

## POSTSESSION JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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## POSTSESSION CORRECTION AND REVISION OF THE JOURNAL

- Page 652, line 30, replace "indentification" with "identification"
- Page 997, line 53, replace "eight" with "eighty"
- Page 1067, line 21, remove the second "or"
- Page 1067, line 24, after the semicolon insert "or"
- Page 1423, line 25, remove "SB 2418"
- Page 1423, line 30, remove "SB 2418"
- Page 1640, line 25, remove "HB 1514"
- Page 1640, line 28, remove "HB 1514"
- Page 1901, line 42, replace "HB 1002" with "SB 2021"

## ACTION ON BILLS BY THE GOVERNOR

Postsession Governor's action on Senate Bills delivered after adjournment:

	DATE SIGNED:
Senate Bill No. 2002	April 28, 1993
2005	April 28, 1993
2040	April 28, 1993
2001	April 28, 1993
2004	April 28, 1993
2006	April 28, 1993
2007	April 28, 1993
2008	April 28, 1993
2009	April 28, 1993
2010	April 28, 1993
2012	April 28, 1993
2013	April 28, 1993
2014	April 28, 1993
2015	April 28, 1993
2016	April 28, 1993
2017	April 28, 1993
2018	April 28, 1993
2019	April 28, 1993
2020	April 28, 1993
2384	April 28, 1993
2448	April 28, 1993
2011	April 29, 1993
2021	April 29, 1993
2022	April 29, 1993
2024	April 29, 1993
2108	April 29, 1993
2200	April 29, 1993
2418	April 29, 1993
2174	April 30, 1993
2542	May 5, 1993

## VETO MESSAGE

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

April 29, 1993

Alvin Jaeger  
Secretary of State  
State Capitol  
600 East Boulevard 1st Floor  
Bismarck, ND 58505

RE: Senate Bill 2403

Dear Secretary Jaeger:

Pursuant to Article V, Section 9, I am sending you Senate Bill 2403, with my objections thereto, having vetoed the same.

The bill prohibits a person who performs repairs of physical damage to automobiles from offering rebates or otherwise paying all or part of any insurance deductible, and further prohibits a person from charging excessive rates for repair services of an amount equal to or greater than the insurance deductible that is rebated to the insured.

The bill is intended to prohibit the practice when a repair shop offers a \$25.00 rebate for windshield repair as an incentive to the customer to use the services of the shop offering the rebate. The underlying premise of the bill suggests that physical damages (for example, windshields) are being repaired unnecessarily, or that the repair shop offers the rebate, and then adds the rebate to its charges to the insurance carrier.

There is no evidence to suggest current practices have caused an increase in insurance rates. Nor does the bill guarantee a reduction of insurance rates if the bill becomes law.

My objection to the bill is that it is essentially anti-consumer in nature. Under current practice, the consumer is free to seek out any repair shop he chooses for the repair of his damaged automobile. Currently, an insurance carrier has the authority to monitor and control the prices charged for a particular service. If the carrier feels that a repair shop is overcharging to recoup rebates the shop offers to its customer, then the carrier may refuse to authorize repairs at the "inflated" price or otherwise direct the insured to use a different shop.

In short, I believe that the bill injects controls into the market system unnecessarily, when there are adequate controls already in place to prevent overcharging, if any, in the auto repair industry.

For these reasons, I have vetoed Senate Bill 2403, and am filing the same with your office.

Sincerely,

EDWARD T. SCHAFFER  
Governor

LIST OF CORRECTIONS AND REVISIONS OF THE SENATE JOURNAL

Page 55, line 8, replace "6-05-02" with "6-05-01"

Page 101, line 35, replace "6-05-02" with "6-05-01"

Page 126, line 16, after "Tomac" insert "and Reps. Bernstein, Brown"

Page 198, line 54, remove "Yockim" and "Mahoney,"

Page 217, line 27, remove "Nelson"

Page 222, line 11, replace "Kelly" with "Keller"

Page 233, line 39, replace "Allmaras" with "Austin"

Page 340, line 5, replace "Judiciary" with "Appropriations"

Page 369, after line 20, insert:

**"REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Schoenwald, Chairman)** has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting a bill for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to eligibility for benefits covered by a long-term care insurance policy.

