investigation Director (\$90,724).

In addition, these amendments reduce the court monitor line item by \$192,000 from the general fund to provide \$8,000 for the biennium, \$400/day for 20 days.

DEPARTMENT 117 - STATE AUDITOR

The salaries and wages line item is reduced by \$7,633 from the general fund to delete funds for an increase for the State Auditor. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 120 - STATE TREASURER

| | GENERAL FUND | OTHER FUNDS | TOTAL |
|---|-----------------|----------------|------------|
| <u>Salaries and wages</u> | | | |
| Delete the salary increase for the treasurer* | \$ (7,633) | | \$ (7,633) |
| Add a .5 FTE clerk position related to the licensing of the wholesale beer and liquor industry | 24,397 | | 24,397 |
| <u>Operating expenses</u> | | | |
| Adds operating expenses for state employee travel (\$5,834), postage (\$50), telephone (\$1,047), and printing (\$4,600) related to the licensing of the wholesale beer and liquor industry | \$ 6,531 | \$ 5,000 | \$ 11,531 |
| Total | \$ 23,295 | \$ 5,000 | \$ 28,295 |

*Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 127 - TAX DEPARTMENT

The salaries and wages line item is decreased by a net reduction of \$88,761 from the general fund consisting of:

| | GENERAL FUND INCREASE (DECREASE) |
|---|--|
| Delete funds for the Tax Commissioner's salary increase* | \$ (7,633) |
| Delete two new FTE positions relating to city sales tax collections (one audit technician and one account technician) | (76,020) |
| Delete one FTE relating to revenue collection responsibilities that was proposed to be transferred from the Attorney General to the Tax Department in House Bill No. 1216, which the House defeated | (40,108) |
| Add funds to reduce the executive budget savings from vacant positions from \$250,000 to \$215,000 | <u>35,000</u> |
| Total Net Change | \$ (88,761) |

The operating expenses line item is reduced by \$5,000 from other funds related to wholesale beer and liquor tax collection responsibilities being transferred back to the treasurer's office. The House defeated House Bill No. 1216 that would have transferred these responsibilities.

* Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 406 - LABOR COMMISSIONER

The salaries and wages line item is reduced by \$7,633 from the general fund to delete funds for an increase for the Labor Commissioner. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

The salaries and wages line item is reduced by \$22,900 from the general fund to delete funds for increases for the three Public Service Commissioners. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

The salaries and wages line item is also increased by \$138,356 from the general fund to provide funding for two FTE in the grain elevator division which were deleted in the executive budget. This change provides the Public

Service Commission with 56 FTE, one FTE less than the 1987-89 biennium. The positions restored are as follows:

| | |
|----------------------------------|---------------|
| One FTE grain elevator director | \$ 81,161 |
| One FTE grain elevator inspector | <u>57,195</u> |
| Total | \$ 138,356 |

The operating expenses line item is increased by \$37,183 from the general fund for travel and other expenses relating to the grain elevator position.

DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

The salaries and wages line item is reduced by a total of \$253,711 from the general fund.

The salaries and wages line item is reduced by \$7,633 from the general fund to delete funds for the increase for the Agriculture Commissioner. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

The salaries and wages line item is reduced by \$246,078 from the general fund for the transfer of three FTE of the Livestock Sanitary Board, which the executive budget consolidated with the Agriculture Department, to a separate budget as a result of the defeat of House Bill No. 1208. This change provides the Agriculture Department with 32 FTE, three FTE less than the 1987-89 biennium.

The operating expenses line item is reduced by a total of \$116,901 from the general fund.

The operating expenses line item is increased by \$67,000 from the general fund for the following:

| | |
|---|------------------|
| Increases funding for the Pride of Dakota program | \$ 5,000 |
| Increases funding for payments to the state motor pool | 12,000 |
| Increases funding for the dairy division's lab analysis fees due to a 61 percent increase in testing costs for the 1989-91 biennium | 50,000 |
| Total | <u>\$ 67,000</u> |

The operating expenses line item is reduced by \$183,901 due to transferring the Livestock Sanitary Board out of the Agriculture Department as a result of House Bill No. 1208 failing.

The equipment line item is reduced by \$900 from the general fund due to the transfer of the Livestock Sanitary Board out of the Agriculture Department as a result of the defeat of House Bill No. 1208. The waterbank program line item is reduced by \$550,000 of other funds, from \$600,000 to \$50,000.

DEPARTMENT 401 - INSURANCE COMMISSIONER

The salaries and wages line item is reduced by \$7,633 from other funds to delete funds for an increase for the Insurance Commissioner. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

The salaries and wages line item is also reduced by \$44,362 from other funds to delete funding for an accountant I position added in the executive budget.

The operating expenses line item is reduced by \$968 and the equipment line item by \$1,800 from other funds to delete funding added in the executive budget for expenses related to the position.

DEPARTMENT 617 - LIVESTOCK SANITARY BOARD

This amendment, due to the defeat of House Bill No. 1208, separates the Livestock Sanitary Board's budget from the Agriculture Department. The two were consolidated in the executive budget.

The salaries and wages line item is increased by \$45,269 from the general fund for one FTE administrative secretary III position which the executive budget deleted. This change provides the Livestock Sanitary Board with four FTE, 1.2 FTE less than the 1987-89 biennium. Other compensation adjustments reflect House salary policy contained in House Bill No. 1005.

House Bill No. 1001 in total is reduced by \$453,092, a \$151,671 increase in the general fund and a \$604,763 decrease in other funds.

HB 1001 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1003 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1003 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1004 has had the same under consideration and recommends by a vote of 14 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "making" with "to make"

Page 1, line 3, replace "providing" with "to amend and reenact section 54-14-08 of the North Dakota Century Code, relating to the withholding of amounts of state employees' compensation; and to provide"

Page 1, line 4, remove "providing"

Page 1, line 17, replace "5,272,565" with "4,977,321"

Page 1, line 18, replace "2,152,745" with "2,145,745"

Page 1, line 19, replace "3,040,599" with "2,985,861"

Page 1, line 20, replace "68,485" with "64,785"

Page 2, line 1, replace "184,030" with "193,035"

Page 2, line 2, replace "Comparable worth" with "Pay equity adjustments" and replace "2,500,000" with "500,000"

Page 2, line 3, replace "39,002,567" with "36,650,890"

Page 2, line 5, replace "9,671,582" with "7,319,905"

Page 2, line 8, replace "7,653,568" with "7,332,113"

Page 2, line 9, replace "20,746,574" with "19,646,574"

Page 2, line 10, replace "5,532,000" with "5,522,000"

Page 2, line 11, replace "33,932,142" with "32,500,687"

Page 2, line 19, replace "9,671,582" with "7,319,905"

Page 2, line 20, replace "65,595,495" with "64,164,040"

Page 2, line 21, replace "75,267,077" with "71,483,945"

Page 3, after line 13, insert:

"SECTION 6. AMENDMENT. Section 54-14-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-14-08. All departments, agencies, boards, commissions, and institutions in state government shall have the authority to withhold ~~Withholding~~ certain amounts from state employees' compensation. All departments, agencies, boards, commissions, and institutions in state government shall compute and withhold from state employees' monetary compensation only those amounts ~~which are~~ required by law to be withheld and only those other items approved by the office of the budget. However, amounts may not be withheld or deducted from state employees' monetary compensation for the payment of insurance premiums, except life or health insurance premiums or amounts deferred to fund a deferred compensation program, unless otherwise specifically authorized by law."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

GENERAL
FUND

Salaries and wages*

Deletes two personnel
analyst II positions related
to the increased demands on the
State Personnel Board

\$ (132,290)

