

## JOURNAL OF THE HOUSE

## Fifty-first Legislative Assembly

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Bismarck, March 22, 1989

The House convened at 1:00 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Monty Loudenslager, Century Baptist Church, Bismarck.

The roll was called and all Representatives were present, except Representative Peterson.

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 Fifty-third Day and finds it to be correct.

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

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1381, HB 1540, HB 1631.

## SENATE AMENDMENTS TO HB 1381

Page 1, replace lines 6 through 17 with:

"23-11-29. Tax exemptions and payments in lieu of taxes.

- 1- The property of an authority ~~including an authority~~ created under Indian laws recognized by the federal government is declared to be public property used for essential public and governmental purposes and ~~shall be~~ is exempt from all ad valorem taxes and special assessments of the city, ~~the~~ county, ~~the~~ state, or ~~any~~ political subdivision ~~thereof~~. In lieu of ~~such~~ taxes or special assessments, an authority under this subsection may agree to make payments to the city, county, state, or ~~any such~~ political subdivision, including payments for improvements, services, and facilities furnished ~~thereby~~ for the ~~benefits~~ benefit of a housing project, but ~~in no event shall~~ such payments may not exceed the estimated cost to ~~such~~ the city, county, or political subdivision of the improvements, services, or facilities ~~to be so~~ furnished.
2. The property of an authority, other than an authority created under Indian laws recognized by the federal government, is declared to be public property used for essential public and governmental purposes and is exempt from all ad valorem taxes of the city, county, state, or political subdivision. The property of an authority under this subsection is subject to special assessments of the city, county, state, or political subdivision. In lieu of ad valorem taxes, an authority under this subsection may agree to make payments to the city,

county, state, or political subdivision. The city, county, state, or political subdivision may agree with the authority to waive or reduce special assessments against the authority for improvements, services, and facilities furnished for the benefit of a housing project. Special assessment payments under this subsection may not exceed the estimated cost to the city, county, or political subdivision of the improvements, services, or facilities furnished."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1540

Page 1, line 17, remove "No"

Page 1, remove lines 18 through 22

Page 2, remove line 1

Page 2, line 4, remove "or to alter an existing insurance agreement,"

Renumber accordingly

In addition to the amendments to Engrossed House Bill No. 1540 adopted by the Senate as printed on page 1015 of the Senate Journal, Engrossed House Bill No. 1540 is amended as follows:

Page 2, line 5, after "shall" insert ", if requested,"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1631

Page 1, line 3, after "crossings" insert "; and to amend and reenact subsection 1 of section 39-10-43 of the North Dakota Century Code, relating to vehicles required to stop at railroad crossings"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-10-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The driver of a bus carrying passengers, or of any schoolbus ~~carrying any schoolchild~~, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad and while so stopped shall listen and look in

both directions along such track for any approaching train, and for signals indicating the approach of a train and may not proceed until ~~he~~ the driver can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver may not manually shift gears while crossing the track or tracks."

Page 1, underscore lines 7 and 8

Page 1, line 9, underscore "CROSSINGS."" and remove "The sign may be covered or concealed if the driver of"

Page 1, remove lines 10 and 11

Reumber accordingly

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1390.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has failed to pass: HB 1301, HB 1450, HB 1561, HB 1569, HB 1597, HB 1610, HB 1623, HB 1638, HCR 3007, HCR 3047, HCR 3061, HCR 3072, HCR 3075.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed unchanged: HB 1018, HB 1083, HB 1110, HB 1169, HB 1238, HB 1272, HB 1324, HB 1330, HB 1357, HB 1362, HB 1427, HB 1493, HB 1515, HB 1522, HB 1544, HB 1545, HB 1562, HB 1565, HB 1576, HB 1577, HB 1595, HB 1596, HB 1622, HB 1652, HB 1654.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)  
MR. SPEAKER: The Senate has passed unchanged: HCR 3020, HCR 3025, HCR 3028, HCR 3029, HCR 3036, HCR 3048, HCR 3055, HCR 3064, HCR 3065, HCR 3066, HCR 3073, HCR 3074, HCR 3078, HCR 3079.

#### REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2262 has had the same under consideration and recommends by a vote of 15 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 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to declare legislative intent; to create and enact chapter 23-09.2 of the North Dakota Century Code, relating to education of food preparers; to amend and reenact subsections 14 and 15 of section 43-15-10 of the North Dakota Century Code, relating to powers

of the state board of pharmacy; and to repeal sections 19-02-13, 19-02-14, 19-02-15, 19-02-16, 19-02-17, 19-02-18, 19-02-19, 19-02-20, 19-02-21, 19-02-22, 19-02-23, and 19-02-24 of the North Dakota Century Code, relating to food and drug regulation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT. Because facilities are not always available for the preparation of food onsite by nonprofit public-spirited organizations not regularly engaged in the business of selling food, it is the intent of the legislative assembly to exempt organizations in those situations from preparing food in licensed or approved kitchens. Because the unintentional mishandling of food may jeopardize the public health and welfare, whether the mishandling is done by an establishment open to public patronage or by a nonprofit public-spirited organization providing a limited type of food service, it is the intent of the legislative assembly to authorize the department of health and consolidated laboratories to offer educational support to food preparers.

SECTION 2. Chapter 23-09.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

23-09.2-01. Definitions. As used in this chapter, unless the context otherwise requires:

1. "Department" means the department of health and consolidated laboratories.
2. "Food preparer" means any person who manufactures, processes, sells, handles, or stores food and who is not required to obtain a license from the department under chapter 19-02.1, 23-09, or 23-09.1.
3. Any term used in this chapter has the same meaning as when used in a comparable context in chapters 19-02.1, 23-09, and 23-09.1.