The bill will be SB 2536.

**SEN. SCHOENWALD MOVED** that the report be adopted, which motion prevailed.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Schoenwald, Chairman)** has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting a bill for an Act to amend and reenact subsection 6 of section 11-11.1-03 and sections 11-11.1-04 and 11-11.1-07 of the North Dakota Century Code, relating to authority of job development authorities.

The bill will be SB 2537.

**SEN. SCHOENWALD MOVED** that the report be adopted, which motion prevailed.

**REPORT OF DELAYED BILLS COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Schoenwald, Chairman)** has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting a concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan Plan dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

The resolution will be SCR 4040.

**SEN. SCHOENWALD MOVED** that the report be adopted, which motion prevailed."

Page 387, line 39, after "p.m" insert "Friday in which a minor is required to be in attendance, for"

Page 393, line 15, remove "SB 2508"

Page 503, line 50, after "10-15-52.1" insert ", and 10-15-52.3"

Page 538, remove lines 46 and 47 and insert immediately thereafter: "**SEN. HEINRICH MOVED** that the vote by which SCR 4029 passed be reconsidered

and the motion to reconsider be laid on the table, which motion prevailed.

Page 540, remove lines 20 and 21 and insert immediately thereafter: "SEN. DEMERS MOVED that the vote by which HCR 3051 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Page 652, line 30, replace "indentification" with "identification"

Page 681, line 28, after "SB 2112," insert "SB 2121,"

Page 843, line 13, remove "SB 2030," and remove "SB 2115,"

Page 843, line 14, remove "SB 2154," and remove "SB 2185, SB 2186,"

Page 843, line 15, remove "SB 2345,"

Page 843, line 16, remove "SB 2411,"

Page 858, line 12, replace "Tenth" with "Fourteenth"

Page 868, line 20, replace "Heinrich" with "Langley"

Page 898, after line 41, insert:

**"COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

March 11, 1993

Due to the fact that SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, and SB 2411 are not signed by the Speaker of the House and the Chief Clerk of the House, I am returning these Senate bills."

Page 924, line 38, delete "and BE PLACED ON THE CONSENT CALENDAR"

Page 924, line 39, replace "Tenth" with "Fourteenth"

Page 985, after line 31, insert:

**"REPORT OF CONFERENCE COMMITTEE**

SEN. KELSH MOVED that the conference committee report on SCR 4019 be adopted, which motion prevailed.

SCR 4019, as amended, was placed on the Eleventh order of business on the calendar."

Page 997, line 53, replace "eight" with "eighty"

Page 1067, line 21, remove the second "or"

Page 1067, line 24, after the semicolon insert "or"

Page 1194, line 38, after "10-15-52.1" insert ", and 10-15-52.3"

Page 1332, line 36, replace "SENATE" with "HOUSE"

Page 1333, after line 11, insert:

**"REPORT OF PROCEDURAL COMMITTEE**

MADAM PRESIDENT: Your **Delayed Bills Committee** (Sen. Schoenwald, Chairman) has examined and has cast a unanimous ballot in favor of a bill for an Act to amend and reenact subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subdivisions a and b of subsection 1 of section 57-36-27, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to the taxation of cigarettes and tobacco products.

The bill will be SB 2539.

**SEN. SCHOENWALD MOVED** that the report be adopted, which motion prevailed.

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee** (Sen. Schoenwald, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

The resolution will be SCR 4072.

**SEN. SCHOENWALD MOVED** that the report be adopted, which motion prevailed.

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your **Delayed Bills Committee** (Sen. Schoenwald, Chairman) has examined and has cast a unanimous ballot in favor of a concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of permitting Roughrider Industries to manufacture and sell products that may be produced and sold by the private sector.

The resolution will be SCR 4073.

**SEN. SCHOENWALD MOVED** that the report be adopted, which motion prevailed."

Page 1397, line 32, remove "and"

Page 1420, line 26, replace "W. Stenehjem, Traynor, Maxson" with "Maxson, Traynor, W. Stenehjem"

Page 1423, line 25, remove "SB 2418"

Page 1423, line 30, remove "SB 2418"

Page 1452, line 47, replace "6-05-02" with "6-05-01"

Page 1640, line 25, remove "HB 1514"

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