

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, March 29, 1989

The House convened at 9:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Robert Nordvall, Charity Lutheran Church, Bismarck.

The roll was called and all Representatives were present, except Representatives Carlson, Shaft, and V. Thompson.

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-seventh Day and finds it to be correct.

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

MOTIONS

REP. KLOUBEC MOVED that HCR 3022, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the committee reports on HCR 3011, SB 2308, SB 2321, SB 2532, and SCR 4022 recommending amendments on the Sixth order of business on the legislative calendar of the Fifty-eighth Day be adopted, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MARTIN MOVED that the amendments to HCR 3011 as recommended by the Committee on Joint Constitutional Revision as printed on pages 1695-1698 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS.

HCR 3011, as amended, was placed on the Eleventh order of business on the calendar.

REP. WENTZ MOVED that the amendments to SB 2308 as recommended by the Committee on Judiciary as printed on pages 1699-1700 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2308, as amended, was placed on the Fourteenth order of business on the calendar.

REP. WENTZ MOVED that the amendments to Engrossed SB 2321 as recommended by the Committee on Judiciary as printed on page 1700 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

Engrossed SB 2321, as amended, was placed on the Fourteenth order of business on the calendar.

REP. MARTINSON MOVED that the amendments to SB 2532 as recommended by the Committee on State and Federal Government as printed on page 1701 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SB 2532, as amended, was placed on the Fourteenth order of business on the calendar.

REP. MARTIN MOVED that the amendments to SCR 4022 as recommended by the Committee on Joint Constitutional Revision as printed on pages 1701-1702 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

SCR 4022 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILLS

SB 2308: A BILL for an Act to create and enact a new section to chapter 31-04 of the North Dakota Century Code, relating to the inadmissibility of evidence obtained during mediation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 1 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; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Shaft

SB 2308 passed and the title was agreed to.

SB 2321: A BILL for an Act to amend and reenact section 22-01-14 of the North Dakota Century Code, relating to revocation of a continuing guaranty.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; 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; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Peterson; Shaft

SB 2321 passed and the title was agreed to.

SB 2532: A BILL for an Act to authorize the state board of higher education to convey certain state-owned land; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 3 NAYS, 1 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; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Halmrast; Kloubec; Murphy

ABSENT AND NOT VOTING: Shaft

SB 2532 passed, the title was agreed to, and the emergency clause carried.

REQUEST

REP. KLOUBEC REQUESTED that the record show that he intended to vote "yea" on SB 2532, which request was granted.

MOTION

REP. KLOUBEC MOVED that HB 1520 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, and that HB 1520 be placed on the Eleventh order, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 43 YEAS, 62 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hoffner; Hokana; Kaldor; Kelly; Kingsbury; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Ring; Scherber; Shockman; Starke; Stofferahn; Thompson, V.; Tomac; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gertholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, O.; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Schindler; Schmidt; Schneider; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Shaft

SCR 4022 lost.

SECOND READING OF SENATE BILLS

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

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, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; 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; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Gunsch; Howard; Knell; Lang; Melby; Murphy; Shide; Whalen

ABSENT AND NOT VOTING: Shaft; Urlacher

SB 2014 passed and the title was agreed to.

SB 2026: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; to provide for an appropriation and transfer from the fund for unemployment compensation claims; and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 11 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; 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; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Berg, R.; Bernstein; Dorso; Howard; Murphy; Myrdal; Olson, A.; Schmidt; Tokach; Vander Vorst

ABSENT AND NOT VOTING: Gerhardt; Kloubec; Shaft; Whalen

SB 2026 passed, the title was agreed to, and the emergency clause carried.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1197, HB 1413.

SECOND READING OF SENATE BILLS

SB 2411: A BILL for an Act to create and enact a new subsection to section 26.1-04-03 of the North Dakota Century Code, relating to payment of claims for damages to motor vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 9 YEAS, 91 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Dorso; Frey; Lang; Olsen, D.; Thompson, V.; Vander Vorst; Whalen; Speaker Kretschmar

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

ABSENT AND NOT VOTING: Hanson, O.; Kingsbury; Kloubec; Nelson; Peterson; Shaft

SB 2411 lost.

SB 2419: A BILL for an Act to create and enact a new section to chapter 61-01 and a new section to chapter 61-20 of the North Dakota Century Code, relating to the plugging of abandoned water wells; and to amend and reenact sections 61-20-06 and 61-20-07 of the North Dakota Century Code, relating to the plugging of abandoned water wells.

MOTION

REP. SKJERVEN 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 36 YEAS, 62 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Enget; Frey; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Laughlin; Marks; Oban; Ring; Rydell; Scherber; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Haugen; Haugland; Hausauer, A.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson;

Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Schatz; Schindler; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Gerhardt; Hanson, O.; Hausauer, R.; Nowatzki; Schmidt; Shaft; Wald

SB 2419 lost.

SB 2449: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to creation of a board of counselor examiners and regulation of the practice of counselors; 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 82 YEAS, 14 NAYS, 10 ABSENT AND NOT VOTING.

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

NAYS: Gerntholz; Gunsch; Haugen; Kingsbury; Knell; Kouba; Melby; Mertens; Murphy; Schindler; Shide; Skjerven; Tokach; Whalen

ABSENT AND NOT VOTING: Berg, R.; Flaagan; Hanson, O.; Lang; Nowatzki; Olsen, D.; Schatz; Schmidt; Shaft; Wald

SB 2449 passed and the title was agreed to.

