

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 10, 1989

The House convened at 8:00 a.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Mark Duncan, Capitol Heights Baptist Church, Bismarck.

The roll was called and all Representatives were present, except Representatives G. Berg, Gerl, and Lang.

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 Sixth-fifth Day and finds it to be correct.

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

CHAPLAINCY SCHEDULE
APRIL 10-14, 1989

DATE	CHURCH
10 Rev. Mark Duncan	Capitol Heights Baptist Church, Bismarck
11	Open
12 Rev. Lloyd Hohn	Bethel Assembly of God Church, Mandan
13 Rev. Ross Rhinehillier ...	Good Shepherd United Methodist Church, Mandan
14 Rev. Ignatius David	First United Methodist Church, Bismarck

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

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

MR. SPEAKER: The President has signed: HB 1229, HB 1563.

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

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

- HB 1006: Sens. Stromme, Shea, Thane
- HB 1007: Sens. Mushik, Waldera, Lips
- HB 1021: Sens. Ewen, Stromme, Nelson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2021 and the President has appointed as a conference committee to act with a like committee from the House on:

- SB 2021: Sens. Mushik, Wogsland, Thane

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 8:29 a.m., April 10, 1989: HB 1229, HB 1563.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1245 and HB 1294.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1504, HB 1558 HB 1614, and HB 1634 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 2212.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2032 and subsequently passed the same.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2399.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2382, SB 2470.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4017.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1016 as printed on pages 1725-1726 of the House Journal, which motion prevailed.

Engrossed HB 1016, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act making an appropriation for insurance premium tax payments distribution to fire departments.

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; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerntholz;

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

NAYS: Dorso; Murphy

ABSENT AND NOT VOTING: Gerhardt; Gerl; Hausauer, R.; Laughlin

HB 1016 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. HAUSAUER MOVED that the House do concur in the Senate amendments to Engrossed HB 1029 as printed on pages 1924-1925 of the House Journal, which motion prevailed on a verification vote.

Engrossed HB 1029, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1029: A BILL for an Act to amend and reenact subsections 1 and 2 of section 26.1-03-17 of the North Dakota Century Code, relating to the rate of insurance premium tax on accident and health insurance and other lines of insurance; 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 82 YEAS, 22 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; 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; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Lang; Larson, D.; Laughlin; Marks; Martinson; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Speaker Kretschmar

NAYS: Anderson, B.; Belter; Hanson, L.; Hanson, O.; Haugen; Kouba; Larson, R.; Lindgren; Martin; Melby; Murphy; Ness; O'Shea; Schmidt; Thompson, K.; Timm; Tokach; Tomac; Urlacher; Whalen; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Gerl; Hausauer, R.

HB 1029 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 1101 as printed on page 1726 of the House Journal, which motion prevailed.

HB 1101, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact sections 30.1-01-04, 30.1-09-07, subsection 2 of section 30.1-09-08, sections 30.1-12-08, 30.1-14-04, 30.1-18-05, 30.1-19-06, subdivision d of subsection 1 of section 30.1-20-06, and sections 30.1-20-15, 30.1-29-19, 30.1-30-01, and 30.1-30-02 of the North Dakota Century Code, relating to probate, conservators, and durable powers of attorney.

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, 1 NAY, 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; 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; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Whalen

ABSENT AND NOT VOTING: Gerl; Laughlin

HB 1101 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 1186 as printed on page 1745 of the House Journal, which motion prevailed.

HB 1186, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to create and enact three new sections to chapter 43-13 of the North Dakota Century Code, relating to optometry board

disciplinary powers and board immunity and impaired optometrists; and to amend and reenact sections 43-13-02, 43-13-03, 43-13-04, 43-13-06, 43-13-07, 43-13-11, 43-13-12, 43-13-13, 43-13-15, 43-13-16, 43-13-17, 43-13-18, 43-13-19, 43-13-20, 43-13-21, 43-13-22, 43-13-23, 43-13-24, 43-13-25, 43-13-26, 43-13-28, and 43-13-31 of the North Dakota Century Code, relating to licensing of optometrists.

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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; 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; 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; Laughlin

HB 1186 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do concur in the Senate amendments to Engrossed HB 1196 as printed on pages 1995-1996 of the House Journal, which motion prevailed.