Deletes a chief negotiator
position and the Division of
Employee Relations

(119,497)

| | |
|---|----------------|
| Deletes an administrative assistant I position related to the Division of Employee Relations | (43,457) |
| | <hr/> |
| | \$ (295,244) |
| <u>Data processing</u> | |
| Deletes the data processing related to the creation of a Division of Employee Relations | \$ (7,000) |
| <u>Operating expenses</u> | |
| Deletes the operating expenses related to the creation of a Division of Employee Relations | \$ (13,200) |
| Deletes the operating expenses related to the two analyst positions deleted above | (41,538) |
| | <hr/> |
| | \$ (54,738) |
| <u>Equipment</u> | |
| Deletes the equipment related to the creation of a Division of Employee Relations | \$ (3,700) |
| <u>State memberships</u> | |
| Provides for a \$30,000 appropriation for the dues and travel expenses of the members of the Commission on Uniform State Laws | \$ 9,005 |
| <u>Comparable worth</u> | |
| Deletes the amount allowed for comparable worth | \$ (2,500,000) |
| <u>Pay equity adjustment</u> | |
| Provides for pay equity adjustments | \$ 500,000 |
| | <hr/> |
| Total | \$ (2,351,677) |

*The compensation adjustments reflect House salary policy contained in House Bill No. 1005.

DEPARTMENT 112 - CENTRAL DATA PROCESSING

INCREASE
(DECREASE)Salaries and wages*

Five programmer/analyst positions are deleted \$ (321,455)

Operating expenses

Removes the funds for downpayment of upgrade of the central processor. If the upgrade is necessary during the 1989-91 biennium, a greater portion of the upgrade will need to be financed. \$ (1,100,000)

Equipment

Deletes the equipment request associated with the five positions deleted above \$ (10,000)

Total special funds \$ (1,431,455)

*The compensation adjustments reflect House salary policy contained in House Bill No. 1005.

HB 1004 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1006 has had the same under consideration and recommends by a vote of 20 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 20, replace "447,011" with "487,011"

Page 1, line 21, replace "3,625,933" with "3,585,933"

Page 2, line 2, replace "2,217,546" with "2,326,575"

Page 2, line 4, remove the line under "10,540"

Page 2, after line 4, insert:

"Capital improvements 12,600"

Page 2, line 5, replace "2,699,965" with "2,821,594"

Page 2, line 6, replace "399,610" with "433,310"

Page 2, line 7, replace "2,300,355" with "2,388,284"

Page 2, line 8, replace "5,926,288" with "5,974,217"

Page 2, line 9, replace "846,621" with "920,321"

Page 2, line 10, replace "6,772,909" with "6,894,538"

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 252 - SCHOOL FOR THE DEAF

Compensation adjustments in the bill reflect House salary policy contained in House Bill No. 1005.

This amendment provides for \$40,000 additional investment income based on revised projections by the Land Department of \$316,000 instead of \$276,000 as projected for the executive budget.

DEPARTMENT 253 - SCHOOL FOR THE BLIND

| DESCRIPTION | GENERAL FUND | OTHER FUNDS | TOTAL |
|--|-----------------|----------------|------------|
| Increases salaries and wages to provide for the phaseout of the adult deaf-blind program as of June 30, 1991, instead of June 30, 1990* | \$ 109,029 | \$ | \$ 109,029 |
| Adds a capital improvements line item to provide for remodeling the daily living skills classroom (\$6,800) and to remodel the present superintendent's living quarters (\$5,800) to therapy rooms and offices and to provide a hallway through the quarters | 12,600 | | 12,600 |
| Provides for additional investment income based on revised projections by the Land Department of \$286,000 instead of \$252,300 as projected for the executive budget | (33,700) | 33,700 | |
| Total increase (decrease) | \$ 87,929 | \$ 33,700 | \$ 121,629 |

Compensation adjustments contained in the bill reflect House salary policy contained in House Bill No. 1005.

*The executive recommendation provides that the adult deaf-blind program be discontinued effective June 30, 1990. This amendment allows the program to continue until the end of the 1989-91 biennium by providing salaries for the 5.88 FTE positions associated with the program for the last year of the biennium. It is intended that the program will be discontinued effective June 30, 1991.

HB 1006 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1007 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, replace "840,438" with "870,438"

Page 1, line 16, replace "3,242,275" with "3,272,275"

Page 1, line 18, replace "2,296,252" with "2,326,252"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 250 - STATE LIBRARY

The operating expenses line item is increased by \$30,000 from the general fund to provide additional funds for postage and telephone costs.

HB 1007 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1008 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1008 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1010 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1010 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1011 has had the same under consideration and recommends by a vote of 18 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "and" with a semicolon

Page 1, line 4, after "fund" insert "; and to provide for a statement of legislative intent"

Page 1, line 13, replace "1,236,155" with "1,235,426"

Page 1, line 14, replace "1,743,049" with "1,690,229"

Page 1, after line 17, insert:

"Civil air patrol 70,000"

Page 2, line 2, replace "11,841,959" with "11,858,410"

Page 2, line 4, replace "3,040,510" with "3,056,961"

Page 2, after line 12, insert:

"SECTION 3. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the adjutant general not

vacate any armories prior to July 1, 1989, and that the adjutant general receive the approval of the budget section of the legislative council prior to vacating any armories during the period beginning July 1, 1989, and ending June 30, 1991. However, if the city in which an armory is located does not object to an armory being vacated, the adjutant general may vacate the armory without the approval of the budget section of the legislative council."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

| | GENERAL FUND |
|--|-----------------|
| <u>Salaries and wages*</u> | |
| Removes the salaries and wages related to the Civil Air Patrol | \$ (729) |
| <u>Operating expenses</u> | |
| Removes the operating expenses related to the Civil Air Patrol | (52,820) |
| <u>Civil Air Patrol</u> | |
| Creates a new line item to provide for the Civil Air Patrol which includes one FTE administrative employee | 70,000 |
| | <hr/> |
| Total | \$ 16,451 |

*Compensation adjustment reflects House salary policy contained in House Bill No. 1005.

Adds a statement of legislative intent regarding the vacating of National Guard armories.

HB 1011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1012 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, after the semicolon, insert "to establish a joint medicaid payment account;"

Page 1, line 6, after "expenses" insert ", chemical dependency treatment services, the Family Support Act of 1988, the guardianship project," and after "payments" insert "; and to declare an emergency"

Page 1, line 15, replace "134,095,577" with "134,431,003"

Page 1, line 17, replace "42,762,993" with "42,502,943"

Page 1, line 18, replace "1,071,983" with "1,082,113"

Page 1, line 20, replace "560,710,257" with "560,402,363"

Page 1, after line 20, insert:

"Community chemical dependency treatment enhancement 534,000"

Page 1, line 22, replace "753,778,574" with "754,090,186"

Page 2, line 1, replace "517,446,745" with "517,062,486"

Page 2, line 2, replace "236,331,829" with "237,027,700"

Page 2, after line 15, insert:

"SECTION 4. JOINT MEDICAID PAYMENT ACCOUNT - EDUCATIONALLY RELATED SERVICES. The state treasurer shall establish a joint medicaid payment account for the department of human services and the department of public instruction to pay for services provided handicapped children allowed under the Medicare Catastrophic Act of 1988. This account shall be for the receipt and payment of department of public instruction matching funds and department of human services federal medicaid funds for the purpose of making payments to the provider or providers of services as directed by the department of human services. The department of public instruction shall provide the department of human services such administrative services in the documentation and payment of these funds as the department of human services may request.