23-09.2-02. Rules. The department may adopt rules regarding education of food preparers.

23-09.2-03. Minor violations. The department, local boards of health, and district health units shall attempt to resolve minor violations of this chapter through education. The department, local boards of health, and district health units are not required to report for prosecution minor violations of this chapter.

23-09.2-04. Exclusions. This chapter does not apply to private homes where food is prepared or stored for individual family consumption. This exclusion does not apply to the use of home-canned goods, nongrade A dairy products and food prepared using nongrade A dairy products, and to meat not inspected under the Federal Meat Inspection Act [34 Stat. 1260-1265; 21 U.S.C. 603 et seq.].

SECTION 3. AMENDMENT. Subsections 14 and 15 of section 43-15-10 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- 14. To make, adopt, amend, and repeal rules as may be deemed necessary by the board from time to time for the proper administration and enforcement of this chapter, ~~chapters 19-02 and chapter 19-02.1 as those chapters pertain that chapter pertains~~ to drugs, subject to approval of the director of the state department of health and consolidated laboratories, and chapter 19-03.1 subject to approval of the controlled substances board.
- 15. The board or its authorized representatives may investigate and gather evidence concerning alleged violations of the provisions of chapter 43-15, ~~chapters 19-02 and chapter 19-02.1 that pertain pertains~~ to drugs, chapters 19-03.1, 19-03.2, and 19-04, or of the rules of the board. Board investigative files are confidential and may not be considered public records or open records for purposes of section 44-04-18, until a complaint is filed or a decision made by the board not to file a complaint.

SECTION 4. REPEAL. Sections 19-02-13, 19-02-14, 19-02-15, 19-02-18, 19-02-19, 19-02-21, 19-02-22, and 19-02-23 of the North Dakota Century Code, and sections 19-02-16, 19-02-17, 19-02-20, and 19-02-24 of the 1987 Supplement to the North Dakota Century Code are hereby repealed."

Renumber accordingly

Engrossed SB 2262 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2291 has had the same under consideration and recommends by a vote of 15 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 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a human services advisory board; to amend and reenact sections 50-06-01, 50-06-01.3, 50-06-05.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services advisory board and the structure of the department of human services; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 50-06-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01. Definition Definitions. Whenever the word  
~~"department"~~ is As used in this chapter, it shall mean unless the  
context otherwise requires:

- 1. "Board" means the human services advisory board.
- 2. "Department" means the department of human services.

SECTION 2. AMENDMENT. Section 50-06-01.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-01.3. ~~Executive~~ Appointment of executive director - ~~Appointment~~ - Compensation. The governor shall appoint the executive director of the department ~~shall be appointed by, and~~ who shall serve at the pleasure of, the governor. ~~The board may advise the governor concerning the appointment or reappointment of an executive director.~~ The executive director shall take the oath of office required of civil officers by section 44-01-05 and ~~shall~~ must be bonded as required of civil officers by section 44-01-06. The executive director ~~shall~~ is entitled to receive compensation in the amount established by the governor within the limits of legislative appropriations.

SECTION 3. A new section to chapter 50-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Human services advisory board - Membership - Meetings - Compensation and expenses - Responsibilities.

1. The governor shall appoint nine members of the human services advisory board. Each member appointed to the board must possess expertise that the governor determines will assist the board in recommending and reviewing department policy for the delivery of human services. The board must represent a broad constituency from across the state, and must include persons who are recipients of human services. No board member may be an employee of the department or serve simultaneously on a regional human service center advisory council.
2. Before August 1, 1990, the governor shall appoint three members with terms ending June 30, 1992, three members with terms ending June 30, 1994, and three members with terms ending June 30, 1996. One member must be appointed from each regional human service area and one member must be appointed at large. All subsequent appointments are for terms of six years, with the terms commencing on July first. A vacancy on the board may be filled for the unexpired term only. Members serve until their successors are appointed and may serve for no more than one full six-year term. The governor may remove a member for cause.
3. The governor or the governor's designee, who may not be an employee of the department, shall act as president of the board. Before September 1, 1990, and every July first thereafter, the board shall meet and elect a vice president, a secretary, and other officers as the board determines necessary. The board shall meet quarterly and at other times determined necessary by the executive director, the president, or a majority of the members of the board.
4. All board members are entitled to receive the same compensation for their services as provided in section 54-35-10 for members of the legislative council. Members are entitled, as provided in sections 44-08-04 and 54-06-09, to receive reimbursement for their necessary travel and mileage

expenses incurred in attending meetings of the board and while engaged in the performance of their duties.

5. The board shall recommend and review policy for the department, and shall advise the executive director with respect to other issues and concerns.