Engrossed HB 1196, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to create and enact a new section to chapter 6-01 of the North Dakota Century Code, relating to the establishment of a special fund designated as the financial institutions regulatory fund; to amend and reenact sections 6-01-17, 6-01-17.1, 6-01-17.2, 6-03-70, 6-05-28, subsections 1, 2, and 4 of section 6-06-08, sections 6-10-06, 7-05-01, 13-03-04, subsection 1 of section 13-03-09, section 13-03.1-05, subsection 1 of section 13-03.1-11, section 13-04.1-04, subdivision a of subsection 1 of section 13-04.1-11, section 13-05-04, subsection 2 of section 13-05-06, subsection 1 of section 51-17-07, and section 51-17-10 of the North Dakota Century Code, relating to the annual assessments, examination fees, investigation fees, and annual licenses of institutions and associations supervised; to repeal section

6-06-08.1 of the North Dakota Century Code, relating to additional assessments of credit unions; 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 99 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; 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; 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; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Frey; Starke; Tokach

ABSENT AND NOT VOTING: Gerl; Hanson, O.; Hoffner; Oban

HB 1196 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 1480 as printed on page 1729 of the House Journal, which motion prevailed.

HB 1480, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1480: A BILL for an Act to create two new sections to chapter 30.1-28 of the North Dakota Century Code, relating to guardians of incapacitated persons; to amend and reenact sections 30.1-26-01, 30.1-28-01, 30.1-28-02, 30.1-28-03, 30.1-28-04, 30.1-28-05, 30.1-28-06, 30.1-28-07, 30.1-28-08, 30.1-28-09, 30.1-28-10, and 30.1-28-12 of the North Dakota Century Code, relating to guardians of incapacitated persons; 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 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; 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; Skjervem; 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: Gerl

HB 1480 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1507 as printed on pages 1996-2000 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 1507: Reps. R. Hausauer, Gates, Aarsvold.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2021: Reps. Gunsch, Gerntholz, Laughlin.

MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby the conference committee report was accepted and HB 1267 was placed on the Seventh order of business on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that HB 1076 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, which motion prevailed.

HB 1076 was placed on the Eleventh order of business on the calendar.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2005 as recommended by the Committee on Appropriations as printed on pages 1963-1965 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2005, as amended, was placed on the Fourteenth order of business on the calendar.

MOTION

REP. K. THOMPSON MOVED that SB 2005 be placed at the foot of the Fourteenth order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2006 as recommended by the Committee on Appropriations as printed on pages 1975-1976 of the House

Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2006, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 6 NAYS, 1 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; 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; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dalrymple; Gunsch; Hanson, O.; Melby; Scherber; Thompson, K.

ABSENT AND NOT VOTING: Gerl

SB 2006 passed and the title was agreed to.

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 2021: Reps. Gunsch, Gerntholz, Laughlin

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1507 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1507: Reps. R. Hausauer, Gates, Aarsvold

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1016, HB 1029, HB 1101, HB 1186, HB 1196, and HB 1480 and subsequently passed the same.

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.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Agriculture (Rep. Nicholas, Chairman) to which was referred Engrossed SB 2274 has had the same under consideration and recommends by a vote of 7 YEAS, 2 NAYS, 7 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 2, replace "noxious weed control programs and" with "county weed board mill levies for noxious weed control"

Page 1, line 3, remove "funding"

Page 1, line 14, replace "forty percent of money collected under section 57-43.2-03" with "fifty thousand dollars beginning in August 1989,"

Page 1, line 17, remove ". No amount in excess of one million"

Page 1, remove lines 18 through 20

Page 1, line 21, remove "state general fund"

Page 2, replace lines 3 through 9 with:

"County weed board - Additional mill levy authority. In addition to the mill levy authority provided in sections 63-01.1-06 and 63-01.1-06.3, the county weed board may, with the approval of a majority of the board of county commissioners, certify annually to the board of county commissioners a tax of one mill on the taxable valuation of all taxable property in the county to carry out this chapter. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes."