MOTION

REP. R. ANDERSON MOVED that the House waive the reading of the title to SB 2454, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2454: A BILL for an Act to create and enact sections 14-07.1-10, 14-07.1-11, 14-07.1-12, 14-07.1-13, 14-07.1-14, 14-07.1-15, 14-07.1-16, 14-07.1-17, and 14-07.1-18 of the North Dakota Century Code, relating to the consolidation of statutes concerning procedures for handling domestic violence and the domestic violence prevention fund; to amend and reenact sections 14-03-22, 14-07.1-01, 14-07.1-02, 14-07.1-03, 14-07.1-04, 14-07.1-05, 14-07.1-06, 14-07.1-07, 14-07.1-08,

subsection 8.1 of section 27-07.1-17, and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to the supplemental marriage license fee, domestic violence protection orders, jurisdiction of county courts, and warrantless arrests in domestic violence cases; to repeal chapters 12-64 and 14-07.2 of the North Dakota Century Code, relating to procedures for handling domestic violence and the domestic violence prevention fund; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 9 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Howard; Kingsbury; Knell; Melby; Murphy; Shide; Tokach; Vander Vorst

ABSENT AND NOT VOTING: Hanson, O.; Hausauer, R.; Lang; Nicholas; Nowatzki; Schatz; Schmidt; Shaft; Starke

SB 2454 passed and the title was agreed to.

SB 2459: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Revised Uniform Adoption Act; and to amend and reenact sections 14-17-18 and 27-20-45 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Uniform Parentage Act and the Uniform Juvenile Court Act.

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, 15 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; Dorso; Enget; Frey; Gates; Gerhardt; Gerl; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler;

Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjelm; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Clayburgh; DeMers, P.; Gerntholz; Goetz; Gunsch; Haugen; Kingsbury; Knell; Martin; Payne; Thompson, K.; Urlacher; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Flaagan; Hanson, O.; Hausauer, R.; Nowatzki; Schmidt; Shaft; Starke

SB 2459 passed and the title was agreed to.

SB 2500: A BILL for an Act to authorize the state board of higher education to accept a fossil and western history museum at Dickinson state university; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 66 YEAS, 33 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Brokaw; Carlson; Christman; Dalrymple; DeMers, J.; Enget; Flaagan; Frey; Gates; Gerl; Gerntholz; Goetz; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kolbo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Ness; Nicholas; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schneider; Shide; Shockman; Smette; Solberg; Sorensen; Starke; Stenehjelm; Stofferahn; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Berg, R.; Bernstein; Clayburgh; DeMers, P.; Dorso; Gerhardt; Gilmore; Gorman; Gunsch; Hoffner; Kingsbury; Knell; Larson, D.; Marks; Melby; Murphy; Myrdal; Nelson; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Schindler; Skjerven; Soukup; Thompson, K.; Tokach; Tomac; Vander Vorst; Whalen; Wilkie

ABSENT AND NOT VOTING: Berg, G.; Hanson, O.; Hausauer, R.; Kloubec; Nowatzki; Schmidt; Shaft

SB 2500 passed and the title was agreed to.

SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs of the state of North Dakota; to provide for a transfer from the state general fund; and to provide for a transfer from the veterans' postwar trust fund.

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, 3 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; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrda; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gates; Schmidt; Tokach

ABSENT AND NOT VOTING: Gerl; Hanson, O.; Hausauer, R.; Kloubec; Nowatzki; Shaft; Shockman; Ulmer; Whalen

SB 2009 passed and the title was agreed to.

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

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Belter; Berg, G.; Berg, R.; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Graba; Halmrast; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kingsbury; Kolbo; Lang; Laughlin; Martinson; Mertens; Nelson; Ness; Oban; Olsen, D.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shide; Sorensen; Stofferahn; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Williams, A.; Speaker Kretschmar

NAYS: Aas; Anderson, R.; Bernstein; Christman; Enget; Gates; Gerntholz; Gunsch; Hanson, L.; Howard; Jensen; Kloubec; Knell; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Melby; Murphy; Myrda; Nicholas; Olson, A.; Payne; Schatz; Schmidt; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Urlacher; Vander Vorst; Whalen; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Hanson, O.; Nowatzki; Shaft

SB 2416 passed and the title was agreed to.

SB 2007: A BILL for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; 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.; 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; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Melby

ABSENT AND NOT VOTING: Hanson, O.; Nowatzki; Shaft

SB 2007 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that all Senate bills on which final action has been taken be messaged to the Senate immediately, which motion prevailed.

REP. KINGSBURY MOVED that SB 2010, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kingsbury's motion, SB 2010 was rereferred.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1134: Reps. Gates, Trautman, J. DeMers.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do not concur in the Senate amendments to HB 1455 as printed on page 1680 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1455: Reps. Schindler, D. Olsen, Wilkie.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1660 as printed on pages 1682-1683 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1660: Reps. Martinson, Clayburgh, Carlson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2072: Reps. R. Larson, Myrdal, Scherber.

MOTION

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

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

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred Engrossed HB 1663 has had the same under consideration and recommends by a vote of 23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1663 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2019 has had the same under consideration and recommends by a vote of 14 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2019 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 rereferred SB 2090 has had the same under consideration and recommends by a vote of 19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2090 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 SB 2094 has had the same under consideration and recommends by a vote of 22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2094 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 rereferred Engrossed SB 2210 has had the same under consideration and recommends by a vote of 19 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2210 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2316 has had the same under consideration and recommends by a vote of 9 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 1, replace "1989" with "1990"

Re-number accordingly

SB 2316 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 SB 2455 has had the same under consideration and recommends by a vote of 12 YEAS, 4 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 "to create and enact a new section to chapter 53-06.1 of the"

Page 1, remove line 2

Page 1, line 3, remove "foundation aid reserve fund;" and remove "53-06.1-10,"

Page 1, line 4, remove the first comma

Page 1, line 5, remove "the maximum wager in twenty-one," and remove the second comma

Page 1, line 6, replace "foundation aid reserve" with "general" and remove "; and to"

Page 1, line 7, remove "provide a continuing appropriation"

Page 1, remove lines 9 through 22

Page 2, remove lines 1 through 13

Page 2, line 28, overstrike "On adjusted gross proceeds not in excess of six hundred thousand"

Page 2, line 29, overstrike "dollars per quarter, a tax of", remove "fifteen", and overstrike "percent" and insert immediately thereafter "For the first five thousand dollars of adjusted gross proceeds per quarter, the tax is five percent"

Page 3, line 1, overstrike "On adjusted gross proceeds in excess of six hundred thousand"

Page 3, line 2, overstrike "dollars per quarter, a tax of twenty percent" and insert immediately thereafter:

"For the adjusted gross proceeds in each quarter exceeding five thousand dollars but less than three hundred thousand dollars, a tax of ten percent.