SECTION 5. LEGISLATIVE INTENT - COMMUNITY CHEMICAL DEPENDENCY TREATMENT ENHANCEMENT. It is the intent of the legislative assembly that the community chemical dependency treatment enhancement line item in section 1 of this Act of \$534,000 from the general fund be used for the development of community-based social detoxification, assessment, and counseling services while maintaining a chemical dependency unit at the state hospital. Of the total, \$384,000 is provided for development of community social detoxification/ assessment services by April 1, 1990. It is the intent of the legislative assembly that as these community services are developed a reduction in admissions to the state hospital will be achieved resulting in reducing the number of wards at the hospital from four to three by July 1, 1990. Of the total, \$150,000 shall be provided to enhance additional addiction services for the population diverted from the state hospital. These services shall be community based and may include residential care and counseling services.

SECTION 6. LEGISLATIVE INTENT - FAMILY SUPPORT ACT OF 1988. Provided within the general fund moneys appropriated under section 1 of this Act is \$2,462,740 to defray the state's estimated share of the costs to implement the mandatory features of the Family Support Act of 1988 [Pub. L. 100-485; 102 Stat. 2343] during the biennium beginning July 1, 1989, and ending June 30, 1991. The legislative assembly recognizes the need to comply with the mandatory provisions of the Family Support Act of 1988 and the uncertainties inherent in estimating the money necessary to comply with the new program requirements. If the \$2,462,740 from the general fund is determined by the department of human services to be insufficient to comply with the federal enactment during the biennium beginning July 1, 1989, and ending June 30, 1991, the department shall report to the budget section the amount of the

projected deficiency appropriation that will be introduced to the fifty-second legislative assembly.

SECTION 7. LEGISLATIVE INTENT - GUARDIANSHIP PROJECT. It is the intent of the legislative assembly that \$50,000 appropriated under section 1 of this Act be used by the department of human services to defray the costs of a pilot temporary guardianship project. For such purposes, the department may contract with a nonprofit corporation established to provide guardianship services on behalf of incapacitated persons with no guardian for whom an emergency exists and the court finds immediate action is necessary. Such guardianship shall be for a specific period not to exceed six months. The department shall prescribe guidelines for the project and evaluate the project operations."

Page 2, line 17, replace "one-half" with "twenty-five percent"

Page 2, after line 21, insert:

"SECTION 9. EMERGENCY. The community chemical dependency treatment enhancement line item in section 1 of this Act and section 5 of this Act are declared to be emergency measures."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

| | Salary and Wages | Rate Processing | Operating Expenses | Equipment | Capital Improvements | Grants, Benefits, and Claims | Developmental Disabilities Loan Fund | Other | Total All Funds | Less Estimated Income | General Fund |
|--|------------------|-----------------|--------------------|------------|----------------------|------------------------------|--------------------------------------|----------|-----------------|-----------------------|--------------|
| Total House Bill No. 1012 as introduced | 0134,096,677 | 011,330,181 | 042,762,993 | 01,071,903 | 01,969,667 | 0640,710,257 | 01,057,956 | | 0753,778,674 | 0517,046,745 | 0236,731,929 |
| Changes: | | | | | | | | | | | |
| Increase funding for SPEB program to provide a total of 06,637,000 | | | | | | 0 800,000 | | | 0 800,000 | | 0 800,000 |
| Increase funding for a community chemical dependency treatment enhancement | | | | | | | | 0634,000 | 534,000 | | 534,000 |
| Increase funding for senior citizen mill levy match to provide a total of 01,128,000 | | | | | | 500,000 | | | 500,000 | | 500,000 |
| Increase funding for Northeast Human Service Center addition services to provide eight FTE | 0 394,601 | | 0 (123,949) | 0 11,855 | | | | | 282,207 | 0 32,207 | 250,000 |
| Add funds for guardianship project | | | 50,000 | | | | | | 50,000 | | 50,000 |
| Add federal portion of Medicaid funds for services to special education students | | | | | | 1,320,000 | | | 1,320,000 | 1,320,000 | |
| Change allocation of child support incentive payments to 75:25 (county:state) | | | | | | (1234,000) | | | (1234,000) | (1234,000) | |
| Subtotal additions | 0 394,601 | 0 0 | 0 (173,949) | 0 11,855 | 0 0 | 0 2,306,000 | 0 0 | 0634,000 | 0 3,252,207 | 0 3,118,207 | 0 2,134,000 |

| | Salaries and Wages | State Processing | Operating Expenses | Equipment | Capital Improvements | Grants, Benefits, and Claims | Developmental Disabilities Loan Fund | Other | Total All Funds | Less Estimated Income | General fund |
|--|-----------------------|---------------------|-----------------------|--------------------|-------------------------|------------------------------------|--|------------------|-----------------------|-----------------------------|-----------------------|
| Increase estimated income for recoveries from estates | | | | | | | | | \$ 350,000 | \$ (350,000) | |
| Increase estimated Land Department income | | | | | | | | | | 43,750 | (43,750) |
| Reduce foster care January 1990 inflation increase from 4% to 2% | | | | | | \$ (297,208) | | | \$ (297,200) | (99,522) | (197,678) |
| Reduce CHI enhancement/ alcohol and drug counselor | \$ (59,175) | | \$ (6,101) | \$ (1,425) | | | | | (67,701) | | (67,701) |
| Revised welfare reform cost estimation | | | | | | 12,396,694 | | | (12,396,694) | (1,794,694) | (140,000) |
| Reduce operating expenses departmentwide | | | (180,000) | | | | | | (180,000) | | (180,000) |
| Total reductions | \$ (59,175) | \$ 0 | \$ (166,101) | \$ (1,425) | \$ 0 | \$ (2,693,894) | \$ 0 | \$ 0 | \$ (2,940,695) | \$ (1,502,464) | \$ (1,438,231) |
| Department of Human Services as awarded | \$134,431,405 | \$11,330,151 | \$42,582,945 | \$1,082,133 | \$1,949,657 | \$540,402,363 | \$1,837,954 | \$534,800 | \$764,090,186 | \$517,042,484 | \$237,027,700 |

In addition, these amendments add sections of legislative intent regarding community chemical dependency treatment enhancement, the Family Support Act of 1988, and a guardianship project, and a section establishing a joint Medicaid payment account to pay for services provided handicapped children from special education funds of the Department of Public Instruction and Medicaid funds of the Department of Human Services. Also, the community chemical dependency treatment enhancement line item and Section 5 are emergency measures.

The salaries and wages in this bill, including the Grafton State School and the State Hospital, are in accordance with the House salary policy contained in House Bill No. 1005.

These amendments include amounts provided for the State Developmental Center (Grafton State School) as follows:

| LINE ITEM | STATE DEVELOPMENTAL CENTER (GRAFTON STATE SCHOOL) (AS INCLUDED IN THE EXECUTIVE BUDGET) |
|-----------------------|--|
| Salaries and wages | \$ 39,896,290 |
| Data processing | 14,765 |
| Operating expenses | 7,537,363 |
| Equipment | 176,150 |
| Capital improvements | 1,071,417 |
| Total all funds | <u>\$ 48,695,985</u> |
| Less estimated income | 46,616,144 |
| General fund | <u>\$ 2,079,841</u> |

These amendments include amounts provided for the State Hospital as follows:

| LINE ITEM | STATE HOSPITAL (AS INTRODUCED IN THE EXECU- TIVE BUDGET) | ADDITIONAL LAND DEPARTMENT INCOME | STATE HOSPITAL AS AMENDED |
|-----------------------|---|--|---------------------------------|
| Salaries and wages | \$ 40,430,050 | | \$ 40,430,050 |
| Data processing | 776,876 | | 776,876 |
| Operating expenses | 7,587,098 | | 7,587,098 |
| Equipment | 286,939 | | 286,939 |
| Capital improvements | 898,240 | | 898,240 |
| Total all funds | <u>\$ 49,979,203</u> | | <u>\$ 49,979,203</u> |
| Less estimated income | 14,633,123 | \$ 43,750 | 14,676,873 |
| General fund | <u>\$ 35,346,080</u> | <u>\$ (43,750)</u> | <u>\$ 35,302,330</u> |