Renumber accordingly

Engrossed SB 2274 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 1155 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1638 of the House Journal and that Engrossed HB 1155 be amended as follows:

Page 4, remove lines 6 through 10

Page 5, remove lines 1 through 5

Page 5, line 21, after "similar" insert "motor vehicle"

Renumber accordingly

For the Senate: Sens. Schoenwald, Krauter, Nething
 For the House: Reps. Dorso, Tollefson, Oban

Engrossed HB 1155 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 1185 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1826 of the House Journal and that Engrossed HB 1185 be amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 53-06.1 and"

Page 1, line 2, after "to" insert "prohibiting organizations that derive revenue from games of chance from using any money in certain political activities and"

Page 1, line 3, remove the first "and"

Page 1, line 8, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 8, line 14, replace "Expenses may" with "After December 31, 1989, cash"

Page 8, remove lines 15 through 17

Page 8, line 18, remove "who is or has been a candidate for public office. Cash"

Page 8, after line 23, insert:

"SECTION 7. A new section to chapter 53-06.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Eligible organizations not to use any money in certain political activities - Penalty. An eligible organization that derives any revenue from games of chance it conducts under this chapter may not use money from any source for the placing on the ballot of any initiated or referred measure or for any activities consisting of attempts to participate in any political campaign on behalf of or in opposition to any active official or person who is or has been a candidate for public office. Any funds expended by an eligible organization to promote or oppose an initiated or referred measure that has been placed on the ballot or for any activities that qualify as activities of a lobbyist under section 54-05.1-02, that are not compensation or expenses paid to a lobbyist, and that are not otherwise required to be reported under section 54-05.1-03 must be reported to the attorney general in the manner and at the times prescribed by the attorney general. An eligible organization that violates this section is subject to a suspension of its license to conduct games of chance under this chapter for up to one year."

Page 10, after line 14, insert:

"SECTION 10. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Reumber accordingly

For the Senate: Sens. J. Meyer, Holmberg, Stenehjem
For the House: Reps. Howard, Stenehjem, Ulmer

Engrossed HB 1185 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 1267 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1798-1799 of the House Journal and that Engrossed HB 1267 be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1267 as printed on pages 1976-1978 of the House Journal, engrossed House Bill No. 1267 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a refund of sales tax for purchases made by residents of Canada; and to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to a sales tax exemption for purchases made by residents of certain adjoining states.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from ~~all sales~~ a sale otherwise taxable under this chapter when made to ~~persons~~ a person who are residents is a resident of an adjoining states state which do does not impose or levy a retail sales tax or are residents of Canada; provided that such persons are under the following conditions:
 - a. ~~The nonresident is in the state of North Dakota for the express purpose of making such purchases a purchase, and not as tourists; and provided, further, that any such person furnish a tourist.~~
 - b. ~~The nonresident furnishes to the North Dakota retailer a certificate signed by him the nonresident in such a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such the certificate is furnished it shall be presumed, until the contrary is shown, that such person the nonresident was not in the state of North Dakota for the express purpose of making such purchases; provided, further, that this exemption shall not apply to any a purchase.~~
 - c. ~~The sale to any person who is a resident of another state if the sales price is twenty-five dollars or less or to any person who is a resident of Canada if the sales price is twenty-five dollars or less is fifty dollars or more.~~

SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refunds for Canadian residents. The tax imposed under this chapter on gross receipts from sales made to a person who is a resident of Canada may be refunded under the following conditions:

1. The Canadian resident was in North Dakota for the express purpose of making a purchase, and not as a tourist.
2. The goods will be removed from North Dakota within thirty days of purchase and will be used permanently outside North Dakota.
3. The Canadian resident applies in writing to the commissioner on a form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale.
4. The refund is five dollars or more. Sales may be accumulated for periods not in excess of one calendar year in order to reach the five dollar limit."

Renumber accordingly

For the Senate: Sens. Richard, Maixner, Ingstad

For the House: Reps. Haugen, A. Olson, P. DeMers (refused to sign)

Engrossed HB 1267 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 1449 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1773-1774 of the House Journal and that Engrossed HB 1449 be amended as follows:

Page 1, line 1, replace "pheasant and duck upland" with "small and big game"

Page 1, line 2, remove "a" and replace "transfer" with "transfers"

Page 1, line 3, after "fund" insert "and from the habitat restoration stamp fund", after "appropriation" insert "of the interest generated by the fund", and replace "an" with "legislative intent regarding the small and big game habitat restoration trust fund"

Page 1, line 4, remove "expiration date"