SECTION 4. AMENDMENT. Section 50-06-05.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-05.1. Powers and duties of the department. The department ~~shall have~~ has the following powers and duties to be administered, with the advice of the board, by the department through its state office or through regional human service centers or otherwise as directed by it:

1. To act as the official agency of the state in any social welfare or human service activity initiated by the federal government not otherwise by law made the responsibility of another state agency.
2. To administer, allocate, and distribute any state and federal funds that may be made available for the purpose of providing financial assistance, care, and services to eligible persons and families who do not have sufficient income or other resources to provide a reasonable subsistence compatible with decency and health.
3. To provide preventive, rehabilitative, and other human services to help families and individuals to retain or attain capability for independence or self-care.
4. To do needed research and study in the causes of social problems and to define appropriate and effective techniques in providing preventive and rehabilitative services.
5. To provide for the study, and to promote the well-being, of deprived, unruly, and delinquent children.
6. To provide for the placing and supervision of children in need of substitute parental care, subject to the control of any court having jurisdiction and control of any such child.
7. To recommend appropriate social legislation to the legislative assembly.
8. To direct and supervise county social service board activities as may be financed in whole or in part by or with funds allocated or distributed by the department.
9. To inform the public as to social conditions and ways of meeting social needs.
10. To secure, hold, and administer for the purpose for which it is established, any property and any funds donated to it either by will or deed, or otherwise, or through court order or otherwise available to the board or department, and to administer ~~said~~ those funds or property in accordance with

the instructions in the instrument creating them or in accordance with the instructions in the court order or otherwise.

11. To formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the department including child-care facilities, nonmedical adult-care facilities and maternity homes, and persons or organizations receiving and placing children, and to require ~~such~~ those facilities, persons, and organizations to submit reports and information as the department may determine necessary.
12. To permit the making of any surveys of human service needs and activities if ~~deemed by the department~~ determined to be necessary ~~and expedient~~.
13. To issue subpoenas, administer oaths, and compel attendance of witnesses and production of documents or papers whenever ~~the department deems it~~ necessary in making the investigations provided for herein or in the discharge of its other duties. A subpoena ~~shall~~ may not be issued to compel the production of documents or papers relating to any private child-caring or child-placing agency or maternity hospital or to compel the attendance as a witness of any officer or employee of those facilities except upon the order of a judge of the district court of the judicial district in which the facilities are located.
14. To provide insofar as staff resources permit appropriate human services, including social histories, social or social-psychological evaluations, individual, group, family, and marital counseling, and related consultation, when referred by self, parent, guardian, county social service board, court, physician, or other individual or agency, and when application is made by self (if an adult or emancipated youth), parent, guardian, or agency having custody; also, on the same basis, to provide human services to children and adults in relation to their placement in or return from the Grafton state school, state hospital, or North Dakota industrial school.
15. To provide marital counseling to individuals ordered to participate in such treatment by the family court.
16. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, probation, and aftercare services when requested by the judge of a juvenile court, all reports to be kept confidential for the use of the judge except as may be disclosed by the judge.
17. To provide insofar as staff resources permit social services, including social-psychological evaluations, predisposition reports, treatment, and probation and parole services, when requested by the judge in a criminal case, all reports to be

kept confidential for use by the judge except as may be disclosed by the judge.

18. To act as the official agency of the state in the administration of the food stamp program and to direct and supervise county administration of that program. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program ~~should~~ if the rate of federal financial participation in administrative costs provided under Public Law 93-347 ~~be~~ is decreased or limited, or ~~should~~ if the state or counties become financially responsible for all or a portion of the coupon bonus payments under the Food Stamp Act.
19. To administer, allocate, and distribute any funds made available for the making of direct cash assistance payments, housing assistance payments, and rental subsidies under any rental assistance programs initiated by the federal government not otherwise by law made the responsibility of another state agency possessing statewide jurisdiction.
20. To act as the official agency of the state in the administration of the energy assistance program; to direct and supervise county administration of that program; and to take such actions, give such directions, and adopt such rules, subject to review in the courts of this state, as may be necessary or desirable to carry out this subsection. Provided, however, that the department with the consent of the budget section of the legislative council may terminate the program ~~should~~ if the rate of federal financial participation in administrative costs ~~be~~ is decreased or limited to less than fifty percent of total administrative costs, or ~~should~~ if the state or counties become financially responsible for all or a portion of the cost of energy assistance program benefits.
21. ~~Repealed by S-L 1987, ch. 582, § 30, effective July 14, 1987.~~
- 22- To administer, allocate, and distribute any funds made available for the payment of the cost of the special needs of any child under the age of twenty-one years, who is living in an adoptive home and would probably go without adoption except for acceptance by the adopted family, and whose adopted family does not have the economic ability and resources, as established by the department, to take care of the special needs of the child, including legal fees, maintenance costs, medical and dental expenses, travel costs, and other costs incidental to the care of ~~such~~ the child.
22. To exercise and carry out any other powers and duties granted the department under state law.

SECTION 5. AMENDMENT. Section 50-06-16 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-16. ~~Authority to adopt rules~~ Rulemaking authority. The department may adopt rules necessary to carry out ~~its~~ the

responsibilities under this chapter of the department in conformity with any statute administered or enforced by the department. The board shall review the adoption, amendment, or repeal of any rules by the department. All rules adopted ~~shall~~ must be published in the North Dakota Administrative Code. Rules adopted by agencies prior to January 1, 1982, which relate to functions or agencies covered by this chapter ~~shall~~ remain in effect until such time as they are specifically amended or repealed by the department.

SECTION 6. AMENDMENT. Section 50-06-17 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

50-06-17. Biennial report to governor and office of management and budget - Budget estimates. The department shall submit to the governor and the office of management and budget a board shall review and make recommendations concerning the biennial report as prescribed by section and budget estimate prior to the department's submission of the report and estimate in accordance with sections 54-06-04 and 54-44.1-04.