These amendments include amounts provided for the regional human service centers as follows:

| HUMAN SERVICE CENTER | TOTAL ALL FUNDS | GENERAL FUND | ESTIMATED INCOME |
|---|-----------------------|-----------------|---------------------|
| Northwest, Williston | \$ 4,299,435 | \$ 2,827,205 | \$ 1,472,230 |
| North Central, Minot | 5,553,652 | 4,524,775 | 1,028,877 |
| Lake Region, Devils Lake | 3,477,984 | 2,728,592 | 749,392 |
| Northeast, Grand Forks | 7,163,443 | 4,623,168 | 2,540,275 |
| Southeast, Fargo | 7,828,515 | 5,658,665 | 2,169,850 |
| South Central, Jamestown | 4,785,619 | 3,406,043 | 1,379,576 |
| West Central, Bismarck | 7,921,139 | 6,120,509 | 1,800,630 |
| Badlands, Dickinson | 4,192,099 | 3,267,751 | 924,348 |
| ***** | | | |
| Total House Bill No. 1012, as introduced | \$ 45,221,886 | \$ 33,156,708 | \$ 12,065,178 |
| Changes in these amendments | <u>215,506</u> | <u>183,299</u> | <u>32,207</u> |
| House Bill No. 1012, as amended | \$ 45,437,392 | \$ 33,340,007 | \$ 12,097,385 |

HB 1012 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1013 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 14, replace "51,699" with "260,347"

Page 1, line 15, replace "1,400" with "1,500"

Page 1, line 16, replace "450,000" with "691,251"

Page 1, line 17, replace "840,001" with "1,290,000"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

The operating expenses line item is increased by \$208,648 from the general fund; \$200,000 for contract mapping and \$8,648 for administration.

The equipment line item is increased by \$100 from the general fund.

The grants line item is increased by \$241,251 for the soil conservation technician grants program.

HB 1013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1022 has had the same under consideration and recommends by a vote of 21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after "Dakota" insert "; to amend and reenact subsection 22 of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; and to declare an emergency"

Page 1, line 16, replace "1,919,625" with "2,389,625"

Page 1, line 19, replace "675,000" with "775,000"

Page 1, after line 21, insert:

"Upland game bird stocking 75,000"

Page 2, line 2, replace "20,164,401" with "20,809,401"

Page 2, line 4, replace "675,000" with "775,000"

Page 2, line 6, remove "the habitat restoration fund from the collection of"

Page 2, line 7, replace "fee" with "program fund"

Page 2, after line 25, insert:

"SECTION 5. AMENDMENT. Subsection 22 of section 20.1-03-12 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

22. For a motorboat certificate of number and license, ~~the following license fees shall be used:~~ Each motorboat under sixteen feet [4.88 meters] in length, and all canoes, regardless of length, powered by a motor, ~~six~~ twelve dollars. Each motorboat sixteen feet [4.88 meters] in length and over but shorter than twenty-two feet [6.71 meters] in length, excluding canoes, fifteen thirty dollars. It is the intent of the legislative assembly that the increase in motorboat license fees, as provided by the 1987 amendment to this subsection, be used for providing matching funds for construction and installation of boat launching facilities Each motorboat twenty-two feet [6.71 meters] in length or over excluding canoes, sixty dollars.

SECTION 6. EMERGENCY. The grants, benefits, and claims and the capital improvements line items contained in section 1 of this Act are declared to be emergency measures."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH

The amendment increases the three-year boat license fees for boats 16 feet and under and for boats between 16 feet and 22 feet, from \$6 and \$15 to \$12 and \$30 respectively. Also, a third fee of \$60 is created for boats 22 feet or longer. The added revenue of \$470,000 generated from the increased fees is added to the grants line item to be used for boating.

The wildlife habitat line item and the transfer from the habitat restoration stamp fund is increased by \$100,000, from \$675,000 to \$775,000.

A new line item is added for upland game bird stocking in the amount of \$75,000 from the game and fish operating fund.

An emergency section is added to make the grants and capital improvements line items emergency measures in order to begin work on boating ramps and other projects prior to July 1, 1989.

HB 1022 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1023 has had the same under consideration and recommends by a vote of 21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1023 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1024 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, replace "4,987,244" with "5,004,844"

Page 1, line 20, replace "4,662,879" with "4,772,879"

Page 1, line 21, replace "11,056,852" with "11,184,452"

Page 2, line 1, replace "7,162,102" with "7,272,102"

Page 2, line 2, replace "3,894,750" with "3,912,350"

Page 2, line 10, replace "3,894,750" with "3,912,350"

Page 2, line 11, replace "34,953,506" with "37,763,506"

Page 2, line 12, replace "38,848,256" with "41,675,856"

Page 2, after line 28, insert:

"SECTION 5. GRANTS, BENEFITS, AND CLAIMS. Section 54-44.1-11 of the North Dakota Century Code shall not apply to appropriations made for grants, benefits, and claims in this Act. However, this exclusion shall only be in effect for the two-year period after June 30, 1991. Any unexpended funds after that period has elapsed shall be transferred to the resources trust fund.

SECTION 6. RESOURCES TRUST FUND APPROPRIATION - ADJUSTMENT. In the event the resources trust fund estimated 1989-91 revenues are in excess of \$5,854,410, any excess, up to \$2,700,000 or so much thereof as is necessary, is hereby appropriated, and subject to emergency commission approval, shall be transferred by the office of management and budget from the resources trust fund to the state water commission for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

These amendments add \$17,600 from the general fund to the salaries and wages line item to restore one part-time position in the Engineering Division deleted in the executive budget.

In addition, the grants line item is increased by \$110,000 from other funds to allow the expenditure of amounts received from political subdivisions for water resource development.

A new section is added exempting the grants line item from North Dakota Century Code Section 54-44.1-11 relating to the cancellation of unexpended appropriations at the end of the biennium. Also a section is added that appropriates and transfers, subject to Emergency Commission approval, any additional moneys in the resources trust fund up to \$2.7 million.

Compensation adjustments in the bill reflect House salary policy contained in House Bill No. 1005.

HB 1024 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1032 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same and BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HB 1032 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1033 has had the same under consideration and recommends by a vote of 13 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1033 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1034 has had the same under consideration and recommends by a vote of 14 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, remove "to"

Page 1, line 5, remove "provide an appropriation;"

Page 1, line 10, remove "physical"

Page 1, line 11, remove "effort,"

Page 2, remove lines 11 through 16

Page 2, line 17, replace "Sections 1 and 2 of this" with "This" and replace "become" with "becomes"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes physical effort as a compensable factor under the North Dakota Class Evaluation System and deletes the \$337,416 general fund appropriation to the Office of Management and Budget contained in the bill for additional analysts to help prepare for the implementation of the Act.

HB 1034 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1040 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove "; and to provide an appropriation"

Page 2, remove lines 4 through 18

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment remove the \$922,340 (\$694,340 from the general fund) appropriation for defraying expenses related to emergency medical services because these funds have been included in Senate Bill No. 2006, Department of Health and Consolidated Laboratories.

