

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 5, 1989

The House convened at 10:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Ross Rhinehiller, Good Shepherd United Methodist Church, Mandan.

The roll was called and all Representatives were present, except Representatives Dalrymple, Gerntholz, Graba, Gunsch, O. Hanson, R. Hausauer, Hoffner, Jensen, Kelly, Kingsbury, Laughlin, Mertens, Nowatzki, O'Shea, Payne, Peterson, Smette, Solberg, Sorensen, Stofferahn, K. Thompson, Wald, and Watne.

A quorum was declared by the Speaker.

REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Appropriations (Reps. Peterson, R. Hausauer, Dalrymple, Gerntholz, Gunsch, O. Hanson, Jensen, Kingsbury, Payne, Smette, Sorensen, K. Thompson, Wald, Graba, Hoffner, Kelly, Laughlin, Mertens, Nowatzki, O'Shea, Solberg, Stofferahn, and Watne) be excused to attend a committee meeting, which request was granted.

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 Sixty-second Day and finds it to be correct.

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

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

MR. PRESIDENT: The House has passed unchanged: SB 2378, SB 2388.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 8:50 a.m., April 5, 1989: HB 1584.

REPORT OF CONFERENCE COMMITTEE

REP. SCHINDLER MOVED that the conference committee report on HB 1455 as printed on page 1907 of the House Journal be adopted, which motion prevailed.

HB 1455, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act to amend and reenact section 15-47-26 of the North Dakota Century Code, relating to the definition of teacher for purposes of nonrenewal of contracts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 3 NAYS, 23 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Melby; Murphy; Myrdal; Nelson; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervem; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Halmrast; Martinson; Ness

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1455 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. R. BERG MOVED that the conference committee report on SB 2213 as printed on page 1907 of the House Journal be adopted, which motion prevailed.

SB 2213, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to amend and reenact subsection 15 of section 15-29-08 and section 57-15-13 of the North Dakota Century Code, relating to the certification of school district budgets and tax levies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 0 NAYS, 23 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervem; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson;

Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

SB 2213 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. CHRISTMAN MOVED that the conference committee report on SB 2278 as printed on pages 1907-1908 of the House Journal be adopted, which motion prevailed.

SB 2278, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to amend and reenact section 15-39.1-15 of the North Dakota Century Code, relating to withdrawal from the teachers' fund for retirement and return to teaching by a previously withdrawn teacher.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 0 NAYS, 23 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

SB 2278 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that SB 2394 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. STENEHJEM MOVED that the conference committee report on SB 2514 as printed on page 1908 of the House Journal be adopted, which motion prevailed.

SB 2514, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2514: A BILL for an Act relating to pen registers and trap and trace devices.

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, 1 NAY, 17 ABSENT AND NOT VOTING.

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

NAYS: Hanson, O.

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Gunsch; Hausauer, R.; Jensen; Kelly; Kingsbury; Mertens; Nowatzki; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald

(Committee on Appropriations members excused.)

SB 2514 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. MARTINSON MOVED that the conference committee report on SB 2394 as printed on page 1908 of the House Journal be adopted, which motion prevailed.

SB 2394 was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 71 YEAS, 29 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Laughlin; Lindgren; Marks; Martinson; Melby; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Tollefson; Trautman; Ulmer; Vander Vorst; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, B.; Anderson, R.; Belter; Carlson; Gilmore; Goetz; Gunsch; Hanson, D.; Haugen; Huether; Kingsbury; Knell; Larson, D.; Larson, R.; Martin; Murphy; Ring; Schmidt; Shide; Starke; Thompson, K.; Thompson, V.; Timm; Tokach; Tomac; Urlacher; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Hausauer, R.; Mertens; Nowatzki; Peterson; Stofferahn

(Some Committee on Appropriations members were excused.)

SB 2394 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do not concur in the Senate amendments to HB 1200 as printed on pages 1609-1610 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 1200: Reps. Nicholas, Schmidt, Marks.

MOTION

REP. MARTINSON MOVED that SB 2062, which is on the Fourteenth order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Rep. Martinson's motion, SB 2062 was rereferred.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1659 as recommended by the Committee on Appropriations as printed on pages 1766-1767 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1659, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1659: A BILL for an Act to create and enact two new sections to chapter 54-34 of the North Dakota Century Code, relating to the establishment of state foreign trade offices and a Washington, D.C., office of economic development.