SECTION 7. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

Renumber accordingly

Engrossed SB 2291 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2298 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 2, line 10, after "agency" insert "at the state mileage rate excluding meals and lodging"

Renumber accordingly

Engrossed SB 2298 was placed on the Sixth 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 rereferred Engrossed SB 2354 has had the same under consideration and recommends by a vote of 16 YEAS, 1 NAY, 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, remove "advisory"

Page 1, line 2, remove "board,"

Page 1, line 8, remove ", in consultation with the advisory board,"

Page 1, line 16, after the first comma insert "and" and remove ", and serve as"

Page 1, line 17, remove "executive secretary to the advisory board"

Page 1, line 19, remove "in"

Page 1, line 20, remove "consultation with the advisory board"

Page 1, remove line 21

Page 2, remove lines 1 through 26

Page 2, line 29, after the first comma insert "processes,"

Page 3, line 12, after "feasibility" insert "studies and business"

Page 3, line 23, after the period insert "The institute may not duplicate services or capabilities available through or provided by other public entities."

Page 4, line 4, after the period insert "Any state funding for the institute may be provided through legislative appropriation to the economic development commission for that purpose."

ReNUMBER accordingly

Engrossed SB 2354 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred SB 2449 has had the same under consideration and recommends by a vote of 14 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 2, line 10, remove "The governor"

Page 2, remove lines 11 through 16

ReNUMBER accordingly

SB 2449 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2454 has had the same under consideration and recommends by a vote of 15 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 10, line 12, replace "peace" with "law enforcement"

Page 15, line 10, overstrike "peace" and insert immediately thereafter "law enforcement"

ReNUMBER accordingly

Engrossed SB 2454 was placed on the Sixth 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 2475 has had the same under consideration and recommends by a vote of 10 YEAS, 7 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 "section" with "sections" and after "57-36-25" insert "and 57-36-32"

Page 1, line 3, after "products" insert "and on the sale of cigarettes; and to provide an expiration date"

Page 1, line 12, replace "thirty-five" with "twenty-three"

Page 2, after line 20, insert:

"SECTION 2. AMENDMENT. Section 57-36-32 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-32. Separate and additional tax on the sale of cigarettes - Collection - Allocation of revenue - Tax avoidance prohibited. There is hereby levied and assessed and there shall be collected by the state tax commissioner and paid to the state treasurer, upon all cigarettes sold in this state, an additional tax, separate and apart from all other taxes, of ~~eight and one-half~~ ten mills on each such cigarette, to be collected as existing taxes on cigarettes sold are, or hereafter may be, collected, by use of appropriate stamps and under similar accounting procedures. No person, firm, or corporation shall transport or bring or cause to be shipped into the state of North Dakota any cigarettes as provided herein, other than for delivery to wholesalers in this state, without first paying such tax thereon to the state tax commissioner. All of the moneys collected by the state treasurer under this section shall be credited to the state general fund.

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date the provisions of sections 57-36-25 and 57-36-32 shall be as they existed on June 30, 1989."

Renumber accordingly

SB 2475 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred Engrossed SB 2520 has had the same under consideration and recommends by a vote of 10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be referred to the Committee on Appropriations:

Page 2, line 2, replace "or" with an underscored comma and after "54-52" insert ", 15-39.1, or under the alternative retirement program provided by the state board of higher education,"

Renumber accordingly

Engrossed SB 2520 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## MOTIONS

REP. R. ANDERSON MOVED that SB 2260, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

REP. R. ANDERSON MOVED that the rules be suspended and that the committee reports on HB 1664, SB 2129, SB 2152, SB 2172, SB 2242, SB 2304, SB 2411, and SB 2419 recommending amendments on the Sixth order of business on the legislative calendar of the Fifty-fourth Day be adopted, which motion prevailed.

## SIXTH ORDER OF BUSINESS

REP. WHALEN MOVED that the amendments to HB 1664 as recommended by the Committee on Industry, Business and Labor as printed on pages 1559-1560 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

HB 1664, as amended, was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to SB 2129 as recommended by the Committee on Industry, Business and Labor as printed on page 1562 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2129, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. LINDGREN MOVED that the amendments to SB 2152 as recommended by the Committee on Political Subdivisions as printed on pages 1562-1563 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2152, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to Engrossed SB 2172 as recommended by the Committee on Transportation as printed on page 1563 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2172, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to Engrossed SB 2242 as recommended by the Committee on Industry, Business and Labor as printed on pages 1565-1566 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2242, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. LINDGREN MOVED that the amendments to SB 2304 as recommended by the Committee on Political Subdivisions as printed on page 1568 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2304, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to Engrossed SB 2411 as recommended by the Committee on Industry, Business and Labor as printed on pages 1569-1570

of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2411, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. A. OLSON MOVED that the amendments to Engrossed SB 2419 as recommended by the Committee on Natural Resources as printed on pages 1570-1572 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

Engrossed SB 2419, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to HB 1663 as recommended by the Committee on Education as printed on pages 1555-1559 of the House Journal be adopted, and when so adopted, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1663, as amended, was rereferred to the Committee on Appropriations.

REP. PETERSON MOVED that the amendments to Engrossed SB 2014 as recommended by the Committee on Appropriations as printed on pages 1560-1561 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2014, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. GATES MOVED that the amendments to Reengrossed SB 2037 as recommended by the Committee on Education as printed on pages 1561-1562 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Reengrossed SB 2037, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. TIMM MOVED that the amendments to Engrossed SB 2187 as recommended by the Committee on Transportation as printed on pages 1563-1565 of the House Journal 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 SB 2187 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to amend and reenact sections 49-11-24, 49-11-28, 49-11-29, and 49-11-30 of the North Dakota Century Code, relating to fencing on railroad rights of way and maintenance of cattleguards and gates.