Page 1, line 6, replace "Pheasant and duck upland" with "Small and big game"

Page 1, line 7, replace "pheasant and duck upland" with "small and big game"

Page 1, line 9, replace "pheasant and duck" with "small and big game"

Page 1, line 10, replace "upland" with "small and big game" and after "habitat" insert ", food plot development,"

Page 1, line 14, replace "pheasants and waterfowl," with "small and big game"

Page 1, line 16, replace "pheasant and duck upland" with "small and big game"

Page 1, line 19, replace "pheasant and" with "small and big game"

Page 1, line 20, remove "duck upland"

Page 2, after line 2, insert:

"SECTION 2. SMALL AND BIG GAME HABITAT RESTORATION TRUST FUND - LEGISLATIVE INTENT. The funds transferred as required in section 3 of this Act must be invested in interest-bearing accounts known as the small and big game habitat restoration trust fund. The fund is established to provide funds from the interest generated by the fund for private land small and big game habitat leasing, food plot development, and small and big game habitat cost-sharing agreements as described in section 1 of this Act. It is the intent of the legislative assembly that expenditures from the principal of the small and big game habitat restoration trust fund commence no later than December 31, 1995."

Page 2, line 10, replace "pheasant and" with "small and big game"

Page 2, line 11, remove "duck upland" and after "fund" insert ". The interest generated by the fund is to be used"

Page 2, replace lines 13 through 20 with:

"SECTION 4. TRANSFER. The amount of \$100,000 must be transferred annually from the game and fish operating fund to the small and big game habitat restoration trust fund.

SECTION 5. CONTINUING APPROPRIATION. The interest earned by moneys contained in the small and big game habitat restoration trust fund is hereby appropriated as a standing and continuing appropriation for the purposes of section 1 of this Act.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the 1989 legislative assembly that the small and big game habitat restoration trust fund interest income earned during a biennium must be spent prior to the end of the succeeding biennium."

Renumber accordingly

For the Senate: Sens. Maixner, O'Connell, David
For the House: Reps. A. Olson, Schindler, Halmrast

Engrossed HB 1449 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 1564 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1682 of the House Journal and that Engrossed HB 1564 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 31-01 of the"

Page 1, remove line 2

Page 1, line 3, remove "perjury; and"

Page 1, line 13, replace "The" with "At the time the", after "hearing" insert "administers the oath to a witness, the officer", and remove ", before"

Page 1, remove line 14

Page 1, line 15, remove "testifies,"

Page 1, remove lines 17 through 22

Renumber accordingly

For the Senate: Sens. Hanson, Nalewaja, Holmberg

For the House: Reps. Murphy, Uriacher, Nelson

Engrossed HB 1564 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 1581 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on page 1750 of the House Journal and that Engrossed HB 1581 be amended as follows:

Page 3, line 1, replace "inclusive of" with "as approved by the board and considering the"

Page 3, line 2, remove "recognition of"

Page 6, line 8, remove "level required by the" and replace the comma with "as approved by the board and considering the"

Page 6, line 9, remove "inclusive of recognition of"

Renumber accordingly

For the Senate: Sens. Satrom, Maixner, Moore

For the House: Reps. Dorso, Soukup, Frey

Engrossed HB 1581 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2114 as recommended by the Committee on Appropriations as printed on page 1976 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2114, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act providing an appropriation for the North Dakota forest service to increase tree seedling production and promote tree planting for the North Dakota centennial tree program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 12 NAYS, 1 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Oban; Oisen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wenz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Gunsch; Hanson, O.; Knell; Kouba; Melby; Murphy; Nelson; Schatz; Thompson, K.; Wald; Whalen

ABSENT AND NOT VOTING: Gerl

SB 2114 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that SB 2332 and SB 2003, which are on the Sixth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2332 and SB 2003 were rereferred.

REP. KLOUBEC MOVED that SB 2005, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2005 was rereferred.

REP. KLOUBEC MOVED that the House reconsider its action whereby SB 2016 passed, which motion prevailed on a verification vote.

REP. KLOUBEC MOVED that SB 2016 be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2016 was rereferred.