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, 46 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Graba; Halmrast; Hanson, L.; Hanson, O.; Hoffner; Hokana; Huether; Kelly; Kolbo; Lang; Larson, D.; Laughlin; Marks; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Ring; Scherber; Schneider; Solberg; Starke; Thompson, V.; Tokach; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Stofferahn

HB 1659 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1662 as recommended by the Committee on Appropriations as printed on page 1866 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1662, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1662: A BILL for an Act to amend and reenact section 54-52.1-06 of the North Dakota Century Code, relating to the state contribution for coverage under the uniform group insurance program; 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 55 YEAS, 49 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Hausauer, A.; Murphy

HB 1662 passed, the title was agreed to, and the emergency clause lost.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HB 1455, SB 2213, SB 2278, SB 2394, and SB 2514 be messaged to the Senate immediately, which motion prevailed.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Charles Linderman

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 Speaker Kretschmar presiding.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1052, HB 1075, HB 1078, HB 1127, HB 1368, HB 1537, HB 1599, HB 1144.

HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1444, HB 1640.

HOUSE ENROSSING REPORT

The following bills were engrossed: HB 1659, HB 1662.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do not concur in the Senate amendments to HB 1128 as printed on page 1724 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 1128: Reps. Dorso, Tokach, Frey.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1466 as printed on page 1729 of the House Journal, which motion prevailed.

HB 1466, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to amend and reenact subsections 1 and 2 of section 41-09-40 of the North Dakota Century Code, relating to perfecting security interests in farm equipment.

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, 2 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; 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; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Thompson, K.; Whalen

ABSENT AND NOT VOTING: Brokaw; Dalrymple; Stenehjem; Tomac

HB 1466 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WENTZ MOVED that the House do concur in the Senate amendments to HB 1543 as printed on page 1645 of the House Journal, which motion prevailed.

HB 1543, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1543: A BILL for an Act to create and enact a new section to chapter 16.1-07 of the North Dakota Century Code, relating to the counting of absentee ballots.

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, 1 NAY, 0 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; Shaft; 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: Stofferahn

ABSENT AND NOT VOTING: None

HB 1543 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2093: Reps. Whalen, Lang, Starke.

MOTIONS

REP. GATES MOVED that the House reconsider its action whereby SB 2470 passed, which motion prevailed on a verification vote.

REP. GATES MOVED that SB 2470 be rereferred to the Committee on Education, which motion prevailed. Pursuant to Rep. Gates' motion, SB 2470 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 1200 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1200: Reps. Nicholas, Schmidt, Marks

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1455 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2213, SB 2278, SB 2394, and SB 2514 and subsequently passed the same.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1007, HB 1029, HB 1158, HB 1164.

SENATE AMENDMENTS TO ENGROSSED HB 1006

Page 1, line 3, after the semicolon insert "to provide for a statement of legislative intent;"

Page 2, line 3, replace "2,326,575" with "2,217,546"

Page 2, line 7, replace "2,821,594" with "2,712,565"

Page 2, line 9, replace "2,388,284" with "2,279,255"

Page 2, line 10, replace "5,974,217" with "5,865,188"

Page 2, line 12, replace "6,894,538" with "6,785,509"

Page 2, after line 12, insert:

"SECTION 2. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that a portion of the general fund appropriation included in subdivision 2 of section 1 of this Act may be used as matching funds for receipt of federal medicaid funds for services to eligible multihandicapped visually impaired persons. The payments shall be made to the human services joint medicaid payment account as directed by the department of human services."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 253 - SCHOOL FOR THE BLIND

Decreases salaries and wages by \$109,029 from the general fund, which was added by the House to provide for the phaseout of the adult deaf-blind program as of June 30, 1991. This amendment provides a June 30, 1990, phaseout of the program.

Adds a section of legislative intent that a portion of the general fund appropriation for the School for the Blind may be used to match federal Medicaid funds within the Department of Human Services for services to eligible multihandicapped visually impaired persons. It is estimated that \$485,000 from the general fund will be used to match \$1,015,000 in federal funds. This includes the placement of all residential students currently living at the School for the Blind and educational services provided by the School for the Blind for the multihandicapped visually impaired.

SENATE AMENDMENTS TO ENGROSSED HB 1007

Page 1, line 15, replace "1,010,000" with "1,064,000"

Page 1, line 16, replace "3,272,275" with "3,326,275"

Page 1, line 18, replace "2,326,252" with "2,380,252"

Page 1, line 20, replace "960,000" with "1,014,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 250 - STATE LIBRARY

The grants line item is increased by \$54,000 from the general fund, from \$960,000 to \$1,014,000, for state aid to public libraries.