HB 1040 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1045 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1045 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1046 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1046 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1063 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after the semicolon insert "providing an appropriation to the capitol grounds planning commission for defraying expenses;"

Page 1, line 5, remove "interest and income fund of the"

Page 1, line 6, replace "\$14,300" with "\$302,300"

Page 1, line 8, after "wing" insert "and capitol grounds" and after "capitol" insert "and the sum of \$25,000, or so much thereof as may be necessary, to the capitol grounds planning commission to defray its expenses"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides an additional \$288,000 from the Capitol building fund for the following improvements:

| | |
|---|-----------|
| New microphone systems in the House and Senate chambers | \$165,000 |
| Lighting around the Capitol mall and on permanent walkways on the Capitol grounds | 75,000 |
| Installation of model electronics/video | 35,000 |

| | |
|---|--------------|
| communication in the Harvest and Roughrider Rooms | |
| First phase of decor development in the Brynhild | 10,000 |
| Haugland Room | |
| Repair microphones in Roughrider Room | <u>3,000</u> |
| Total | \$288,000 |

This amendment also provides for a \$25,000 appropriation to the Capitol Grounds Planning Commission to defray its expenses.

HB 1063 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1077 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "a continuing" with "an"

Page 2, line 22, remove the dash

Page 2, line 23, remove "Continuing appropriations"

Page 2, line 24, after "expend" insert "subject to legislative appropriation"

Page 2, line 29, remove "trust"

Page 3, line 1, remove "trust"

Page 3, line 4, remove "trust" and remove "There is hereby appropriated out"

Page 3, replace lines 5 through 8 with:

"SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the children's services coordinating committee fund, \$2,650,000, or so much thereof as may be necessary, to the children's services coordinating committee for the purpose of planning, coordinating, or providing services to children and adolescents for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

These amendments remove the continuing appropriation and provide a specific appropriation of \$2,650,000 from any additional grants, gifts, or interest income received by the Children's Services Coordinating Committee during the 1989-91 biennium. These funds are in addition to \$2,520,424 in estimated income appropriated in Senate Bill No. 2019.

HB 1077 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1230 has had the same under consideration and recommends by a vote of 14 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING that the

same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, remove line 2

Page 1, line 3, remove "half or more of their salary from grant or contract sources and for"

Page 1, line 4, replace "and their associated support staff" with "at state institutions of higher education who earn their total salary from grant or contract sources"

Page 1, line 6, replace "Nontenure-track faculty, full-time" with "Full-time"

Page 1, line 7, remove ", and support staff"

Page 1, line 8, replace "nontenure-track faculty" with "contract research professionals"

Page 1, line 9, remove "fifty percent or more of"

Page 1, line 10, after "their" insert "total" and remove "and full-time"

Page 1, line 11, remove "contract research professionals and their associated support staff"

Page 1, line 14, remove "Salary increases"

Page 1, remove lines 15 through 17

ReNUMBER accordingly

HB 1230 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1299 has had the same under consideration and recommends by a vote of 16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 7, replace "general" with "game and fish"

ReNUMBER accordingly

HB 1299 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1326 has had the same under consideration and recommends by a vote of 20 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1326 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred HB 1341 has had the same under consideration and

recommends by a vote of 16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1341 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1337 has had the same under consideration and recommends by a vote of 17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1337 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1401 has had the same under consideration and recommends by a vote of 19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove "; and to provide an appropriation"

Page 2, remove lines 11 through 22

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment deletes the appropriation of \$344,000 from the general fund for vocational rehabilitation teacher positions.

HB 1401 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1415 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 13, after "APPROPRIATION" insert "- TRANSFER" and replace "There is hereby appropriated out of any" with "The amount"

Page 2, remove line 14

Page 2, line 15, after the fourth comma insert "is hereby appropriated from the highway tax distribution fund and shall be transferred by the office of management and budget"

Page 2, line 18, after "fuels" insert "tax"

Page 2, line 21, after "fuels" insert "tax"

Page 2, line 25, after "approved" insert "by the agricultural products utilization commission"

Page 3, line 5, after "highway" insert "tax"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT COMMISSION

This amendment clarifies the language relating to the appropriation to the agriculturally derived fuels tax fund for the purpose of providing subsidies to North Dakota ethanol plants for the 1989-91 biennium.

HB 1415 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1421 has had the same under consideration and recommends by a vote of 14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "three" with "four"

Page 1, line 3, remove the first "and" and after "schools" insert ", and supervision or administration by state-approved private or parochial schools"

Page 5, line 12, after "employed" insert "either" and after "resides" insert "or, if requested by the parent, by a state-approved private or parochial school"

Page 6, line 21, after "resides" insert "or, if requested by the parent, a standardized achievement test used by a state-approved private or parochial school"

Page 6, line 22, remove "The cost of such testing must be"

Page 6, line 23, remove "borne by the local school district in which the child resides."

Page 6, line 26, after "resides" insert "or, if requested by the parent, employed by a state-approved private or parochial school" and after the underscored period insert "The cost of such testing must be borne by the local school district in which the child resides if the test is administered by a certified teacher employed by a public school district or by the parent of the child if the test is administered by a certified teacher employed by a state-approved private or parochial school."

Page 8, after line 16, insert:

"SECTION 7. A new section to chapter 15-34.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Supervision or administration by a state-approved private or parochial school. Any certified teacher employed by a state-approved private or parochial school who supervises home-based instruction or who administers a standardized achievement test to children receiving home-based instruction must notify the child's public school district of residence that the teacher is providing such supervision or administration. The parent of any student receiving home-based instruction that is supervised by or taking a test administered by a certified teacher employed by a state-approved private or parochial

school is responsible for any costs charged by the state-approved private or parochial school for such supervision or administration."

Renumber accordingly

HB 1421 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1435 has had the same under consideration and recommends by a vote of 21 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1435 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1438 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1438 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1472 has had the same under consideration and recommends by a vote of 21 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1472 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1604 has had the same under consideration and recommends by a vote of 17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, after "diseases" insert ", with emphasis on abstinence"

Page 4, line 25, replace "is authorized" with "may employ"

Page 4, line 28, remove "and approval"

Page 5, line 1, replace "Each local comprehensive health education" with "The superintendent shall review each proposed program submitted and may make specific recommendations to the local school district to improve the program. Upon review by the superintendent and consideration by the local school board of any recommendations made by the superintendent"

Page 5, remove line 2

Page 5, line 3, remove "by the superintendent. Upon approval"

Page 5, line 4, remove "in accordance with the"

Page 5, line 5, remove "rules"

Page 5, after line 12, insert:

"SECTION 8. Limitations. This Act does not authorize, accommodate, facilitate, or promote linked or school-based sex clinics."

Renumber accordingly

HB 1604 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1618 has had the same under consideration and recommends by a vote of 20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1618 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1626 has had the same under consideration and recommends by a vote of 17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1626 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HCR 3068 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3068 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred HCR 3070 has had the same under consideration and recommends by a vote of 15 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3070 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred HCR 3079 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3079 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred SB 2091 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING that the same DO PASS.

SB 2091 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2100 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2100 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2101 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2101 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2119 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 17, after "section" insert ", unless good cause for failure to obey is shown,"

Renumber accordingly

SB 2119 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2126 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2126 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2132 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2132 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2134 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2134 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2138 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2138 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2140 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2140 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2142 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2142 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2143 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2143 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2144 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2144 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2151 has had the same under consideration and recommends by a vote of 12 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2151 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred SB 2167 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING that the same DO PASS.

SB 2167 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred SB 2174 has had the same under consideration and recommends by a vote of 12 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2174 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4042, SCR 4047, SB 2029.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4022, SCR 4041, SCR 4044, SCR 4045, SCR 4053.

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill to create and enact chapter 39-06.2 of the North Dakota Century Code, relating to commercial driver's licensing, testing for and issuance of a commercial driver's license, employer and employee responsibilities, suspension or revocation of a commercial driver's license, and classification of commercial motor vehicles; to amend and reenact section 39-06-14, subsection 3 of section 39-06-17, subsections 4 and 7 of section 39-06-32, and subsections 1, 2, 3, and 4 of section 39-20-07 of the North Dakota Century Code, relating to classification of drivers' licenses, a restricted operator's license or permit, refusal of a chemical test in another state, and blood alcohol concentration and its applicability to chapter 39-06.2; and to provide an effective date and application of this Act to existing operators' licenses.