SIXTH ORDER OF BUSINESS

REP. MARTINSON MOVED that the amendments to SB 2062 as recommended by the Committee on State and Federal Government as printed on pages 2006-2007 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2062, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact a new subdivision to subsection 6 of section 26.1-08-03 of the North Dakota Century Code, relating to the powers of the comprehensive health association board of directors; and to amend and reenact subsection 2 of section 26.1-08-03,

sections 26.1-08-04, 26.1-08-05, 26.1-08-06, 26.1-08-07, and subsection 4 of section 26.1-08-12 of the North Dakota Century Code, relating to the comprehensive health association's board of directors and benefits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 6 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; 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; 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: Gunsch; Kingsbury; Knell; Kouba; Melby; Murphy

ABSENT AND NOT VOTING: Gerl

SB 2062 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that SB 2530 be placed at the head of the Sixth order on the calendar, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. WENTZ MOVED that the amendments to SB 2530 as recommended by the Committee on Judiciary as printed on pages 2007-2008 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2530, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2530: A BILL for an Act to create and enact a new section to chapter 32-07 of the North Dakota Century Code, relating to the hearing on an order to show cause, notice, available defenses, and use of bond and undertaking in claim and delivery.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 54 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hoffner; Hokana; Huether; Kaldor; Kelly; Kolbo; Lang; Laughlin; Marks; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schindler; Schmidt; Schneider; Shockman; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Vander Vorst; Watne; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kingsbury; Kloubec; Knell; Kouba; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Myrdal; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Shaft; Shide; Skjervem; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen

ABSENT AND NOT VOTING: Gerl

SB 2530 lost.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2389 and SB 2459 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 HB 1022, HB 1210, and HB 1320.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1041 and subsequently passed the same.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4073.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4073: A concurrent resolution directing the Legislative Council to monitor the Department of Human Services' service payments to the elderly and disabled and long-term care programs during the 1989-91 biennium.

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

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278,

SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

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

MR. PRESIDENT: The Speaker has signed: SB 2009, SB 2026, SB 2152, SB 2213, SB 2238, SB 2242, SB 2278, SB 2354, SB 2371, SB 2378, SB 2388, SB 2394, SB 2461, SB 2465, SB 2482, SB 2483, SB 2491, SB 2502, SB 2510, SB 2514, SB 2526, SB 2527.

MOTIONS

REP. KLOUBEC MOVED that SB 2397, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

REP. KLOUBEC MOVED that SB 2520 be placed at the head of the Fourteenth order on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of accrued sick leave to state employees at retirement.

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, 17 NAYS, 1 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.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Belter; Dorso; Gunsch; Haugen; Howard; Kingsbury; Knell; Kouba; Lindgren; Melby; Murphy; Olsen, D.; Payne; Soukup; Tokach; Tollefson; Trautman

ABSENT AND NOT VOTING: Gerl

SB 2520 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that the rules be suspended and that SB 2006, SB 2114, SB 2062, and SB 2520 be messaged to the Senate immediately, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 3:30 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 President has appointed as a conference committee to act with a like committee from the House on:

HB 1507: Sens. Heinrich, Mathern, Freborg

HB 1626: Sens. W. Meyer, Kinnoin, Krebsbach

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2020, SB 2298, and SB 2334 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2037 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2037: Sens. Mathern, Hilken, Peterson

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2320 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 2192, SB 2193, SB 2222, SB 2226, and SB 2376 and subsequently passed the same.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2006, SB 2062, SB 2114, SB 2520.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

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

MR. PRESIDENT: The Speaker has signed: SB 2046, SB 2055, SB 2078, SB 2089, SB 2097, SB 2105, SB 2110, SB 2131, SB 2135, SB 2145, SB 2206, SB 2216, SB 2245, SB 2271, SB 2281, SB 2286, SB 2292, SB 2294, SB 2295, SB 2301, SB 2310, SB 2319, SB 2328, SB 2344, SB 2347, SB 2360, SB 2418, SB 2463, SB 2508, SB 2523.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Reengrossed SB 2270 has had the same under consideration and recommends by a vote of 14 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to reengrossed Senate Bill No. 2270 adopted by the House as printed on pages 1566-1568 of the House Journal, reengrossed Senate Bill No. 2270 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to formation, composition, and duties of the special road advisory committee; to amend and reenact section 24-02-37 of the North Dakota Century Code, relating to investment of the state highway fund and the use of income generated; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 24-02-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