SENATE AMENDMENTS TO ENGROSSED HB 1029

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

Page 1, line 6, replace "Subsection" with "Subsections" and after "1" insert "and 2"

Page 1, line 20, replace "one-half" with "three-fourths"

Page 1, line 21, replace "one-half" with "three-fourths"

Page 2, after line 4, insert:

- "2. An insurance company, nonprofit health service corporation, health maintenance organization, or prepaid legal service organization subject to the tax imposed by subsection 1 is entitled to a credit against the tax due for the amount of any assessment paid as a member of a comprehensive health association under subsection 4 of section 26.1-08-09 for which the member may be liable for the year in which the assessment was paid, a credit as provided under subsection 1 of section 26.1-38-08, a credit against the tax due for an amount equal to the examination fees paid to the commissioner under sections 26.1-01-07, 26.1-02-02, ~~and~~ 26.1-03-19 through 26.1-03-22, 26.1-17-32, and 26.1-18-27 and a credit against the tax due for an amount equal to the ad valorem taxes, whether direct or in the form of rent, on that proportion of premises occupied as the principal office in this state for over one-half of the year for which the tax is paid. The credits under this subsection must be prorated on a quarterly basis and may not exceed the total tax liability under subsection 1."

Renumber accordingly

SENATE AMENDMENTS TO HB 1158

Page 1, line 3, after "programs" insert "; and to provide an appropriation"

Page 1, line 10, replace "consulting actuarial firm" with "consultant"

Page 1, after line 14, insert:

"SECTION 2. APPROPRIATION. The amount of \$100,000, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the public employees retirement system for conducting nondiscrimination testing required by section 89 of the Internal Revenue Code."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

This amendment provides the Public Employees Retirement System \$100,000 from the general fund to conduct nondiscrimination testing for health and life insurance programs required under Section 89 of the Internal Revenue Code.

SENATE AMENDMENTS TO ENGROSSED HB 1164

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 1 of section 57-38-01.3 and a new subsection to section 57-38-01.3 of the North Dakota Century Code, relating to net operating loss deductions and special deductions; and to" and after "reenact" insert "subsection 4.2 of section 57-38-01,"

Page 1, line 4, after "to" insert "alternative minimum taxable income and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 4.2 of section 57-38-01 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- 4.2. "North Dakota alternative minimum taxable income" in the case of corporations means alternative minimum taxable income as computed under the Internal Revenue Code provisions in effect at the close of the corporation's taxable year, reduced by any interest received from obligations of the United States included in alternative minimum taxable income or in the computation of alternative minimum taxable income on the federal return, ~~as~~ reduced by the federal income tax deduction computed under subdivision c of subsection 1 of section 57-38-01.3, and either increased or decreased by the adjustments provided in subdivisions a and b of subsection 3 of section 57-38-01 and subdivision g of subsection 1 of section 57-38-01.3 and section 2 of this Act, with the remaining amount apportioned to North Dakota by the same fraction computed under the provisions of chapter 57-38, 57-38.1, or 57-59. The sum calculated pursuant to this subsection must be reduced by the amount of any net operating loss that is attributable to North Dakota sources. If the net operating loss that is attributable to North Dakota sources exceeds the sum calculated pursuant to this subsection, the excess may be carried back or carried forward for the same time period that an identical federal net operating loss may be carried back or carried forward. If a corporation uses an apportionment formula to determine the amount of income that is attributable to North Dakota, the corporation must use the same formula to determine the amount of net operating loss that is attributable to North Dakota. In addition, no deduction may be taken for a carryback or carryforward when determining the amount of net operating loss that is attributable to North Dakota sources.

SECTION 2. A new subdivision to subsection 1 of section 57-38-01.3 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Increased by the amount of any special deductions and net operating loss deductions to the extent that these items were deducted in determining federal taxable income or federal alternative minimum taxable income.

SECTION 3. A new subsection to section 57-38-01.3 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The sum calculated pursuant to subsection 1 of section 57-38-01.3 must be reduced by the amount of any net operating loss that is attributable to North Dakota sources. If the net operating loss that is attributable to North Dakota sources exceeds the sum calculated pursuant to subsection 1 of section 57-38-01.3, the excess may be carried back or carried forward for the same time period that an identical federal net operating loss may be carried back or carried

forward. If a corporation uses an apportionment formula to determine the amount of income that is attributable to North Dakota, the corporation must use the same formula to determine the amount of net operating loss that is attributable to North Dakota. In addition, no deduction may be taken for a carryback or carryforward when determining the amount of net operating loss that is attributable to North Dakota sources."