3. For the adjusted gross proceeds in each quarter exceeding three hundred thousand dollars, but less than five hundred thousand dollars, a tax of fifteen percent.

4. On adjusted gross proceeds in excess of five hundred thousand dollars per quarter, a tax of twenty percent"

Page 3, line 7, after "pay" insert "one hundred seventy thousand dollars"

Page 3, line 8, after "in" insert "the", overstrike the second "to" and insert immediately thereafter "that", and overstrike "tax collected under"

Page 3, line 9, overstrike "section 53-06.1-12 from eligible organizations conducting games of chance" and insert immediately thereafter "adjusted gross proceeds"

Page 3, line 11, after the comma insert "bears to" and overstrike "following amounts which are hereby"

Page 3, overstrike line 12

Page 3, line 13, overstrike "1.", remove "Two-fifteenths", and overstrike "of the tax collected under subsection 1"

Page 3, overstrike lines 14 and 15

Page 3, line 16, overstrike "53-06.1-12 within the city or county" and insert immediately thereafter "total adjusted gross proceeds within the state"

Page 3, line 17, overstrike "remaining"

Page 3, line 18, remove "for deposit in the state general fund"

Page 3, line 20, remove the overstrike over "~~state general~~" and remove "foundation aid reserve"

Page 3, line 27, remove the overstrike over "~~general~~"

Page 3, line 28, remove "foundation aid reserve"

Page 4, remove lines 1 through 15

Renumber accordingly

SB 2455 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTION

REP. GATES MOVED that HB 1098, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: HB 1050, HB 1051, HB 1061, HB 1062, HB 1106, HB 1119, HB 1142, HB 1146, HB 1178, HB 1184, HB 1192, HB 1434, HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1050, HB 1051, HB 1061, HB 1062, HB 1106, HB 1119, HB 1142,

HB 1146, HB 1178, HB 1184, HB 1192, HB 1434, HCR 3003, HCR 3009, HCR 3023, HCR 3032, HCR 3035, HCR 3037, HCR 3049, HCR 3059, HCR 3060, HCR 3069.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1455, and HB 1660 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1455: Reps. Schindler, D. Olsen, Wilkie
HB 1660: Reps. Martinson, Clayburgh, Carlson

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2072: Reps. R. Larson, Myrdal, Scherber

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

MR. PRESIDENT: The House has passed unchanged: SB 2007.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2411, SB 2419, SCR 4022.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2014, SB 2026, SB 2308, SB 2321, SB 2416, SB 2449, SB 2454, SB 2459, SB 2500, SB 2532.

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

MR. PRESIDENT: The House has reconsidered its action whereby it did concur with the Senate amendments to HB 1134, and subsequently did not concur with the Senate amendments to HB 1134, and the Speaker has appointed as a conference committee to meet with a like committee from the Senate on:

HB 1134: Reps. Gates, Trautman, J. DeMers

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

MR. SPEAKER: The Senate has passed unchanged: HB 1013, HB 1057, HB 1211, HB 1226, HB 1307, HB 1312, HB 1384, HB 1407, HB 1457, HB 1521, HB 1603, HB 1618, HCR 3004, HCR 3005, HCR 3021, HCR 3067, HCR 3081, HCR 3083.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2518.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1360.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1033, HB 1034, HB 1035.

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

MR. SPEAKER: The Senate has failed to pass: HB 1042, HB 1116, HB 1327, HB 1354, HB 1484, HB 1509, HCR 3019, HCR 3082.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has amended and subsequently passed: HB 1005,
 HB 1022, HB 1024, HB 1128, HB 1254, HB 1476, HB 1657.

SENATE AMENDMENTS TO ENGROSSED HB 1005

Page 1, line 17, replace "1,311,350" with "1,466,350"

Page 1, line 19, replace "7,542,457" with "7,697,457"

Page 1, line 20, replace "1,324,650" with "1,479,650"

Page 2, line 2, replace "\$1,261,350" with "\$1,416,350"

Page 2, line 5, replace "biennium" with "period" and replace "July 1, 1989,"
 with "with the effective date of this section"

Page 2, line 14, after "1" insert "and section 2"

Page 2, line 15, replace "is" with "are", remove "an", and replace "measure"
 with "measures"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 130 - DIRECTOR OF INSTITUTIONS

These amendments add \$155,000 from the Capitol building fund for the
 following Capitol building projects:

1. Agency space renovation	\$ 25,000
2. Fire safety requirements	15,000
3. Basement vault renovation	5,000
4. Elevator synchronization	<u>110,000</u>
	<u>\$155,000</u>

In addition, these amendments provide that funds may be transferred from the
 Capitol building fund on an emergency basis to allow for beginning
 installation of the replacement elevator prior to July 1, 1989. The bill as
 amended provides a total of \$210,000 for automating one elevator and
 providing for elevator synchronization.