#### 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, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; 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; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; 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; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Peterson; Wald; Whalen

SB 2187 passed and the title was agreed to.

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SIXTH ORDER OF BUSINESS

REP. TIMM MOVED that the amendments to Reengrossed SB 2270 as recommended by the Committee on Transportation as printed on pages 1566-1568 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Reengrossed SB 2270, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to Engrossed SB 2393 as recommended by the Committee on Industry, Business and Labor as printed on page 1569 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

Engrossed SB 2393, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REP. WHALEN MOVED that the amendments to Engrossed SB 2320 as recommended by the Committee on Industry, Business and Labor as printed on pages 1568-1569 of the House Journal 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 SB 2320 be placed on the Fourteenth order, as amended, for second reading and final passage, which motion failed on a verification vote.

SB 2320, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. WENTZ MOVED that the amendments to Engrossed SB 2473 as recommended by the Committee on Judiciary as printed on page 1572 of the House Journal be

adopted, and when so adopted, recommends the same DO PASS, which motion failed on a verification vote.

Engrossed SB 2473 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### MOTION

REP. GATES MOVED that SB 2037, which was placed on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2037, as amended, was rereferred to the Committee on Appropriations.

#### REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1669 has had the same under consideration and recommends by a vote of 15 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

Page 1, line 4, remove "; to provide an appropriation"

Page 1, line 10, after the third comma insert "less any insurance proceeds received for the building and equipment losses from the February 17, 1989, fire estimated at approximately \$1,200,000,"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 and 2

ReNUMBER accordingly

#### MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1669 be placed on the Sixth order, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1669 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends that HB 1669 be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1669, as amended, was rereferred to the Committee on Appropriations.

#### SECOND READING OF HOUSE BILLS

HB 1671: A BILL for an Act to amend and reenact section 54-02-09 of the North Dakota Century Code, relating to the name of the state march.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 100 YEAS, 2 NAYS, 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; Gates; Gerhardt; 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; Kneill; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin;

Lindgren; Marks; Martin; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Murphy; Urlacher

ABSENT AND NOT VOTING: Mertens; Peterson; Timm; Wald

HB 1671 passed and the title was agreed to.

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HB 1672: A BILL for an Act relating to proposed legislation mandating health insurance coverage.

#### MOTION

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

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 44 YEAS, 59 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gorman; Hanson, O.; Haugen; Hausauer, R.; Kloubec; Kouba; Lang; Larson, R.; Lindgren; Martin; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Rydell; Schatz; Schindler; Shaft; Shide; Skjerven; Sorensen; Soukup; Stenehjelm; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Larson, D.; Laughlin; Marks; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Ring; Scherber; Schmidt; Schneider; Shockman; Smette; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Frey; Peterson; Wald

HB 1672 lost.

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#### SECOND READING OF HOUSE BILL

HB 1673: A BILL for an Act to amend and reenact section 53-01-13 of the North Dakota Century Code, relating to boxing or sparring exhibitions; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 93 YEAS, 8 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; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Schatz; Scherber; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Enget; Howard; Lang; Melby; Murphy; Schindler; Shide; Vander Vorst

ABSENT AND NOT VOTING: Mertens; Peterson; Rydell; Thompson, V.; Wald

HB 1673 passed, the title was agreed to, and the emergency clause carried.

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#### HOUSE ENGROSSING REPORT

The following bills were engrossed: HB 1663, 1664.

#### MOTIONS

REP. LINDGREN MOVED that the House reconsider its action whereby SB 2153 passed, which motion lost on a verification vote.

REP. R. ANDERSON MOVED that SB 2428 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2428: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to payment for chiropractic services under contracts issued by health service corporations; and to amend and reenact subsection 9 of section 26.1-17-01 of the North Dakota Century Code, relating to practitioners entitled to contract with health service corporations.

#### MOTION

REP. B. ANDERSON MOVED the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 68 YEAS, 35 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Bernstein; Brokaw; Carlson; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Laughlin; Lindgren; Marks; Martin; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Ring; Schmidt; Schneider; Shockman; Skjerven; Sorensen; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, R.; Christman; Clayburgh; Dalrymple; DeMers, J.; Gates; Haugland; Hausauer, R.; Howard; Jensen; Kloubec; Kouba; Lang; Larson, D.; Larson, R.; Martinson; Melby; Myrdal; Olsen, D.; Olson, A.; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Smette; Solberg; Soukup; Starke; Stenehjem; Vander Vorst; Wilkie

ABSENT AND NOT VOTING: Peterson; Wald; Whalen

SB 2428 passed and the title was agreed to.

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#### MOTIONS

REP. SCHMIDT MOVED that the vote by which SB 2428 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

REP. R. ANDERSON MOVED that SB 2335 be placed at the head of the calendar, which motion prevailed.

#### REQUEST

REP. KINGSBURY REQUESTED that the record show that the members of the Committee on Appropriations - Government Operations Division (Reps. Kingsbury, Gunsch, Gerntholz, Smette, Graba, Laughlin, and Solberg) were absent as they were attending a committee meeting, which request was granted.

#### SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3, sections 39-01-15 and 39-04-10.2, subsection 7 of section 39-06.1-06, and section 39-07-07.1 of the North Dakota Century Code, relating to vehicle refueling services, parking privileges, and traffic regulations concerning mobility impaired persons; to provide a penalty; and to provide a continuing appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 12 ABSENT AND NOT VOTING.