Renumber accordingly

SENATE FLOOR AMENDMENTS TO ENGROSSED HB 1164

In addition to the amendments to engrossed House Bill No. 1164 adopted by the Senate as printed on pages 1543-1545 of the Senate Journal, engrossed House Bill No. 1164 is further amended as follows:

Page 1, remove line 2

Page 2, remove lines 17 through 29

Page 3, remove lines 1 through 29

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1130, HB 1228, HB 1337, HCR 3056.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1442.

MOTION

REP. KLOUBEC MOVED that SB 2261, SB 2020, SB 2368, and SB 2518 be placed at the head of the Sixth order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2261 as recommended by the Committee on Appropriations as printed on page 1821 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2261, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to provide for a geological survey and a state geologist and their duties and powers; to repeal sections 15-11-08, 15-11-09, 15-11-11, 15-11-11.1, 15-11-12, 15-11-13, 15-11-14, and 15-12-18 of the North Dakota Century Code, relating to the geological survey and the state geologist; 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 102 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Carlson; DeMers, J.; Gerl; Ring

ABSENT AND NOT VOTING: None

SB 2261 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2020 as recommended by the Committee on Appropriations as printed on pages 1768-1769 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission of the state of North Dakota and providing for transfers; 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 81 YEAS, 25 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Berg, R.; Bernstein; Dorso; Gunsch; Hanson, O.; Haugen; Howard; Kloubec; Knell; Lang; Lindgren; Melby; Murphy; Olsen, D.;

Olson, A.; Payne; Schatz; Schindler; Shide; Soukup; Timm; Tollefson; Trautman; Whalen

ABSENT AND NOT VOTING: None

SB 2020 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to SB 2368 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1769 of the House Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SB 2368, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the board of directors for nonprofit health service corporations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 64 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerl; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Kelly; Kolbo; Laughlin; Marks; Martin; Nelson; Ness; Oban; O'Shea; Peterson; Ring; Scherber; Schneider; Shockman; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

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

ABSENT AND NOT VOTING: None

SB 2368 lost.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to Engrossed SB 2518 as recommended by the Committee on Finance and Taxation as printed on pages 1872-1873 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2518, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND 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.

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, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Gerl; Murphy

ABSENT AND NOT VOTING: Aas

SB 2518 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1030, HB 1076, HB 1126, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673, HCR 3045, HCR 3046, HCR 3085.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2201 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2201: Sens. Satrom, Dotzenrod, Moore

MOTIONS

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

REP. KLOUBEC MOVED that the House stand in recess until 4:30 p.m., which motion prevailed.

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

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has concurred in the House amendments to SB 2371, SB 2354, and SB 2458 and subsequently passed the same.

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

HB 1185: Sens. J. Meyer, Holmberg, Stenehjem
HB 1365: Sens. Maxson, Stenehjem, Holmberg
HB 1446: Sens. J. Meyer, Maxson, Stenehjem
HB 1564: Sens. Hanson, Nalewaja, Holmberg
HB 1200: Sens. W. Meyer, Axtman, Vosper
HB 1479: Sens. Satrom, Maixner, Ingstad

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1466 and HB 1543 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1128 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1128: Reps. Dorso, Tokach, Frey

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 2093: Reps. Whalen, Lang, Starke

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred SB 2128 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT 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 owned by enrolled tribal members who are living within the boundaries of an Indian reservation that are 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 set out in section 54-27-19, may not be reduced as a result of any reciprocal registration agreement. The reciprocal agreement must require that beneficiaries of the agreement must be accorded fair and equitable treatment in matters involving motor vehicle registration."

Renumber accordingly

SB 2128 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred HCR 3088 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the feasibility and desirability of entering into reciprocal agreements with Indian tribes concerning the registration of motor vehicles, and the impact upon state funding provided to its political subdivisions as a result of an Indian tribe's exercise of its sovereign powers.