SENATE FLOOR AMENDMENTS TO ENGROSSED HB 1005

In lieu of the amendments to engrossed House Bill No. 1005 adopted by the
 Senate as printed on pages 1109 and 1110 of the Senate Journal, engrossed
 House Bill No. 1005 is amended as follows:

Page 1, line 17, replace "1,311,350" with "1,466,350"

Page 1, line 19, replace "7,542,457" with "7,697,457"

Page 1, line 20, replace "1,324,650" with "1,479,650"

Page 1, after line 21, insert:

"SECTION 2. APPROPRIATION - COURT MONITOR. The funds provided in
 this section, or so much thereof as may be necessary, are hereby
 appropriated out of any moneys in the general fund in the state

treasury, not otherwise appropriated, to the director of institutions of the state of North Dakota for the purpose of defraying the expenses of the court monitor, for the period beginning January 1, 1989, and ending June 30, 1991, as follows:

Court monitor 1985-87 biennium	\$21,270
Court monitor 1987-89 biennium	<u>31,730</u>
Total general fund appropriation	\$53,000"

Page 2, line 2, replace "\$1,261,350" with "\$1,416,350"

Page 2, line 5, replace "biennium" with "period" and replace "July 1, 1989," with "with the effective date of this section"

Page 2, line 14, after "1" insert "and section 3"

Page 2, line 15, replace "is" with "are", remove "an", and replace "measure" with "measures"

Page 2, after line 15, insert:

"SECTION 6. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 130 - DIRECTOR OF INSTITUTIONS

These amendments add \$155,000 from the Capitol building fund for the following Capitol building projects:

1. Agency space renovation	\$ 25,000
2. Fire safety requirements	15,000
3. Basement vault renovation	5,000
4. Elevator synchronization	<u>110,000</u>
	\$155,000

In addition, these amendments provide that funds may be transferred from the Capitol building fund on an emergency basis to allow for beginning installation of the replacement elevator prior to July 1, 1989. The bill as amended provides a total of \$210,000 for automating one elevator and providing for elevator synchronization.

In addition, these amendments add \$53,000 from the general fund to the Director of Institutions for the expenses of the court monitor as follows:

1985-87 biennium	\$21,270
1987-89 biennium	<u>31,730</u>
	\$53,000

SENATE FLOOR AMENDMENTS TO ENGROSSED HB 1005

In lieu of the amendments to engrossed House Bill No. 1005 adopted by the Senate as printed on pages 1136 and 1137 of the Senate Journal, engrossed House Bill No. 1005 is amended as follows:

Page 1, line 17, replace "1,311,350" with "1,466,350"

Page 1, line 19, replace "7,542,457" with "7,697,457"

Page 1, line 20, replace "1,324,650" with "1,479,650"

Page 2, line 2, replace "\$1,261,350" with "\$1,416,350"

Page 2, line 5, replace "biennium" with "period" and replace "July 1, 1989," with "with the effective date of this section"

Page 2, line 11, after the period insert "All classified employees not on a probation status are entitled to receive increases of at least eighty dollars per month. Pay grade maximums shall not limit the amount of such an increase."

Page 2, line 14, after "1" insert "and section 2"

Page 2, line 15, replace "is" with "are", remove "an", and replace "measure" with "measures"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 130 - DIRECTOR OF INSTITUTIONS

These amendments add \$155,000 from the Capitol building fund for the following Capitol building projects:

1. Agency space renovation	\$ 25,000
2. Fire safety requirements	15,000
3. Basement vault renovation	5,000
4. Elevator synchronization	<u>110,000</u>
	<u>\$155,000</u>

In addition, these amendments provide that funds may be transferred from the Capitol building fund on an emergency basis to allow for beginning installation of the replacement elevator prior to July 1, 1989. The bill as amended provides a total of \$210,000 for automating one elevator and providing for elevator synchronization.

This amendment also changes the section of the bill regarding state employee compensation adjustments to provide that with some exceptions classified employees receive an increase of at least \$80 per month on July 1, 1989.

This amendment removes the \$53,000 general fund appropriation to the court monitor which was provided for in the prior amendment.

SENATE AMENDMENTS TO ENGROSSED HB 1022

Page 1, line 18, replace "2,389,625" with "2,124,625"

Page 2, line 4, replace "20,809,401" with "20,544,401"

Page 3, line 4, replace "twelve" with "nine"

Page 3, line 5, replace "twenty-two" with "twenty"

Page 3, line 6, replace "6.71" with "6.1" and replace "thirty" with "twenty-one"

Page 3, line 7, after the period insert "Each motorboat twenty feet [6.1 meters] in length or over excluding canoes, thirty dollars." and remove the overstrike over "~~It is the intent of the legislative assembly that the~~"

Page 3, remove the overstrike over line 8

Page 3, line 9, after "~~amendment~~" insert "and 1989 amendments" and remove the overstrike over "~~to this subsection, be used for providing matching funds~~"

Page 3, line 10, remove the overstrike over "~~for construction and installation of boat launching facilities~~" and replace "Each" with "fish cleaning and comfort stations, boating enforcement, boating safety education, and boat registration administration"

Page 3, remove line 11

Page 3, line 12, remove "canoes, sixty dollars"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH

The amendment decreases the three-year boat license fee increase called for by the House amendments and changes the categories of boat length upon which the fees are based. The first category remains at boats under 16 feet, the middle category is boats between 16 feet and 20 feet rather than 16 feet to 22 feet. The third category is boats longer than 20 feet rather than 22 feet. A comparison of the three-year boat license fees under current law to the bill as amended by the House and the bill as it reflects the above amendments (Senate version) is as follows:

BOAT LENGTH	PRESENT FEE	HOUSE VERSION	SENATE VERSION
Less than 16 feet	\$ 6.00	\$ 12.00	\$ 9.00
Between 16 and 22 feet (House version)	15.00	30.00	
Between 16 and 20 feet (Senate version)	15.00		21.00
22 feet and longer (House)	15.00	60.00	
20 feet and longer (Senate)	15.00		30.00

The estimated income and grants lines are decreased by \$265,000 due to decreasing the fees from the levels included in the House amendment. The bill as amended by the above amendment (Senate version) provides \$205,000 from the fee increases over present law. The House increases provided \$470,000 of additional revenue.