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

(Committee on Appropriations - Government Operations Division members excused.)

SB 2335 passed and the title was agreed to.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1304 and subsequently passed the same.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was reengrossed and enrolled: HB 1304.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bill: HB 1304.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1304.

SIGNING of BILLS and RESOLUTIONS (Roy Gilbreath, Chief Clerk)

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: HB 1364, HB 1586, HB 1642.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1364, HB 1586, HB 1642.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1666, HCR 3005, HCR 3084, HCR 3085.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2042, SB 2045, SB 2093, SB 2141, SB 2418, SB 2508.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2121, SB 2178, SB 2463, SCR 4041, SCR 4047.

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

MR. PRESIDENT: The House has passed unchanged: SB 2268, SCR 4048, SCR 4049, SCR 4050, SCR 4052, SCR 4053, SCR 4054, SCR 4056, SCR 4057, SCR 4058, SCR 4060.

MOTION

REP. KLOUBEC MOVED that the House stand in recess for ten minutes, which motion prevailed.

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

## COMMUNICATION

State of North Dakota  
OFFICE OF THE GOVERNOR  
Bismarck

March 22, 1989

The Honorable William Kretschmar  
Speaker of the House  
House Chamber  
State Capitol Building  
Bismarck, North Dakota 58505

Dear Mr. Speaker:

House Bill 1520 adds a representative of the state long-term care association to the Health Council, thereby increasing the number of health care health council members from 15 to 16 and increasing the number of provider representatives from eight to nine.

I have no objection whatsoever to having a long-term care association representative on the Health Council.

However, the Health Council, with 15 members, is currently large enough. Continuing to add new members will simply make the Health Council an unwieldy body.

In addition, with 15 members, the Health Council now has one more provider than consumer. I would much prefer to see a consumer dominance on the Health Council. This bill adds to the provider dominance of the Health Council.

In an era when health care costs continue to increase significantly, when health care access is becoming a major problem and when thousands of North Dakotans are unable to even afford health insurance, consumer concerns and influence should be strengthened, not lessened.

Finally, having a council consisting of an even-number of members would make it even more difficult by causing tie votes without authority for the state health officer or anyone else to break ties.

Therefore, I veto House Bill 1520.

Sincerely,

GEORGE A. SINNER  
Governor

## HOUSE ENGROSSING REPORT

The following bill was engrossed: HB 1669.

## MOTIONS

REP. LINDGREN MOVED that SB 2384, which is on the Fourteenth order, be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Rep. Lindgren's motion, SB 2384 was rereferred.

REP. LINDGREN MOVED that SB 2400, which is on the Fourteenth order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Lindgren's motion, SB 2400 was rereferred.

#### SECOND READING OF SENATE BILL

SB 2079: A BILL for an Act to amend and reenact subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to fees for recording instruments.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 8 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; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; 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: Gerntholz; Gunsch; Hanson, O.; Kingsbury; Laughlin; Peterson; Smette; Solberg

(Committee on Appropriations - Government Operations Division members excused.)

SB 2079 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4062, SCR 4063.

#### SECOND READING OF SENATE BILLS

SB 2085: A BILL for an Act relating to satellite video livestock auction markets.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 10 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; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland;

Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; 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: Gerntholz; Graba; Gunsch; Hanson, O.; Kingsbury; Laughlin; Peterson; Smette; Solberg; Timm

(Committee on Appropriations - Government Operations Division members excused.)

SB 2085 passed and the title was agreed to.

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SB 2206: A BILL for an Act to create and enact a new subsection to section 51-05.1-04 and a new section to chapter 51-05.1 of the North Dakota Century Code, relating to auctioneers and auction clerks and related definitions; to amend and reenact subdivision b of subsection 1 of section 51-05.1-03 and section 51-05.1-07 of the North Dakota Century Code, relating to auctioneers and auction clerks; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 9 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; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; 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: Gerntholz; Graba; Gunsch; Hanson, O.; Kingsbury; Laughlin; Peterson; Smette; Solberg

(Committee on Appropriations - Government Operations Division members excused.)

SB 2206 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2220, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2220: A BILL for an Act to create and enact a new subsection to section 53-06.1-15.1 and a new section to chapter 53-06.1 of the North Dakota Century Code, to allow the attorney general to enter into an agreement to exchange information with the internal revenue service; and to amend and reenact subsections 1, 3, and 7 of section 53-06.1-01, section 53-06.1-02, subdivision b of subsection 2 of section 53-06.1-03, sections 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-04, 53-06.1-05, subsections 2 and 8 of section 53-06.1-06, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-08, 53-06.1-08.1, 53-06.1-10, subsection 2 of section 53-06.1-14, subsections 3 and 4 of section 53-06.1-15.1, and section 53-06.1-16.2 of the North Dakota Century Code, relating to definitions, use of gaming funds to promote initiatives and referendums, the use of funds, rent for bingo sites, charitable gaming tickets, sports pools, lending gaming equipment, twenty-one players playing two hands, the attorney general seizing gaming materials without a court order, and sales by distributors and manufacturers.

#### 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, 4 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; 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; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Skjerven; Sorensen; Soukup; 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: DeMers, J.; Murphy; Ring; Schneider

ABSENT AND NOT VOTING: Gertholz; Graba; Gunsch; Hanson, O.; Kingsbury; Laughlin; Peterson; Shockman; Smette; Solberg; Starke

(Committee on Appropriations - Government Operations Division members excused.)

SB 2220 passed and the title was agreed to.