WHEREAS, the state of North Dakota currently registers motor vehicles for all persons within the state of North Dakota, including those persons who are members of Indian tribes residing within Indian reservations; and

WHEREAS, state officials have learned of the intention of the Devils Lake Sioux Indian tribe to begin issuing its own motor vehicle registrations to its own members as early as the spring of 1989; and

WHEREAS, current North Dakota law does not provide for the recognition of motor vehicle registrations issued by Indian reservations; and

WHEREAS, current North Dakota law does not allow for any reciprocal agreement between the state of North Dakota and an Indian reservation concerning the recognition of motor vehicle registrations of either party; and

WHEREAS, other Indian reservations within North Dakota may also desire to issue motor vehicle registrations to its own members; and

WHEREAS, members of the Fifty-first Legislative Assembly upon learning of the potential of Indian reservation motor vehicle registration have expressed concerns with respect to the ramifications of such registration especially as to its effect upon the distribution of moneys from the highway tax distribution fund, the financial impact upon those counties in which Indian reservations are located with respect to the maintenance of roads within reservation boundaries, the integration of the state and Indian tribe vehicle registration system, and fair and equitable treatment to Indian tribe members and other citizens of the state of North Dakota who seek registration of their motor vehicles; and

WHEREAS, the exercise of an Indian tribe's sovereign power may occur in subject areas other than motor vehicle registration which may adversely impact upon the amount of state funds provided to political subdivisions; and

WHEREAS, there is little time left in the remaining days of the Fifty-first Legislative Assembly, to adequately, accurately, and effectively deal with these complex and serious subjects;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the feasibility and desirability of a reciprocal agreement between the state of North Dakota and Indian tribes with respect to motor vehicle registrations issued by either party; and

BE IT FURTHER RESOLVED, that all state and local law enforcement agencies be encouraged to work with Indian tribes to resolve the issue of motor vehicle registrations in anticipation of the work of the Fifty-second Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Legislative Council study the impact upon state funding provided to its political subdivisions as a result of an Indian tribe's exercise of its sovereign powers; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-second Legislative Assembly."

Renumber accordingly

HCR 3088 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 SB 2332 has had the same under consideration and recommends by a vote of 16 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to Senate Bill No. 2332 adopted by the House as printed on pages 1667-1668 of the House Journal, Senate Bill No. 2332 is amended as follows:

Page 1, line 1, replace the second "and" with a comma and after "19-03.1-23" insert ", and 54-21-25"

Page 1, line 3, replace "and" with a comma

Page 1, line 4, after "substances" insert ", and authority to contract with other governmental agencies for prisoners and juvenile delinquents", remove "and", and after "penalty" insert "; and to provide an effective date"

Page 2, line 15, after the first "to" insert "willfully"

Page 2, line 19, remove "The court may not suspend execution or defer"

Page 2, remove line 20

Page 2, line 21, remove "this subsection." and overstrike "Any" and insert immediately thereafter "The court may not suspend execution or defer imposition of any sentence imposed under subdivision a, b, or c of this subsection. Subject to this requirement, any"

Page 4, line 17, after "by" insert "willfully"

Page 5, after line 7, insert:

"c. The court may not defer imposition of any sentence imposed under this subsection, but the court may suspend execution of no more than one-half of any sentence imposed under this subsection."

Page 7, after line 3, insert:

"SECTION 3. AMENDMENT. Section 54-21-25 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-21-25. Authority to contract with other governmental agencies for prisoners and juvenile delinquents. If the director of institutions the department of corrections and rehabilitation determines that adequate or suitable state facilities or services are not available for adult inmates or juvenile delinquents under his the director's control he the director may contract for same with the proper authorities of the United States, Canada, and any of its governmental subdivisions, another state, another agency in this state or a political subdivision of this state, or with any private or public correctional or treatment facility or agency. The state shall reimburse such entities at an amount to be determined by the state based upon the services the state determines are required for the housing and treatment of the inmates. The director may also contract, without cost to the state, to provide services or facilities for persons held by any of the jurisdictions mentioned in this section. An adult inmate or juvenile delinquent who is considered for transfer to another jurisdiction as herein provided; and who as an adult or as parent or guardian of a juvenile does not consent to the transfer; will be given notice of the pending transfer and a review by an institutional staff board including at least one member from the treatment staff, the security or housing staff, the administrative staff; and chaired by an individual designated by the director of institutions to determine the need and justification for a transfer. The findings of the review board will, if appropriate, be given to the adult inmate or juvenile delinquent or a representative or guardian; and in the case of adults, to the pardon board; and in the case of juveniles, to the designated juvenile court staff for their approval of the requested transfer. If a treaty is in effect between the United States and a foreign country for the transfer and exchange of offenders, the director of institutions, upon recommendation of the warden and the approval of the governor, may on behalf of the state under the terms of the treaty transfer or exchange offenders and take any action necessary for the state to participate in the treaty.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on January 1, 1991."

Renumber accordingly

SB 2332 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 Engrossed SB 2413 has had the same under consideration and recommends by a vote of 20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2413 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 rereferred Engrossed SB 2524 has had the same under consideration and recommends by a vote of 9 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 4, after line 13, insert:

- "4. The construction or alteration of a building by a person who does not represent that that person is an architect or offer to perform architectural services for compensation, and the construction or alteration performed meets or exceeds all local and state building code requirements."