It shall be numbered HB 1666.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF HOUSE BILLS

Reps. Timm, R. Anderson and Sens. Schoenwald, Satrom introduced:
(Approved by the Committee on Delayed Bills)

HB 1666: A BILL for an Act to create and enact chapter 39-06.2 of the North Dakota Century Code, relating to commercial driver's licensing, testing for and issuance of a commercial driver's license, employer and employee responsibilities, suspension or revocation of a commercial driver's license, and classification of commercial motor vehicles; to amend and reenact section 39-06-14, subsection 3 of section 39-06-17, subsections 4 and 7 of section 39-06-32, and subsections 1, 2, 3, and 4 of section 39-20-07 of the North Dakota Century Code, relating to classification of drivers' licenses, a restricted operator's license or permit, refusal of a chemical test in another state, and blood alcohol concentration and its applicability to chapter 39-06.2; and to provide an effective date and application of this Act to existing operators' licenses.

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

MOTIONS

REP. LINDGREN MOVED that SB 2309 be returned to the House floor from the Committee on Political Subdivisions and be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. Lindgren's motion, SB 2309 was rereferred.

REP. KLOUBEC MOVED that the rules be suspended and that HB 1001, HB 1004, HB 1007, HB 1011, HB 1012, HB 1013, and HB 1022 be placed at the top of the Sixth order of business on today's calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1001 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1001 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act making an appropriation for defraying the expenses of various elected officials of the state of North Dakota and the livestock sanitary board; and to provide for transfers.

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, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Lang; Melby

ABSENT AND NOT VOTING: Gerhardt; Murphy

HB 1001 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1004 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1004 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget of the state of North Dakota; to amend and reenact section 54-14-08 of the North Dakota Century Code, relating to the withholding of amounts of state employees' compensation; and to provide for a transfer from the preplanning revolving fund and an exemption to the provisions of section 54-44.1-11.

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, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Gates; Gerntholz; Gilmore; Goetz; Gorman; Graba; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Brokaw; Frey; Gerl; Gunsch; Halmrast; Lang; Marks; Melby; Ness; Ring; Scherber; Schmidt; Thompson, V.; Tokach; Tomac; Ulmer; Williams, W.

ABSENT AND NOT VOTING: Flaagan; Gerhardt; Murphy

HB 1004 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1007 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1007 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the state library of the state of North Dakota.

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, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen;

Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerhardt; Murphy

HB 1007 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1011 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1011 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and providing for an appropriation; transfer of funds from the national guard tuition trust fund; and to provide for a statement of legislative intent.

REQUEST

REP. MARTINSON REQUESTED that the question on the final passage of HB 1011 be divided to have the sections voted on separately, in the following manner, which request was granted as per House Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

SECTION 2. APPROPRIATION - TRANSFER - NATIONAL GUARD TUITION TRUST FUND. The amount of \$2,634,349, or so much thereof as is necessary, included in the estimated income line item in section 1 of this Act is hereby appropriated and shall be transferred from the national guard tuition trust fund to the adjutant general for the tuition programs provided for in North Dakota Century Code chapters 37-07.1 and 37-07.2 and for adjutant general operations for the biennium beginning July 1, 1989, and ending June 30, 1991.

DIVISION B

A BILL for an Act making an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and providing for an appropriation; transfer of funds from the national guard tuition trust fund; and to provide for a statement of legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds or other income, to the adjutant general's office for the purpose of defraying the expenses thereof,

for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

| | |
|----------------------------------|---------------|
| Salaries and wages | \$ 1,235,426 |
| Operating expenses | 1,690,229 |
| Equipment | 38,185 |
| Capital improvements | 510,000 |
| Grants, benefits, and claims | 465,816 |
| Civil air patrol | 70,000 |
| Inauguration | 1,744 |
| Recruiting and retention | 29,910 |
| Army guard contract | 4,050,000 |
| Tuition fees | 750,000 |
| Air guard contract | 3,017,100 |
| Total all funds | \$ 11,858,410 |
| Less estimated income | 8,801,449 |
| Total general fund appropriation | \$ 3,056,961 |

SECTION 3. LEGISLATIVE INTENT - NATIONAL GUARD ARMORIES. It is the intent of the legislative assembly that the adjutant general not vacate any armories prior to July 1, 1989, and that the adjutant general receive the approval of the budget section of the legislative council prior to vacating any armories during the period beginning July 1, 1989, and ending June 30, 1991. However, if the city in which an armory is located does not object to an armory being vacated, the adjutant general may vacate the armory without the approval of the budget section of the legislative council.

ROLL CALL

The question being on the motion to adopt Division A of HB 1011, the roll was called and there were 55 YEAS, 47 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gerl; Gilmore; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Mertens; Nelson; Ness; O'Shea; Payne; Peterson; Ring; Scherber; Schmidt; Schneider; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, V.; Tokach; Tomac; Wald; Watne; Wilkie; Williams, W.

NAYS: Belter; Berg, R.; Bernstein; Clayburgh; Gates; Gerntholz; Goetz; Gorman; Graba; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Knell; Kouba; Lang; Larson, D.; Marks; Martin; Martinson; Melby; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Schindler; Shaft; Shide; Smette; Stenehem; Thompson, K.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Gerhardt; Murphy; Williams, A.

The motion to adopt Division A of HB 1011 passed.

ROLL CALL

The question then was on the motion to adopt Division B of HB 1011, the roll was called and there were 99 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.;

DeMers, P.; Dorso; Enget; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Smette; Vander Vorst

ABSENT AND NOT VOTING: Flaagan; Gerhardt; Murphy; Williams, A.

The motion to adopt Division B of HB 1011 passed.

ROLL CALL

The question then was on the final passage of HB 1011, including Divisions A and B, with title amended appropriately and lines, sections, and pages renumbered accordingly, which has been read, the roll was called and there were 93 YEAS, 9 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerl; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Brokaw; Gilmore; Kaldor; Melby; Scherber; Smette; Stofferahn; Vander Vorst

ABSENT AND NOT VOTING: Flaagan; Gerhardt; Murphy; Williams, A.

HB 1011, including Divisions A and B, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1012 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1012 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act making an appropriation for defraying the expenses of the department of human services, making an appropriation and transfer from the lands and minerals trust fund to the common schools trust fund, and making an appropriation of excess revenues generated by human service centers; to establish a joint medicaid payment account; and to provide legislative intent statements relating to human service center operating expenses, chemical dependency treatment services, the Family Support Act of 1988, the guardianship project, and the use of child support incentive payments; 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 91 YEAS, 9 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Hanson, L.; Knell; Kouba; Marks; Melby; Schatz; Tokach; Whalen; Williams, W.

ABSENT AND NOT VOTING: Berg, G.; Flaagan; Gerhardt; Huether; Murphy; Timm

HB 1012 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1013 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1013 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 103 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Berg, G.; Gerhardt; Murphy

HB 1013 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1022 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1022 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; to amend and reenact subsection 22 of section 20.1-03-12 of the North Dakota Century Code, relating to motorboat license fees; 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 88 YEAS, 14 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Frey; Gates; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.;

Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Brokaw; Flaagan; Gunsch; Hanson, O.; Haugen; Howard; Knell; Melby; Mertens; Nelson; Schindler; Shockman; Tomac; Vander Vorst

ABSENT AND NOT VOTING: Berg, G.; Gerhardt; Hanson, L.; Murphy

HB 1022 passed, the title was agreed to, and the emergency clause carried.