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SB 2360: A BILL for an Act to amend and reenact subsection 2 of section 4-35-21 and section 4-35-21.1 of the North Dakota Century Code, relating to reports of loss through pesticide application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 11 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; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Sorensen; Soukup; 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: Frey; Gertholz; Graba; Gunsch; Kingsbury; Laughlin; Peterson; Shockman; Smette; Solberg; Starke

(Committee on Appropriations - Government Operations Division members excused.)

SB 2360 passed and the title was agreed to.

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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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 15 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gerl; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Skjerven; Sorensen; Soukup; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

**NAYS:** Belter; Clayburgh; Enget; Gates; Gerhardt; Gilmore; Knell; Lang; Melby; Nelson; Olsen, D.; Shaft; Shide; Tokach; Vander Vorst

**ABSENT AND NOT VOTING:** Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Peterson; Shockman; Smette; Solberg; Starke

(Committee on Appropriations - Government Operations Division members excused.)

SB 2376 passed and the title was agreed to.

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**SB 2421:** A BILL for an Act to amend and reenact section 54-02-07 of the North Dakota Century Code, relating to the rough rider award and the North Dakota hall of fame.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 5 YEAS, 90 NAYS, 11 ABSENT AND NOT VOTING.

**YEAS:** Aas; Gerhardt; Haugen; Schmidt; Sorensen

**NAYS:** Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; 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; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Skjerven; 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

**ABSENT AND NOT VOTING:** Anderson, R.; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Murphy; Peterson; Shockman; Smette; Solberg

(Committee on Appropriations - Government Operations Division members excused.)

SB 2421 lost.

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#### MOTION

**REP. R. ANDERSON** MOVED that SB 2459 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2440:** A BILL for an Act to amend and reenact section 53-06.1-07.1 of the North Dakota Century Code, relating to age limitations for participation in games of bingo.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 13 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kloubec; Kolbo; Lang; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjervem; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Belter; DeMers, P.; Gates; Kaldor; Knell; Kouba; Larson, D.; Mertens; O'Shea; Sorensen; Stofferahn; Wilkie

ABSENT AND NOT VOTING: Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Peterson; Shockman; Smette; Solberg

(Committee on Appropriations - Government Operations Division members excused.)

SB 2440 passed and the title was agreed to.

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## ACTING SPEAKER

Rep. A. Hausauer was appointed Acting Speaker.

## SECOND READING OF SENATE BILL

SB 2462: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 20 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schneider; Shaft; Shide; Skjervem; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.

**NAYS:** Belter; Berg, R.; Brokaw; Dorso; Flaagan; Gates; Hanson, O.; Howard; Kloubec; Knell; Kouba; Melby; Murphy; Payne; Schindler; Schmidt; Soukup; Timm; Tokach; Wilkie

**ABSENT AND NOT VOTING:** Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Peterson; Shockman; Smette; Solberg; Speaker Kretschmar

(Committee on Appropriations - Government Operations Division members excused.)

SB 2462 passed and the title was agreed to.

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#### MOTION

**REP. KLOUBEC MOVED** that SB 2026 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2230:** A BILL for an Act to amend and reenact section 38-08-16 of the North Dakota Century Code, relating to civil and criminal penalties for violation of gas and oil resource laws or rules; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 13 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; Gerhardt; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; 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.

**NAYS:** None

**ABSENT AND NOT VOTING:** Gerl; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Nicholas; Oban; Peterson; Shockman; Smette; Solberg; Speaker Kretschmar

(Committee on Appropriations - Government Operations Division members excused.)

SB 2230 passed and the title was agreed to.

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#### MOTION

**REP. HOFFNER MOVED** that SB 2361 be laid over one legislative day, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to repeal subsection 25 of section 20.1-02-05 of the North Dakota Century Code, relating to complimentary fishing licenses.

## MOTION

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

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 42 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Brokaw; Carlson; Dalrymple; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gilmore; Halmrast; Hanson, L.; Hausauer, A.; Hoffner; Hokana; Howard; Kolbo; Kouba; Lang; Larson, D.; Marks; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Ring; Rydell; Schatz; Scherber; Schneider; Skjerven; Sorensen; Starke; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Gates; Gerl; Goetz; Gorman; Hanson, O.; Haugen; Haugland; Hausauer, R.; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Larson, R.; Lindgren; Martin; Murphy; Olsen, D.; Payne; Schindler; Schmidt; Shaft; Shide; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: DeMers, J.; Gerntholz; Graba; Gunsch; Kingsbury; Laughlin; Nicholas; Peterson; Shockman; Smette; Solberg; Speaker Kretschmar

(Committee on Appropriations - Government Operations Division members excused.)

SB 2240 lost for want of a Constitutional majority.

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## MOTION

REP. WALD MOVED that the vote by which SB 2240 lost be reconsidered and the motion to reconsider be laid on the table, which motion was subsequently withdrawn.

## CALL OF THE HOUSE

REP. ULMER REQUESTED a Call of the House.

REP. KLOUBEC MOVED that we dispense with the Call of the House, which motion prevailed.