Page 10, line 21, replace the first comma with "or" and remove ", or any"

Page 10, line 22, remove "modification or derivative thereof"

Renumber accordingly

Engrossed SB 2524 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1022 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on pages 1722-1723 of the House Journal.

For the Senate: Sens. Shea, Stromme, Lips
For the House: Reps. Wald, Dalrymple, Stofferahn

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

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1041 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1676-1677 of the House Journal and that Engrossed HB 1041 be amended as follows:

Page 1, line 6, after the second "facilities" insert "; to provide an appropriation; and to declare an emergency"

Page 2, line 13, replace "Two" with "One" and replace "members" with "member"

Page 2, line 21, replace "rural" with "North Dakota association of" and replace "industry" with "cooperatives"

Page 2, after line 24, insert:

"9. A school board member, appointed by the governor.

10. A school administrator, appointed by the governor.

11. A school teacher, appointed by the governor."

Page 3, line 5, overstrike the first "two" and insert immediately thereafter "three" and overstrike the second "two" and insert immediately thereafter "three"

Page 3, line 8, after the period insert "At all times either the school board member or the school administrator must be from a school with an enrollment of less than five hundred students."

Page 3, line 10, replace "of the council" with ", the school board member, the school administrator, and the school teacher"

Page 3, line 16, replace "divided among" with "paid by" and remove ", the"

Page 3, remove line 17

Page 3, line 18, remove "budget, and the board of higher education"

Page 5, after line 21, insert:

"SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of reimbursing the necessary expenses of certain members of the North Dakota educational telecommunications council, for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

For the Senate: Sens. Kelsh, Heinrich, Peterson

For the House: Reps. Rydell, Kloubec, Brokaw

Engrossed HB 1041 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1210 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 914 of the House Journal.

For the Senate: Sens. J. Meyer, Stenehjem, Holmberg

For the House: Reps. Shaft, Howard, Ulmer

Engrossed HB 1210 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1245 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1797 of the House Journal.

For the Senate: Sens. Robinson, Satrom, Ingstad
For the House: Reps. Goetz, A. Hausauer, J. DeMers

Engrossed HB 1245 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1320 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 850 of the House Journal.

For the Senate: Sens. Maxson, J. Meyer, Stenehjem
For the House: Reps. Shaft, Urlacher, Ring (refused to sign)

Engrossed HB 1320 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2242 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2152 and subsequently passed the same.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1036, HB 1058.

SENATE AMENDMENTS TO HB 1036

Page 2, line 5, after "works" insert "for an employer"

Page 2, line 7, after "five" insert "consecutive", replace "each year" with "for that employer", and after the period insert "This Act does not apply to employers that employ twenty-five or fewer employees."

ReNUMBER accordingly

SENATE AMENDMENTS TO REENGROSSED HB 1058

Page 1, line 4, replace "effective date" with "appropriation"

Page 3, line 16, after the second "or" insert "lack of"

Page 12, line 8, after "Act" insert "with respect to any region, area, or county of this state"

Page 12, line 9, after "Act" insert "within that region, area, or county"

Page 12, replace lines 12 through 14 with:

"SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise

appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the department of human services for the purpose of continuing pursuant to this Act the existing adult protective service demonstration program, as initially authorized by section 2 of chapter 293 of the 1987 Session Laws of North Dakota, in Cass County and the multicounty region served by the Lake Region human service center, and developing and managing a similar adult protective service program within a multicounty region in western North Dakota for the biennium beginning July 1, 1989, and ending June 30, 1991."

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1010, HB 1019.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2020, SB 2261, SB 2518.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2368.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1292 and subsequently passed with the emergency clause failing to pass the same.

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

MR. PRESIDENT: The House has passed unchanged: SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2526, SB 2527.

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

MR. PRESIDENT: The House has failed to pass: SB 2499.