The amendment also provides for specific language to be in the law regarding for what the motorboat license fee increases can be used.

SENATE AMENDMENTS TO ENGROSSED HB 1024

Page 1, line 16, replace "5,004,844" with "5,184,844"

Page 1, line 20, replace "4,772,879" with "4,802,879"

Page 1, line 21, replace "11,184,452" with "11,394,452"

Page 2, line 1, replace "7,272,102" with "7,302,102"

Page 2, line 2, replace "3,912,350" with "4,092,350"

Page 2, line 10, replace "3,912,350" with "4,092,350"

Page 2, line 11, replace "37,763,506" with "37,793,506"

Page 2, line 12, replace "41,675,856" with "41,885,856"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

These amendments add \$180,000 from the general fund to the salaries and wages line item to provide salary increases for engineers and technicians to assist in recruitment and retention for these positions.

In addition, the grants line item is increased by \$30,000 from other funds to allow the expenditure of additional amounts to be received from political subdivisions for water resource development.

SENATE AMENDMENTS TO ENGROSSED HB 1128

Page 1, line 1, remove "to create and enact a new section to chapter 65-05 of the"

Page 1, remove line 2

Page 1, line 3, remove "benefits by social security benefits; and"

Page 1, remove lines 15 through 20

Page 3, line 24, replace ", and" with "at the rate of ten dollars per week for each child. Effective July 1, 1989, this rate must be paid to each eligible employee regardless of the date of injury."

Page 3, remove lines 25 through 29

Page 4, remove lines 1 through 4

Page 5, remove lines 28 and 29

Page 6, remove lines 1 through 10

Reumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1254

Page 1, line 2, replace "the confidentiality of" with "access to"

Page 1, line 17, replace "Confidentiality" with "Access"

Page 1, line 18, remove "confidential and" and after "inspection" insert "under section 44-04-18 and section 6 of article XI of the Constitution of North Dakota"

Page 2, line 3, after "infraction" insert "and is not subject to the penalty provided by section 12.1-13-01"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1476

Page 1, line 15, replace "All transfer hoses" with "A transfer hose with an expiration date printed on the hose must be replaced prior to that date. Transfer hoses without an expiration date"

Page 1, line 18, replace "installation" with "manufacture"

Page 1, line 20, replace "installation" with "manufacture"

Page 2, line 2, replace "installation" with "manufacture"

Page 2, replace lines 3 and 4 with "Notwithstanding the replacement dates determined under this subsection for transfer hoses with or without an expiration date, an additional year must be allowed for replacement of transfer hoses in order to take into account delays in the original installation of transfer hoses."

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1657

Page 2, line 3, remove "unless"

Page 2, line 4, remove "the object, material, or", overstrike "tinted windows or windshields", remove "are", and overstrike "in"

Page 2, line 5, overstrike "compliance with the federal motor vehicle safety standards No. 205" and insert immediately thereafter "unless the object, material, or tinting in conjunction with the window or windshield upon which it is displayed, affixed, or applied has a light transmittance of at least seventy percent"

Page 2, line 8, after "39-21-38" insert ", nor to front side windows displaying transparent sunscreening material as authorized by competent medical authority"

ReNUMBER accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1016, HB 1101, HB 1191, HB 1320, HB 1365, HB 1379, HB 1401, HB 1422, HB 1424, HB 1466, HB 1480, HB 1483, HB 1489, HB 1538.

SENATE AMENDMENTS TO ENGROSSED HB 1016

Page 1, line 2, remove "; and to amend and reenact section 18-04-05"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "departments"

Page 1, line 8, replace "general fund" with "insurance tax distribution fund"

Page 1, remove lines 13 through 22

Page 2, remove lines 1 through 28

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

INSURANCE TAX TO FIRE DEPARTMENTS

This amendment provides that the \$2.6 million 1989-91 biennium appropriation for the insurance premiums to fire department payments is to be funded from the insurance tax distribution fund rather than the state general fund.

The insurance tax distribution fund is created in engrossed Senate Bill No. 2436 which has passed both the Senate and House. Senate Bill No. 2436 provides that the insurance tax distribution fund receives \$2.6 million annually from insurance premium tax collections beginning in fiscal year 1991. Payments to the fire departments are made from the special fund each September 1 beginning in September 1990.

The amendments remove Section 2 of engrossed House Bill No. 1016 because the amendments contained in Section 2 are no longer necessary because of the passage of Senate Bill No. 2436.

SENATE AMENDMENTS TO HB 1101

Page 1, line 4, remove "30.1-28-01,"

Page 1, line 5, remove "guardians,"

Page 9, remove lines 18 through 29

Page 10, remove lines 1 through 28

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1191

Page 7, line 4, after the underscored period insert "The bureau shall establish, by administrative rule, an hourly rate to compensate a worker's attorney from the date the bureau has notified the worker to identify a rehabilitation plan under section 65-05.1-04. The bureau may establish, by administrative rule, absolute maximum fees for such representation."

Page 7, line 26, replace "to" with "will remain permanently and totally disabled without an additional award of training beyond two years."