## MOTIONS

REP. KLOUBEC MOVED that the absent member 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 12:30 p.m., Thursday, March 23, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred HCR 3046 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3046 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Joint Constitutional Revision (Rep. Martin, Chairman) to which was referred HCR 3056 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3056 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2009 has had the same under consideration and recommends by a vote of 22 YEAS, 1 NAY, 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, after the semicolon insert "to provide for a transfer from the state general fund;"

Page 1, line 15, replace "626,330" with "620,392"

Page 1, line 18, replace "2,405,834" with "2,399,896"

Page 1, line 19, replace "1,319,405" with "1,198,405"

Page 1, line 20, replace "1,086,429" with "1,201,491"

Page 2, line 2, replace "73,363" with "63,965"

Page 2, line 3, replace "4,074" with "4,074"

Page 2, remove line 4

Page 2, line 5, replace "1,906,068" with "416,670"

Page 2, line 6, replace "2,992,497" with "3,098,161"

Page 2, line 7, replace "1,319,405" with "1,198,405"

Page 2, line 8, replace "4,311,902" with "4,296,566"

Page 2, replace lines 9 through 17 with:

"SECTION 2. APPROPRIATION - TRANSFER. The amount of \$1,480,000 is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, which shall be transferred by the state treasurer to the veterans' postwar trust fund in two equal transfers of \$740,000 each. The first transfer shall be made on July 1, 1989, and the second on July 1, 1990.

SECTION 3. INVESTMENT INCOME - TRANSFER. The estimated income line item appropriated in section 1 of this Act includes, to the extent

the funds are made available by the administrative committee on veterans' affairs, \$274,000 which is the total estimated investment income on the veterans' postwar trust fund for the biennium beginning July 1, 1989, and ending June 30, 1991. Such amounts shall be transferred to the veterans' home operating fund from the veterans' postwar trust fund by the state treasurer as requested by the administrative committee on veterans' affairs for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

The operating expenses line item is reduced from the increases provided by the Senate as follows:

	HOUSE REDUCTIONS TO SENATE INCREASES	GENERAL FUND	INCREASES REMAINING OVER EXECUTIVE BUDGET
Up-front costs for state fleet service	\$ (3,038)		\$ 11,172
Employee assistance program	(2,000)		0
Registration fees for employee professional development seminars	0		940
Employee awards program	<u>(900)</u>		<u>0</u>
Total	\$ (5,938)		\$ 12,112

This amendment increases the estimated income line item by \$30,000 for additional income estimated to be received on the Veterans Home permanent trust fund during the 1989-91 biennium with a corresponding decrease in general fund support for the Veterans Home.

In addition, the transfer from the veterans postwar trust fund to the Veterans Home is reduced by \$151,000, from \$425,000 to \$274,000, with a corresponding increase in general fund support for the Veterans Home. The \$274,000 is the estimated investment income on the veterans postwar trust fund for the 1989-91 biennium.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

The operating expenses line item is reduced by \$9,398 from the \$10,906 of increases provided by the Senate. The reductions are as follows:

	GENERAL FUND
Claims program - travel and supplies	\$ (5,000)
Administration program - travel	(1,598)
Administrative committee reimbursement	(1,800)
Rent	<u>(1,000)</u>
Total	\$ (9,398)

Increases of \$1,508 for loan program operating expenses and \$1,674 for equipment for the loan program which were provided by the Senate are not reduced.

SB 2009 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 Engrossed SB 2013 has had the same under consideration and recommends by a vote of 22 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2013 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2096 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.

SB 2096 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Industry, Business and Labor (Rep. Whalen, Chairman) to which was referred Engrossed SB 2237 has had the same under consideration and recommends by a vote of 14 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 1, remove "65-02-06,"

Page 1, remove lines 14 through 22

Page 2, remove lines 1 through 7

Page 7, line 24, remove the overstrike over "~~of~~", after "~~seven~~" insert "ten", and remove the overstrike over "~~dollars~~"

Page 7, line 25, remove the overstrike over "~~per week~~" and replace "as follows:" with "for each child. This rate must be paid to each eligible child regardless of the date of death."

Page 7, remove lines 26 through 29

Page 15, line 18, after "who" insert "willfully"

Renumber accordingly

Engrossed SB 2237 was placed on the Sixth 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 2313 has had the same under consideration and recommends by a vote of 9 YEAS, 2 NAYS, 5 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 29, remove "of"

Page 3, line 1, replace "the decedent's death" with "after the appointment of a personal representative"

Page 3, line 26, replace "of the decedent's death" with "after the appointment of a personal representative"

Page 4, line 29, replace "decedent's death" with "appointment of a personal representative"

Renumber accordingly

SB 2313 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 SB 2333 has had the same under consideration and recommends by a vote of 18 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2333 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: A minority of your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred Engrossed SB 2372 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 13, after the underscored period insert "If the superintendent disagrees with the decision of the board to dispose or transfer an article in its collections, the board may not dispose or transfer the article for a period of ninety days. During that period, the board shall solicit public opinion on whether to complete the proposed disposal or transfer of the article."

Renumber accordingly

For the Minority: Reps. Martinson, Bernstein, Lindgren, Marks.

MR. SPEAKER: A majority of your Committee on State and Federal Government (Rep. Martinson, Chairman) to which was referred Engrossed SB 2372 has had the same under consideration and recommends that the same DO PASS.

For the Majority: Reps. Melby, Carlson, Gilmore, Nicholas, V. Thompson, B. Anderson, Clayburgh, Huether, Schatz, Trautman.

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 Engrossed SB 2500 has had the same under consideration and recommends by a vote of 18 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2500 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4062: A concurrent resolution urging Congress to make the federal highway trust fund permanent and to provide for use of the fund for purposes for which the fund was established.

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

SCR 4063: A concurrent resolution directing the Legislative Council to study the legal status and policies for use of the receipts, disbursements, and transfers of motor vehicle license, registration, and fuels tax revenues.

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

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

ROY GILBREATH, Chief Clerk