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 1659, HB 1662.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: HB 1052, HB 1075, HB 1078, HB 1127, HB 1144, HB 1262, HB 1254, HB 1283, HB 1302, HB 1302, HB 1323, HB 1352, HB 1353, HB 1368, HB 1370, HB 1372, HB 1375, HB 1379, HB 1387, HB 1389, HB 1415, HB 1424, HB 1444, HB 1451, HB 1462, HB 1475, HB 1476, HB 1481, HB 1483, HB 1494, HB 1495, HB 1498, HB 1526, HB 1527, HB 1537, HB 1538, HB 1539, HB 1540, HB 1559, HB 1580, HB 1585, HB 1599, HB 1621, HB 1640, HB 1631, HB 1657, HB 1666, HB 1667, HCR 3040, HCR 3058, HCR 3076.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1052, HB 1075, HB 1078, HB 1127, HB 1144, HB 1262, HB 1254, HB 1283, HB 1302, HB 1302, HB 1323, HB 1352, HB 1353, HB 1368, HB 1370, HB 1372, HB 1375, HB 1379, HB 1387, HB 1389, HB 1415, HB 1424, HB 1444, HB 1451, HB 1462, HB 1475, HB 1476, HB 1481, HB 1483, HB 1494, HB 1495, HB 1498, HB 1526, HB 1527, HB 1537, HB 1538, HB 1539, HB 1540, HB 1559, HB 1580, HB 1585, HB 1599, HB 1621, HB 1631, HB 1640, HB 1657, HB 1666, HB 1667, HCR 3040, HCR 3058, HCR 3076.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE SPEAKER ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 2:55 p.m., April 5, 1989: HB 1008, HB 1030, HB 1076, HB 1126, HB 1167, HB 1181, HB 1207, HB 1213, HB 1249, HB 1266, HB 1276, HB 1281, HB 1284, HB 1295, HB 1298, HB 1321, HB 1421, HB 1489, HB 1668, HB 1671, HB 1673.

THE SPEAKER ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 3:00 p.m., April 5, 1989: HCR 3045, HCR 3046, HCR 3085.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred SB 2152 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1563 of the House Journal.

For the Senate: Sens. Dotzenrod, Robinson, Holmberg

For the House: Reps. V. Olson, Gorman, Enget

SB 2152 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2242 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1565-1566 of the House Journal and that Engrossed SB 2242 be amended as follows:

Page 1, line 2, remove "; and to provide a penalty"

Page 1, line 6, after "32-12.1" insert "or any state agency that unites with another state agency, political subdivision, or both, to self-insure against their legal liabilities"

Page 2, line 5, remove "A government self-insurance pool shall obtain excess insurance or"

Page 2, remove line 6

Page 2, line 7, remove "the commissioner of insurance."

Page 2, line 9, after "assets" insert "unless the pool obtains excess insurance or reinsurance with insurance companies approved for such business by the commissioner of insurance"

Page 4, remove lines 20 through 26

Page 5, remove lines 6 through 8

Page 5, line 11, remove "A government self-insurance pool may not in any manner"

Page 5, remove lines 12 and 13

Page 5, remove line 28

Page 6, remove lines 1 through 12

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Mutch

For the House: Reps. Whalen, Vander Vorst, Skjerven

Engrossed SB 2242 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2189, SB 2247, SB 2252, SB 2269, SCR 4033, SCR 4055, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4067, SCR 4072.

MOTION

REP. KLOUBEC MOVED that HB 1041, HB 1320, SB 2152, and SB 2242 be placed at the top of the Seventh order on the calendar, which motion prevailed.

REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Appropriations (Reps. Peterson, R. Hausauer, Dalrymple, Gerntholz, Gunsch, O. Hanson, Jensen, Kingsbury, Payne, Smette, Sorensen, K. Thompson, Wald, Graba, Hoffner, Kelly, Laughlin, Mertens, Nowatzki, O'Shea, Solberg, Stofferahn, and Watne) be excused to attend a committee meeting, which request was granted.

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on Engrossed HB 1041 as printed on pages 1264-1265 of the Senate Journal be adopted, which motion prevailed.

Engrossed HB 1041, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to amend and reenact sections 15-47-36, 15-65-01, 15-65-02, and 15-65-03, subdivision h of subsection 1 of section 28-32-01, and subdivision 1 of subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the membership and name of the educational broadcasting council and the terms educational television services or facilities and radio facilities; to provide an appropriation; 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 81 YEAS, 0 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke;

Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Lang; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne; Whalen

(Committee on Appropriations members excused.)

HB 1041 passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

REP. SHAFT MOVED that the conference committee report on Engrossed HB 1320 as printed on page 1349 of the Senate Journal be adopted, which motion prevailed.