24-02-37. State highway fund - How expended Priorities for expenditure - Use of investment income. The state highway fund, created by law and not otherwise appropriated and allocated, shall must be applied and used for the purposes herein named and in this section, as follows:

1. Except for investment income as provided in subsection 3, the fund must be applied in the following order of priority:
 - ~~1-~~ a. The cost of maintaining the state highway system.
 - ~~2-~~ b. The cost of construction and reconstruction of highways in the amount necessary to match in whatever proportion may be required, federal aid granted to this state by the United States government for road purposes in North Dakota.
 - ~~3-~~ c. Any portion of the highway fund not allocated as provided in ~~subsections~~ ~~+~~ ~~subdivisions~~ ~~a~~ and ~~2~~ ~~b~~ may be expended for the construction of state highways without federal aid or may be expended in the construction, improvement, or maintenance of such state highways.
2. All funds heretofore appropriated or hereafter appropriated or transferred to the department, whether earmarked or designated for special projects or special purposes or not, shall must be placed or transferred into a single state highway fund in the office of the state treasurer and any claims for money expended by the department upon warrants prepared and issued by the ~~department of accounts and purchases~~ office of management and budget and signed by the state auditor under ~~the provisions of this title~~ shall must be paid out of the state highway fund by the state treasurer; provided, however, that the commissioner shall keep and maintain complete and accurate records showing that all expenditures have been made in accordance with legislative appropriations and authorizations.
3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit any income derived from the deposit of the moneys in a special fund in the state treasury known as the special road fund. Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation,

exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.

SECTION 2. A new section to chapter 24-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Special road advisory committee. The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of representatives appropriations committee appointed by the chairman of the legislative council and also the game and fish commissioner, the director of state parks and recreation, the director of the economic development commission, and the highway commissioner. The committee shall meet at the call of the highway commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the highway commissioner regarding funding requested projects. All final decisions regarding funding requested projects are in the sole discretion of the highway commissioner. The members of the commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

SECTION 3. EFFECTIVE DATE. This Act becomes effective on July 1, 1991."

Reumber accordingly

SB 2270 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 2501 has had the same under consideration and recommends by a vote of 16 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 8, replace "fifteen percent" with "one and one-half million dollars"

Page 1, line 11, after "thereafter" insert "through July 1, 1992"

Reumber accordingly

SB 2501 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 1200 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1609-1610 of the House Journal and that Engrossed HB 1200 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-43.1 of the North Dakota Century Code, relating to motor vehicle fuel tax refunds to farm operators; to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 4-14.1-04, 4-14.1-05, 57-43.1-03, and 57-43.1-06 of the North Dakota Century Code, relating to the North Dakota agricultural products utilization commission, agricultural fuel tax fund, refunds of motor vehicle fuels taxes, and allocation of a portion of motor fuel tax refunds to the agricultural fuel tax fund; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-14.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-01. Legislative policy and purpose. It is hereby declared to be the public policy of the state of North Dakota to protect and foster the prosperity and general welfare of its people by providing a new domestic source of energy and chemicals and other value-added products; and by stimulating improving the agricultural economy of the state. In furtherance of this policy, it is the purpose of this chapter to provide necessary assistance in the construction, operation, and maintenance of agricultural processing plants in North Dakota for the manufacture and marketing of agriculturally derived fuel, chemicals, and other agricultural products to the research and marketing needs of the state by developing new uses for agricultural products, byproducts, and by seeking more efficient systems for processing and marketing agricultural products and byproducts, and to promote efforts to increase productivity and provide added value to agricultural products.

SECTION 2. AMENDMENT. Section 4-14.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-02. Agriculturally derived Agricultural fuel tax fund - Purposes - Other funds. There is hereby created in the state treasury, a fund, to be known as the agriculturally derived agricultural fuel tax fund, which must be used to provide a program fund programs for the implementation enhancement of a state agricultural research, development, processing industry, and marketing. The fund must be used for the following purposes:

1. Establishment, with cooperation from private industry, of procedures and processes necessary to the manufacture and marketing of agriculturally derived fuels, chemicals, and other agricultural products. Appropriation to the North Dakota agricultural products utilization commission for its necessary administrative expenses including expenses of members of the commission, employment of needed personnel, hiring of consultants, contracting with public or private

entities for services, and other expenditures necessary to implement the purposes of this chapter.