ANNOUNCEMENT

THE SERGEANT-AT-ARMS ANNOUNCED that there was a Message from the Senate. The Senate Messenger read the message.

REQUESTS

SPEAKER KRETSCHMAR REQUESTED that the Senate Messenger read the title and Section 1 of SB 2028. The Senate Messenger read those portions of SB 2028 as requested by the Speaker.

SPEAKER KRETSCHMAR THEN REQUESTED that the Senate Messenger read the final vote on SB 2028 that was taken by the Senate. The Senate Messenger read the final vote as requested.

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that the House cannot accept SB 2028 and the Senate Messenger was instructed to take the bill back to the Senate with the following message which the Chief Clerk read to the House.

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

MR. PRESIDENT: The Senate Messenger has informed the House that he was delivering SB 2028 to the House. He was requested to and did read the title to SB 2028, Section 1 of the bill and the final vote by which it passed the Senate.

SB 2028 amends and changes the effect of sections of Chapter 57-38 of the North Dakota Century Code which were approved by the electorate at a special election in March 1987. Further, the number of affirmative votes which this bill received in the Senate was not two-thirds of the members-elect.

Pursuant to Senate Rule 315(4)(a) and House Rule 315(4)(a), which read substantially identical as follows:

4. The following questions require a two-thirds vote of the members-elect of the Senate (House):
 - a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate (House) Rule 333.

SB 2028 does require a two-thirds vote of the members-elect of the Senate for approval.

Since SB 2028 did not receive a two-thirds vote of the members-elect of the Senate, it fails to meet the provisions of Senate Rule 315(4)(a).

It appears that SB 2028 was inadvertently messaged to the House, and because it has not been properly passed by the Senate, it cannot be accepted by the House.

MOTION

REP. KLOUBEC MOVED that the title, Section 1 and the final Senate vote on SB 2028, as read by the Senate Messenger, be printed in the Journal, which motion prevailed.

TITLE, SECTION I, AND FINAL VOTE AS READ BY THE SENATE MESSENGER

A BILL for an Act to create and enact a new section to chapter 57-38, and to create and enact chapter 57-38.5 of the North Dakota Century Code, relating to income tax on individuals, estates, and trusts; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-38 of the North Dakota Century Code is hereby created and enacted to read as follows:

Effective years. The provisions of chapters 10-30.1 and 10-30.2, sections 40-57.1-04, 40-57.1-04.1, 54-03-20, subsections 0.1, 1.1, 3, 4.1, 8, and 9 of section 57-38-01, sections 57-38-01.1, 57-38-01.2, 57-38-01.7, 57-38-01.8, 57-38-01.13, 57-38-01.14, 57-38-01.15, 57-38-01.16, 57-38-02, 57-38-03, 57-38-05, 57-38-06.1, 57-38-29, 57-38-30.3, 57-38-30.4, subsection 2 of section 57-38-31, sections 57-38-34.1, 57-38-34.2, 57-38-67, 57-38-68, 57-38-69, 57-38-70, 57-38-71, 57-38-72, 57-38-73 and 57-38-74, shall not be effective as they apply to the taxation of income for individuals, estates, and trusts for taxable years beginning after December 31, 1988.

Date: 2-22-89

FINAL VOTE: Ayes 32, Nays 21

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 11:00 a.m., Friday, February 24, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: A majority of your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1200 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, replace "economic development" with "agricultural experiment station"

Page 1, line 4, remove "commission"

Page 2, line 1, after "commission" insert an underscored comma and overstrike "hereby"

Page 2, line 2, overstrike "established", replace "to be a division of the economic development commission" with "under the supervision of the director of the agricultural experiment station", and after the period insert "The commission shall provide policy direction on the use of funds and administer any grants made under this chapter. The agricultural experiment station may assist in the coordination of any research and development project in which the commission participates."

Page 2, line 6, overstrike "petroleum" and insert immediately thereafter "agricultural processing"

Page 2, line 15, after the period insert "The director of the agricultural experiment station, or the director's designee, shall serve as the director of the commission.", remove the overstrike over "the", after "secure" insert "agricultural experiment station shall provide", and remove the overstrike over "office space"

Page 2, line 16, remove the overstrike over "and" and insert immediately thereafter "administrative services for the commission. The commission may" and remove the overstrike over "employ needed personnel for the performance of its duties, may hire"

Page 2, remove the overstrike over line 17

Page 2, line 18, remove the overstrike over "services."

Re-number accordingly

For the Majority: Reps. Nicholas, Vander Vorst, Kouba, Melby, Schmidt, Shide, Soukup, Tokach.

MR. SPEAKER: A minority of your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HB 1200 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, replace "transfer of" with "contracting of services by"

Page 1, line 3, replace "to the economic development" with "with the department of agriculture"

Page 1, line 4, remove "commission"

Page 2, line 1, overstrike "by" and insert immediately thereafter "under the direction of"

Page 2, line 2, remove "to be a division of the economic development commission"

Page 2, line 13, overstrike "personnel" and insert immediately thereafter "Administrative support"

Page 2, line 18, after the overstruck period insert "The commission shall contract with the department of agriculture for administrative and support services to carry out its program. The contract may not exceed

fifteen percent of the appropriation established by the legislative assembly."

Renumber accordingly

For the Minority: Reps. Aarsvold, Frey, Gilmore, Marks, Shockman, Starke, Wilkie.

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred HB 1578 has had the same under consideration and recommends by a vote of 20 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 2, after the second comma insert "and to"

Page 1, line 3, after "directors" remove "; and to provide an appropriation"

Page 2, remove lines 19 through 24

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Section 6 of the bill is removed which appropriated \$250,000 from the general fund to the Department of Public Instruction for support of the North Dakota leadership in education administration center (LEAD). The Department of Public Instruction appropriation as introduced in House Bill No. 1002 includes \$423,000 of which \$6,000 is from the general fund for LEAD.

HB 1578 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3066 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3066 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred HCR 3074 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3074 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2034 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2034 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2092 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2092 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2136 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, overstrike "tax commissioner"

Page 1, line 13, after the overstruck comma insert "auditor"

Renumber accordingly

SB 2136 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2148 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2148 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2204 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2204 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred SB 2239 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2239 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SB 2251 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 29, after the period insert "A certified history of purchases detailing required information may be accepted by the commissioner in lieu of original sales invoices or sales tickets."

Renumber accordingly

SB 2251 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota; and to amend and reenact sections 27-02-02, 27-05-03, and 27-07.1-04 of the North Dakota Century Code, relating to the salaries of the judges of the supreme, district, and county courts.

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

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of the department of health and consolidated laboratory services of the state of North Dakota; and to provide for a transfer from the abandoned motor vehicle disposal fund.

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

SB 2014: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts of the state of North Dakota; and providing for a transfer of funds from the cultural endowment fund.

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

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

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

SB 2021: A BILL for an Act making an appropriation for defraying the expenses of the state historical board of the state of North Dakota.

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

SB 2022: A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation and the pardon board of the state of North Dakota; providing for a transfer from the North Dakota state penitentiary land fund; and to amend and reenact section 54-16-11.1 of the North Dakota Century Code, relating to emergency commission authority to increase revenues and appropriation authority for intergovernmental service fund agencies.

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

SB 2025: A BILL for an Act making an appropriation for defraying the expenses of the various retirement and investment agencies of the state of North Dakota.

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

SB 2029: A BILL for an Act to amend and reenact subsection 1 of section 57-43.1-02 and subsection 1 of section 57-43.2-02 of the North Dakota Century Code, relating to motor fuel taxes.

Was read the first time and referred to the Committee on Finance and Taxation.