Engrossed HB 1320, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1320: A BILL for an Act to create and enact a new subsection to section 33-06-01 and a new section to chapter 33-06 of the North Dakota Century Code, relating to grounds for eviction and eviction orders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 54 YEAS, 28 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dorso; Enget; Gates; Goetz; Gorman; Halmrast; Haugen; Haugland; Hausauer, A.; Howard; Huether; Kloubec; Kneil; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Hanson, L.; Hokana; Kaldor; Kolbo; Marks; Nelson; Ness; Oban; Ring; Scherber; Schneider; Shockman; Skjervan; Tomac; Ulmer; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Lang; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1320 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

REP. V. OLSON MOVED that the conference committee report on SB 2152 as printed on page 1437 of the Senate Journal be adopted, which motion prevailed.

REP. WHALEN MOVED that the conference committee report on SB 2242 as printed on pages 1438-1439 of the Senate Journal be adopted, which motion prevailed.

SB 2242, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to provide for the regulation of government self-insurance pools.

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, 0 NAYS, 24 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervan; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Lang; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

SB 2242 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1229 as printed on pages 1890-1892 of the House Journal, which motion prevailed.

HB 1229, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to create and enact a new section to chapter 25-06 and a new section to chapter 25-07 of the North Dakota Century Code, relating to the appointment of the superintendents, budgets, staff, and reporting structure of the school for the blind and the school for the deaf; to amend and reenact sections 15-47-27, 15-47-27.1, and 15-47-34 of the North Dakota Century Code, section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 310 of the 1985 Session Laws of North Dakota and section 25-04-01 of the North Dakota Century Code as amended by section 1 of chapter 311 of the 1985 Session Laws of North Dakota, sections 25-06-03, 25-06-04, 25-06-05, 25-07-04, 25-07-05, 54-23-01, 54-24-01, and 54-24-03 of the North Dakota Century Code, relating to the transfer of control of the school for the blind, school for the deaf, and the state library from the director of institutions to the superintendent of public instruction and institutions under the control of the director of institutions and to change the name of the state developmental center at Grafton; to require the governor to develop a plan for the transfer of the powers and duties of the director of institutions; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 9 NAYS, 25 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Huether; Kaldor; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Myrdal; Nelson; Ness; Nicholas; Oban; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Kloubec; Knell; Martinson; Melby; Murphy; Olsen, D.; Timm; Whalen

ABSENT AND NOT VOTING: Dalrymple; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Howard; Jensen; Kelly; Kingsbury; Lang; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1229 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WHALEN MOVED that the House do concur in the Senate amendments to HB 1563 as printed on pages 1816-1817 of the House Journal, which motion prevailed.

HB 1563, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1563: A BILL for an Act to amend and reenact sections 45-10.1-16, 45-11-02, 45-11-04.1, 45-11-05, and 45-11-06 of the North Dakota Century Code, relating to new and renewed fictitious name certificates and records filed with the secretary of state with respect to limited partnerships and fictitious partnership names.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 0 NAYS, 26 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gilmore; Goetz; Gorman; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hokana; Howard; Huether; Kaldor; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Olson, V.; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Soukup; Starke; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Dalrymple; DeMers, J.; Dorso; Gerntholz; Graba; Gunsch; Hanson, O.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Lang; Laughlin; Mertens; Nowatzki; O'Shea; Payne; Peterson; Smette; Solberg; Sorensen; Stofferahn; Thompson, K.; Wald; Watne

(Committee on Appropriations members excused.)

HB 1563 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred Engrossed SB 2029 has had the same under consideration and recommends by a vote of 11 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "reenact" insert "section 57-40.3-10," and after "57-43.1-02" insert a comma

Page 1, line 3, after "to" insert "motor vehicle excise tax allocation and"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.3-10. Allocation of revenue. All moneys collected and received under this chapter shall be transmitted monthly by the registrar to the state tax commissioner and ~~by him~~ shall be paid to the state treasurer to be transferred and credited ~~as follows:~~

- 1- Fifty percent of the tax accruing under this chapter on motor vehicles purchased or acquired outside of this state for use in this state, shall be credited to the motor vehicle registration fund.
- 2- The remaining fifty percent of the tax accruing under this chapter on motor vehicles purchased or acquired outside of the state for use in this state shall be credited to the general fund.
- 3- All moneys accruing under this chapter on motor vehicles purchased in this state shall be credited to the general fund."

Renumber accordingly

Engrossed SB 2029 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1294 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1486 of the House Journal.

For the Senate: Sens. Keller, Krauter, Nething

For the House: Reps. Dorso, Shide, Skjerven

Engrossed HB 1294 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. KLOUBEC MOVED that the House stand adjourned until 10:00 a.m., Thursday, April 6, 1989, which motion prevailed.

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

ROY GILBREATH, Chief Clerk