2. Establishment of a procedure for entering the agriculturally derived fuel, chemicals, and other agricultural products into the marketplace by private enterprise. Seventy-five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for basic and applied research efforts regarding uses and processing for agricultural products and byproducts in consultation with the president of North Dakota state university and with the prior approval of the commission on each research proposal.
3. Analysis of the marketing process and testing of marketing procedures to assure acceptance of agriculturally derived fuels, chemicals, and other agricultural products resulting from their manufacture, in the private marketplace. Twenty-five percent of agricultural fuel tax funds available to the North Dakota agricultural products utilization commission after amounts necessary under subsection 1 must be made available for utilization and marketing efforts in consultation with the commissioner of agriculture and with the prior approval of the commission on each marketing proposal.
4. Cooperation with private industry to establish privately owned agricultural processing plants in this state to supply demand for agriculturally derived fuel, chemicals, and other agricultural products. The North Dakota agricultural products utilization commission may apply for, accept, and expend any grants, gifts, or services made available from public or private sources consistent with the purposes of this chapter.
5. Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services as may be necessary to implement the policy and purposes of this chapter. The allocation of funds in subdivisions 2 and 3 may be changed by the agricultural products utilization commission, subject to emergency commission approval.

SECTION 3. AMENDMENT. Section 4-14.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-03. Agricultural products utilization commission - Composition - Appointment. The agriculturally derived agricultural fuel tax fund must be administered by the agricultural products utilization commission which is hereby established. The commission consists of ~~seven~~ nine members ~~to, six of whom shall be appointed by the governor for terms of two years each, arranged so that at least three terms expire every year. Four members appointed by the governor must be actively engaged in farming in this state, one member must be actively engaged in the petroleum industry,~~ and two members appointed by the governor must be actively engaged in business in this state. Commission members may be reappointed to the commission. Terms of commissioners shall run from the first day of July of odd-numbered years. The director of the economic development commission, the

president of North Dakota state university, and the commissioner of agriculture, or their designees, are members of the commission. The commission shall elect one of its members as chairman.

SECTION 4. AMENDMENT. Section 4-14.1-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-04. Agricultural products utilization commission - Meetings - Personnel - ~~Advisory committee Reports.~~ The agricultural products utilization commission shall meet at least once annually, as necessary and shall report to each session of the legislative assembly. The commission may secure office space and employ needed personnel for the performance of its duties, may hire consultants, and may contract with public entities or private parties for services. ~~The agricultural products utilization commission shall have an advisory committee composed of three persons, one each designated by the director of the economic development commission, the president of the North Dakota state university, and the state commissioner of agriculture.~~

SECTION 5. AMENDMENT. Section 4-14.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-05. Agricultural products utilization commission - ~~Expense reimbursement only~~ Reimbursement - Compensation. All members of the agricultural products utilization commission must be reimbursed for their actual and necessary expenses incurred in the performance of their duties, in the same manner as other state officials are reimbursed, according to sections 44-08-04 and 54-06-09, and ~~shall receive no other compensation~~ if not otherwise employed by the state of North Dakota, may receive up to fifty dollars for each regular meeting attended. The commission chairman, if not otherwise employed by the state of North Dakota, may receive an additional one hundred dollars for each regular meeting attended as payment for reviewing and evaluating grant proposals.

SECTION 6. AMENDMENT. Section 57-43.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-03. Refund of tax ~~provided for~~ fuel used for industrial purposes - Reduction for agriculturally derived agricultural fuel tax fund. Any person who buys or uses any motor vehicle fuel as defined in subsection 4 of section 57-43.1-01 for ~~agricultural or~~ industrial purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time provided in this ~~section~~ chapter, the amount of the tax paid by him upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section shall be reduced by one-half cent per gallon [3.79 liters] ~~retroactive to January 1, 1983,~~ except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the one-half cent per gallon [3.79 liters] withheld from the refund ~~shall~~ must be deposited in the ~~agriculturally derived agricultural~~ fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 shall be charged one-half cent per gallon [3.79 liters] by the dealer and the one-half cent charge

shall be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

SECTION 7. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund of tax for fuel used for agricultural purposes - Reduction for agricultural fuel tax fund. Any person who buys or uses any motor vehicle fuel for agricultural purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, shall be reimbursed or repaid within the time provided in this chapter, the amount of the tax paid upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section shall be reduced by two cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, and the two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 shall be charged two cents per gallon [3.79 liters] by the dealer and the two cents charged shall be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