SB 2030: A BILL for an Act to create and enact a new chapter to title 54 and a new section to chapter 54-52 of the North Dakota Century Code, relating to the establishment of the North Dakota state retirement and investment office and the investment of the public employees retirement system fund; to amend and reenact sections 15-39.1-06, 15-39.1-26, 21-10-01, 21-10-02, 21-10-02.1, 21-10-06, 21-10-06.2, 21-10-07, 21-10-09, and 54-52-04 of the North Dakota Century Code, relating to the teachers' fund for retirement, state investment board, and public

employees retirement system; to repeal sections 21-10-10 and 54-52-25 of the North Dakota Century Code, relating to the state investment board and public employees retirement system; to provide for a legislative council study; to provide an appropriation; and to provide an expiration date.

Was read the first time and referred to the Committee on State and Federal Government.

SB 2037: A BILL for an Act to create and enact a new subsection to section 15-40.1-06, a new section to chapter 15-59, a new section to chapter 15-59.2, and a new subsection to section 15-59.2-05 of the North Dakota Century Code, relating to foundation aid payments for special education, school district liability for the cost of special education, sharing of costs by school districts of special education programs, and coordination of special education transportation; to amend and reenact sections 15-40.1-16.1, 15-40.2-08.1, 15-59-02.1, and 15-59-06 of the North Dakota Century Code, relating to state aid for special education; and to provide an appropriation.

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

SB 2245: A BILL for an Act to create and enact sixteen new sections to chapter 14-09 of the North Dakota Century Code, relating to support payments and procedures, income withholding for child support enforcement, periodic review of child support orders, and medical support enforcement for child support; to amend and reenact subsection 15 of section 11-16-01, sections 14-09-09.6, 14-09-09.7, 14-09-09.10, 14-09-09.11, 14-09-09.12, 14-09-09.13, 14-09-09.14, subsections 1 and 2 of section 14-09-09.16, sections 14-09-09.17, 14-09-09.19, 14-09-09.21, subsection 1 of section 14-17-04, subsection 2 of section 14-17-05, section 14-17-10, subsection 3 of section 14-17-11, subsection 3 of section 14-17-12, sections 14-17-15, and 50-09-06 of the North Dakota Century Code, relating to spousal support and child support, income withholding for child support enforcement, genetic testing for child support, and assignment of support rights; to repeal sections 14-08-07, 14-08-08, 14-08-09, 14-08-10, and subsection 5 of section 14-17-14 of the North Dakota Century Code, relating to support payments and procedures and judgments or orders for child support; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2256: A BILL for an Act to amend and reenact sections 65-01-02, 65-05-02, 65-05-03, 65-05-12, 65-05-13, 65-05-28, and subsection 2 of section 65-13-10 of the North Dakota Century Code, relating to definitions, unusual stress for mental injury claims, impairment, disability, medical services and impairment awards.

Was read the first time and referred to the Committee on Industry, Business and Labor.

SB 2274: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to noxious weed control programs and funding; to amend and reenact section 57-43.2-18 of the North Dakota Century Code, relating to allocation of a portion of the two percent special excise tax on special fuels; and to provide an appropriation.

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

SB 2291: A BILL for an Act to create and enact a new section to chapter 50-06 and a new subdivision to subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the creation of a human services board and the power of the governor to appoint a majority of members of certain boards and commissions; to amend and reenact sections 50-06-01, 50-06-01.1, 50-06-01.3, 50-06-01.4, 50-06-05.1, 50-06-06.3, 50-06-06.4, 50-06-06.5, 50-06-14.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services board and the structure of the department of human services; and to provide an effective date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2310: A BILL for an Act to provide uncompensated family leave to state employees and protect employment and benefit rights and to allow state employees to use certain other leave to care for a child, spouse, or parent with a serious health condition; and to provide an effective date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2355: A BILL for an Act to amend and reenact section 23-06-27 of the North Dakota Century Code, relating to exceptions to the imposition of penalties for the opening of burial places.

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

SB 2357: A BILL for an Act to provide for a department of protection and advocacy for persons with developmental disabilities or mental illnesses; and to provide a penalty.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2371: A BILL for an Act to provide for the licensure and regulation of clinical laboratory personnel and to establish a North Dakota board of clinical laboratory practice; to provide a penalty; to provide an appropriation; and to provide an effective date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2376: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the sale of alcoholic beverages in gas stations, grocery stores, and convenience stores.

Was read the first time and referred to the Committee on Political Subdivisions.

SB 2416: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to mandated coverage for temporomandibular joint and craniomandibular disorders.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2422: 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 immunity from civil liability for certain physicians rendering emergency obstetrical care.

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

SB 2454: A BILL for an Act to create and enact sections 14-07.1-10, 14-07.1-11, 14-07.1-12, 14-07.1-13, 14-07.1-14, 14-07.1-15, 14-07.1-16, 14-07.1-17, and 14-07.1-18 of the North Dakota Century Code, relating to the consolidation of statutes concerning procedures for handling domestic violence and the domestic violence prevention fund; to amend and reenact sections 14-03-22, 14-07.1-01, 14-07.1-02, 14-07.1-03, 14-07.1-04, 14-07.1-05, 14-07.1-06, 14-07.1-07, 14-07.1-08, subsection 8.1 of section 27-07.1-17, and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to the supplemental marriage license fee, domestic violence protection orders, jurisdiction of county courts, and warrantless arrests in domestic violence cases; to repeal chapters 12-64 and 14-07.2 of the North Dakota Century Code, relating to procedures for handling domestic violence and the domestic violence prevention fund; and to provide a penalty.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SB 2456: A BILL for an Act to create a chemical abuse awareness and prevention program; and to provide an appropriation.
Was read the first time and referred to the Committee on State and Federal Government.

SB 2509: A BILL for an Act to create and enact two new sections to chapter 57-02 of the North Dakota Century Code, relating to dual assessment of lands in transition from agricultural property classification and deferral of taxes; and to provide an effective date.
Was read the first time and referred to the Committee on Finance and Taxation.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4022: A concurrent resolution to create and enact two new sections to article X of the Constitution of North Dakota, relating to deposit of certain oil and gas gross production tax revenues in the common schools trust fund and in a constitutional trust fund with interest income of the constitutional trust fund to be available for appropriations for economic development projects and higher education capital construction costs; to provide an effective date; and to provide an expiration date.
Was read the first time and referred to the Committee on Joint Constitutional Revision.

SCR 4041: A concurrent resolution directing the Legislative Council to study the delivery of in-home and community-based services and to explore methods by which such services can be made more affordable.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SCR 4042: A concurrent resolution directing the Legislative Council to study the structure, organization, and administration of the Workers Compensation Bureau and the qualifications of the Workers Compensation Bureau claims analysts and rehabilitation staff.
Was read the first time and referred to the Committee on Industry, Business and Labor.

SCR 4044: A concurrent resolution urging the Secretary of Labor to select North Dakota as one of the sites to open a Job Corps Center and to enter an agreement to open the center in Minot.
Was read the first time and referred to the Committee on State and Federal Government.

SCR 4045: A concurrent resolution urging Congress to reverse its action whereby the Department of the Treasury was directed to issue regulations to restrict income tax deductibility of expenses of members of state legislatures.

Was read the first time and referred to the Committee on Finance and Taxation.

SCR 4047: A concurrent resolution directing the Legislative Council to study the state's system of delivering public assistance in light of recently enacted federal welfare reform legislation to determine the most efficient, effective, and responsible method of delivering public assistance to families and individuals.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

SCR 4053: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing incentives to North Dakota graduates to remain in this state after graduation and of increasing tuition at the institutions of higher education and providing low interest loans to students to cover the cost of increased tuition.

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

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

ROY GILBREATH, Chief Clerk