Page 7, remove lines 27 and 28

Page 8, remove lines 1 and 2

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1320

In lieu of the amendments to Engrossed House Bill No. 1320 as printed on page 1013 of the Senate Journal, Engrossed House Bill No. 1320 is amended as follows:

Page 1, line 19, after "period" insert "not to exceed fifteen days if the eviction is for failure to pay rent, and in all other cases, not to exceed five days"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1365

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 12-60-16.6 of the North Dakota Century Code, relating to the dissemination of criminal history record information.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12-60-16.6 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12-60-16.6. Criminal history record information - Dissemination to parties not described in section 12-60-16.5. Only the bureau may disseminate criminal history record information to parties not described in section 12-60-16.5. The dissemination may be made only if all the following requirements are met:

1. The information has not been purged or sealed.
2. The information is of a conviction, including a conviction for violating section 12.1-20-03, 12.1-20-04, 12.1-20-06.1, or 12.1-20-11 notwithstanding any disposition following a deferred imposition of sentence; or the information is of a reportable event occurring within one year preceding the request.
3. The request is written and contains:
 - a. The name of the requester.
 - b. The name of the record subject.
 - c. At least two items of information used by the bureau to retrieve criminal history records, including:
 - (1) The fingerprints of the record subject.
 - (2) The state identification number assigned to the record subject by the bureau.
 - (3) The social security number of the record subject.
 - (4) The date of birth of the record subject.
 - (5) A specific reportable event identified by date and either agency or court.

4. The identifying information supporting a request for a criminal history record does not match the record of more than one individual."

Renumber accordingly

SENATE AMENDMENTS TO HB 1379

Page 2, line 13, after the period insert "An esthetician does not include a professional make-up artist trained in facial make-up application by a cosmetics company."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1401

Page 1, line 8, remove "elderly"

Page 1, line 9, remove "Each teacher must be placed in a regional human service"

Page 1, line 10, remove "center."

Page 1, line 12, remove "elderly"

Page 1, line 15, remove "older"

Page 1, line 16, replace "shall" with "may"

Page 1, line 19, replace "shall" with "may"

Page 1, line 21, replace "older" with "the", after "blind" insert "and visually impaired", and replace "such as" with "including"

Page 2, line 1, remove "The service area for each teacher must be approximately one-third"

Page 2, remove line 2

Page 2, line 3, remove "of referrals."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1422

Page 3, replace lines 14 through 25 with:

"82,001-	84,000	406.00	331.00	256.00	177.00
84,001-	86,000	416.00	339.00	262.00	181.00
86,001-	88,000	426.00	347.00	268.00	185.00
88,001-	90,000	436.00	355.00	274.00	189.00
90,001-	92,000	446.00	363.00	280.00	193.00
92,001-	94,000	456.00	371.00	286.00	197.00
94,001-	96,000	466.00	379.00	292.00	201.00
96,001-	98,000	476.00	387.00	298.00	205.00
98,001-	100,000	486.00	395.00	304.00	209.00
100,001-	102,000	496.00	403.00	310.00	213.00
102,001-	104,000	506.00	411.00	316.00	217.00
104,001-	105,500	516.00	419.00	322.00	221.00"

Renumber accordingly

SENATE AMENDMENTS TO HB 1424

Page 1, line 16, replace "may" with "shall, after reviewing the evaluations,"

Page 1, line 20, replace "liable" with "liable"

Renumber accordingly

SENATE AMENDMENTS TO HB 1466

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert "and 2"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert "and 2"

Page 2, line 5, replace "or a county in which the debtor uses the" with "and in the office of the secretary of state"

Page 2, line 6, remove "equipment in the debtor's farming operations"

Page 2, after line 9, insert:

- "2. A filing, other than a filing made pursuant to subdivision c of subsection 1, which is made in good faith in an improper place or not in all of the places required by this section is nevertheless effective with regard to any collateral as to which the filing complied with the requirements of this chapter and is also effective with regard to collateral covered by the financing statement against any person who has knowledge of the contents of such financing statement. A filing made pursuant to subdivision c of subsection 1 in an improper county is nevertheless effective if the creditor perceived the place in which the creditor filed to be the debtor's county of residence and the creditor filed in the office of the secretary of state."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1480

Page 1, line 5, remove "30.1-28-11,"

Page 2, line 16, replace "and" with "or"

Page 4, line 20, remove "the"

Page 5, line 11, overstrike "habilitation" and insert immediately thereafter "treatment"

Page 6, line 11, after "~~shall~~" insert an underscored comma

Page 17, remove lines 5 through 28

Page 18, remove lines 1 through 26

Page 21, line 14, remove "an annual", replace "report" with "reports", and after "court" insert "at such times as the court shall require"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1483

Page 1, line 10, replace "assessment taxes" with "assessments"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1489

Page 1, line 16, remove "No more than seven and"

Page 1, remove lines 17 through 19

Page 2, line 14, replace "and" with an underscored comma

Page 2, line 16, after "eighty-five" insert ", and whose commissions from new business each year do not exceed ten thousand dollars"

Re-number accordingly

SENATE AMENDMENTS TO HB 1538

Page 1, line 13, replace the first "or" with ", and the same rate of tax is imposed if the special fuel is" and remove ", storage, or consumption"

Page 1, line 20, after the underscored period insert "For purposes of this section, "use" means the consumption of fuel for heating, agricultural, or railroad purposes, or for industrial purposes other than in the performance of a contract with any unit of government. If any fuel subject to tax by this section was subject to tax in any other state or its political subdivisions, the tax in this section applies but at a rate measured by the difference between the rate imposed in this section and the rate imposed by the other state or its political subdivisions. If the tax imposed by the other state or its political subdivisions is the same or greater than the tax imposed by this section, no tax is due. The provisions for credit in this section apply only if the other state or its political subdivisions allow a credit with respect to the tax imposed by this section which is substantially similar in effect to the credit provided in this section."

Page 2, line 3, after the period insert "The tax imposed by section 57-43.2-03 on special fuels imported for use in this state attaches when the fuel is used in this state."

Page 2, line 11, remove ", storage, or consumption"

Re-number accordingly

MOTION

REP. GRABA MOVED that the House reconsider its action whereby SB 2357 failed to pass for want of a Constitutional majority.

REQUEST

REP. GRABA REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2357 failed to pass for want of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2357 failed to pass for want of a Constitutional majority, the roll was called and there were 52 YEAS, 53 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Carlson; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Martin; Martinson; Mertens; Nelson; Ness; Oban; Olsen, D.; O'Shea; Peterson; Ring; Rydell; Scherber; Schneider; Shockman; Starke; Stofferahn; Thompson, V.; Tomac; Trautman; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Christman; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Melby; Murphy; Myrdal; Nicholas; Nowatzki; Olson, A.; Olson, V.; Payne; Schatz; Schindler; Schmidt; Shide; Skjervem; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Vander Vorst; Wald; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Shaft

So the motion to reconsider the action whereby SB 2357 failed to pass for want of a Constitutional majority failed.

MOTION

REP. KINGSBURY MOVED that the vote by which the motion to reconsider the action whereby SB 2357 failed to pass for want of a Constitutional majority be reconsidered and the motion to reconsider be laid on the table.

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that in order to reconsider SB 2357 again, a two-thirds majority would be necessary. Therefore, Rep. Kingsbury requested that his motion be withdrawn, which request was granted.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Ralph Hickle

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the missions of the institutions of higher education.

MOTION

REP. L. HANSON MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 62 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Enget; Gates; Gerl; Goetz; Gorman;

Gunsch; Halmrast; Hausauer, A.; Hoffner; Hokana; Howard; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Ness; Oban; Olsen, D.; Olson, A.; O'Shea; Payne; Rydell; Schatz; Scherber; Schindler; Schmidt; Shockman; Skjerven; Solberg; Sorensen; Soukup; Stofferahn; Thompson, K.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Whalen; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, P.; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Graba; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Huether; Kaldor; Kingsbury; Kolbo; Laughlin; Marks; Mertens; Murphy; Nelson; Nicholas; Nowatzki; Olson, V.; Peterson; Ring; Schneider; Shide; Smette; Starke; Stenehjem; Thompson, V.; Timm; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Shaft

HC 3011 was declared adopted on a roll call vote.

MOTION

REP. R. LARSON MOVED that House Rule 601, paragraph 1, be suspended with regard to the committee report on SB 2368 which recommends amendments and placing on the calendar without recommendation, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. TOLLEFSON MOVED that the conference committee report on HB 1144 as printed on page 1626 of the House Journal be adopted, which motion prevailed.

HB 1144, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1144: 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 fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Gunsch; Kingsbury; Murphy

ABSENT AND NOT VOTING: Gerhardt; Shaft; Skjerven

HB 1144 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do not concur in the Senate amendments to HB 1041 as printed on pages 1676-1677 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1041: Reps. Rydell, Kloubec, Brokaw.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do not concur in the Senate amendments to HB 1205 as printed on pages 1677-1678 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1205: Reps. Rydell, R. Larson, Ulmer.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. HAUGLAND MOVED that the House do not concur in the Senate amendments to HB 1235 as printed on pages 1639-1643 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1235: Reps. Stenehjøm, Clayburgh, Kolbo.

SECOND READING OF SENATE BILLS

SB 2008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission of the state of North Dakota.

ROLL CALL

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

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

SB 2008 passed and the title was agreed to.

SB 2011: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 99 YEAS, 4 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.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; 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: Melby; Murphy; Schmidt; Stofferahn

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury; Shaft

SB 2011 passed and the title was agreed to.

SB 2012: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board of the state of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 5 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.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Skjerven;

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

NAYS: Dorso; Gerl; Gorman; Murphy; Shockman

ABSENT AND NOT VOTING: Hausauer, R.; Kingsbury; Shaft

SB 2012 passed and the title was agreed to.

SB 2013: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

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 67 YEAS, 36 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Lang; Laughlin; Marks; Mertens; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Peterson; Scherber; Schindler; Schneider; Shockman; Skjerven; Smette; Solberg; Starke; Stenehjem; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Berg, R.; Dalrymple; Dorso; Gorman; Gunsch; Hausauer, A.; Howard; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schmidt; Shide; Sorensen; Soukup; Stofferahn; Thompson, K.; Tokach; Tomac; Urlacher; Vander Vorst; Whalen; Wilkie

ABSENT AND NOT VOTING: Ring; Shaft; Wald

SB 2013 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2397 be returned to the House floor from the Committee on Political Subdivisions and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Martinson's motion, SB 2397 was rereferred.

MESSAGE TO THE SENATE FROM THE HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1041, HB 1205, and HB 1235 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1041: Reprs. Rydell, Kloubec, Brokaw
 HB 1205: Reprs. Rydell, R. Larson, Ulmer
 HB 1235: Reprs. Stenehjem, Clayburgh, Kolbo

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 9:00 a.m., Thursday, March 30, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: A majority of your Committee on Transportation (Rep. Timm, Chairman) to which was rereferred SB 2128 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 1, replace "section" with "sections 39-19-01 and"

Page 1, line 2, after "to" insert "reciprocity agreements and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 39-19-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-01. Highway commissioner - Reciprocity powers. The commissioner or the motor vehicle registrar shall have the power to execute agreements, arrangements, or declarations involving the reciprocal use of the highways of this state by vehicles registered by an Indian tribe or vehicles excepted in part or in full from registration requirements or mile tax payments in lieu thereof, or involving reciprocity between this state and any other state on matters relating to drivers' licensing, financial responsibility, traffic law enforcement, vehicle sizes and weights, and vehicle inspection. Any county that incurs a reduction in the distribution of highway tax funds as a result of a reciprocal registration agreement as provided by this section may provide for an equitable reduction in the maintenance of those highways that are the subject of the agreement. The reciprocal agreement must require that beneficiaries of the agreement be accorded fair and equitable treatment in matters involving motor vehicle registration."

Renumber accordingly

For the Majority: Reprs. Timm, R. Anderson, Bernstein, Christman, Knell, Urlacher, Gerhardt, Hokana, Huether, Kaldor.

MR. SPEAKER: A minority of your Committee on Transportation (Rep. Timm, Chairman) to which was rereferred SB 2128 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 1, replace "section" with "sections 39-19-01 and"

Page 1, line 2, after "to" insert "reciprocity powers of the highway commissioner and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 39-19-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-19-01. Highway commissioner - Reciprocity powers. The commissioner or the motor vehicle registrar shall have the power to execute agreements, arrangements, or declarations involving the reciprocal use of the highways of this state by vehicles registered by an Indian tribe or vehicles excepted in part or in full from registration requirements or mile tax payments in lieu thereof, or involving reciprocity between this state and any other state on matters relating to drivers' licensing, financial responsibility, traffic law enforcement, vehicle sizes and weights, and vehicle inspection. The number of motor vehicle registrations credited to individual counties for the purposes of the highway tax distribution formula as provided in section 54-27-19, may not be reduced as a result of any reciprocal registration agreement. Furthermore, the reciprocal agreement must require that beneficiaries of the agreement be accorded fair and equitable treatment in matters involving motor vehicle registration."

Re-number accordingly

For the Minority: Reps. B. Anderson, Ness, V. Thompson.

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 Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SB 2371 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 3, remove lines 14 and 15

Page 3, line 22, after the second "screening" insert "under appropriate supervision"

Re-number accordingly

Engrossed SB 2371 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 2458 has had the same under consideration and recommends by a vote of 11 YEAS, 5 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 "to" insert "create and enact chapter 57-39.3 of the North Dakota Century Code, relating to an in-lieu fee to be collected by out-of-state retailers making sales into North Dakota if federal legislation is adopted; to"

Page 1, line 4, remove "and" and after "date" insert "; and to declare an emergency"

Page 2, line 3, overstrike "cable television or other"

Page 2, line 4, overstrike "video programming services,"

Page 2, line 11, overstrike "eighty" and insert immediately thereafter "seventy-five"

Page 3, line 3, replace "December 31, 1988" with "May 1, 1989"

Page 5, after line 5, insert:

"SECTION 4. Chapter 57-39.3 of the North Dakota Century Code is hereby created and enacted to read as follows:

57-39.3-01. In-lieu fee imposed. An in-lieu fee is imposed on sales with a destination within North Dakota if the sales are made by a person who by virtue of federal law is required to collect and pay the sales and use tax imposed by sections 57-39.2-02.1 and 57-40.2-02.1.

57-39.3-02. Rate of in-lieu fee. The in-lieu fee is imposed at a rate calculated annually by the tax commissioner. The rate is calculated by dividing the total local option sales and use tax revenues collected pursuant to sections 11-09.1-05 and 40-05.1-06 in the recent fiscal year by total state sales and use tax revenues collected pursuant to sections 57-39.2-02.1 and 57-40.2-02.1, and then multiplying the resulting quotient by the sales and use tax rate established in sections 57-39.3-02.1 and 57-40.2-02.1, and rounding the resulting product to the nearest twenty-five hundredths percent.

57-39.3-03. Election to collect actual tax. Any person required to collect and pay the in-lieu fee imposed in section 57-39.3-01 may elect, on an annual basis, to collect and pay the local sales and use tax imposed in each political subdivision pursuant to sections 11-09.1-05 and 40-05.1-06.

57-39.3-04. Filing of returns and payment of tax. The person paying either the in-lieu fee pursuant to section 57-39.3-01 or the local sales tax pursuant to section 57-39.3-03 must file returns and pay the tax due on the same date required by the sales and use tax imposed pursuant to sections 57-39.2-02.1 and 57-40.2-02.1, unless federal law requires a less frequent schedule. If federal law specifies a less frequent schedule, the tax commissioner shall adopt rules necessary to conform the filing and payment schedule to federal law. The returns must include such information as the tax commissioner may require consistent with federal law.

57-39.3-05. Administration. The provisions of chapter 57-39.2, pertaining to the administration of the retail sales tax, including provisions for refund, credits, or adoption of rules, not in conflict with this chapter or federal law, govern the administration of the in-lieu fee imposed in this chapter.

57-39.3-06. Distribution of revenues. The tax commissioner shall deposit all moneys collected and received under this chapter with the state treasurer and shall certify to the treasurer, on a schedule

consistent with federal law, the distribution of the in-lieu fees collected pursuant to section 57-39.3-01 to the political subdivisions imposing a sales and use tax pursuant to sections 11-09.1-05 and 40-05.1-06. The distribution is based on the proportion that the political subdivision's sales and use tax receipts bears to the total sales and use tax receipts collected by political subdivisions pursuant to sections 11-09.1-05 and 40-05.1-06. The calculations are based on data for the most recent fiscal year. The state treasurer must make the distributions on a schedule consistent with federal law."

Page 6, line 15, replace "December 31, 1988" with "May 1, 1989"

Page 7, line 28, after "events" insert "occurring after April 30, 1989, unless this Act is not passed as an emergency measure by the legislative assembly, in which case this Act is effective for taxable events"

Page 7, line 29, after the period insert "Section 4 of this Act is effective on the same date the federal law authorizing the collection of the in-lieu fee imposed in section 57-39.3-01 or the local sales and use tax elected pursuant to section 57-39.3-03 of this chapter becomes effective."

Page 7, after line 29, insert:

"SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2458 was placed on the Sixth 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 SB 2505 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 NOT PASS:

Page 5, line 5, after the first semicolon insert "cities; counties;"

Page 5, line 6, remove "The term "public employer" does not"

Page 5, remove line 7

Renumber accordingly

SB 2505 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 SCR 4067 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4067 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILL

SB 2518: A BILL for an Act to amend and reenact section 40-57.1-04.1 of the North Dakota Century Code, relating to the period for which tax exemptions for new industries may be granted; and to provide an effective date.

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

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

ROY GILBREATH, Chief Clerk