SECTION 8. AMENDMENT. Section 57-43.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-06. ~~Agriculturally derived~~ agricultural fuel tax fund. Refund to prevent double taxation - Reduction for ~~agriculturally derived~~ agricultural fuel tax fund. Any person to whom special fuel or motor vehicle fuel is sold on which the tax imposed by this chapter or chapter 57-43.2 has been paid who thereafter removes the fuel from this state to a state which requires payment of a tax upon the use of the fuel in that state shall be granted a refund of the tax that was paid pursuant to this chapter or chapter 57-43.2. The refund of tax paid pursuant to this chapter shall be reduced by the ~~amount~~ amounts provided in ~~section~~ sections 57-43.1-03 and section 7 of this Act, and the reduction shall be deposited in the ~~agriculturally derived~~ agricultural fuel tax fund. The refund shall be granted only upon application to the commissioner on forms prescribed by the commissioner, including proof of payment of the tax imposed by the other state, and is subject to the limitations provided in section 57-43.1-05. The tax provided for in section 57-43.2-03 shall not be levied on sales of any such fuel for which a refund of tax is made pursuant to this section.

SECTION 9. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the agricultural fuel tax fund, in the state treasury, not otherwise appropriated, to the North Dakota agricultural products utilization commission for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Operating expenses	\$ 47,950
Contract personnel	72,000
Basic and applied research grants	751,920
Utilization and marketing grants	250,640

Ethanol incentive program	<u>3,500,000</u>
Total appropriation from the agricultural fuel tax fund	\$ 4,622,510

SECTION 10. APPROPRIATION. All income received in excess of the amounts appropriated in section 9 of this Act is hereby appropriated to the North Dakota agricultural products utilization commission for research, marketing, and utilization grants for the biennium beginning July 1, 1989, and ending June 30, 1991. Any funds received require the approval of the budget section of the legislative council before they can be spent.

SECTION 11. ETHANOL INCENTIVE PROGRAM. Of the \$3,500,000 appropriated for the ethanol incentive program in section 9 of this Act \$8,000, or so much thereof as may be necessary, may be used for auditing the ethanol incentive program."

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - NORTH DAKOTA AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

This amendment revises Chapter 4-14.1 by providing that the purpose of the Agricultural Products Utilization Commission is to provide assistance in research, marketing, and utilization of agricultural products in order to develop new uses for agricultural products and byproducts.

In addition, this amendment increases the agricultural motor vehicle fuel tax refund reduction by 1.5 cents per gallon, from .5 cent to 2 cents and provides funding for the Agricultural Products Utilization Commission from the agricultural fuel tax fund as follows:

<u>Operating expenses</u>	
Commission member reimbursement	\$ 7,950
Other operating costs	<u>40,000</u>
Total operating expenses	\$ 47,950
<u>Contract personnel</u>	<u>\$ 72,000</u>
<u>Grants</u>	
Basic and applied research	\$ 751,920
Utilization and marketing	<u>250,640</u>
Total grants	\$ 1,002,560
<u>Ethanol incentive program*</u>	<u>\$ 3,500,000</u>
Total appropriation from the agricultural fuel tax fund	\$ 4,622,510

A section is added providing that any additional income received by the commission may be spent only upon approval of the Budget Section.

*Pursuant to House Bill No. 1415, the \$3.5 million appropriation for the ethanol incentive program is to be used for payments to North Dakota ethanol producers for ethanol sold in North Dakota, to encourage the use of North Dakota products in ethanol production, except that up to \$8,000 of the \$3.5 million may be used, if necessary, for auditing this program.

For the Senate: Sens. W. Meyer, Axtman, Vosper
For the House: Reps. Nicholas, Schmidt, Marks

Engrossed HB 1200 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 Reengrossed SB 2192 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1489 of the House Journal and that Reengrossed SB 2192 be amended as follows:

Page 2, line 10, remove "state water commission, job service North Dakota, the"

Renumber accordingly

For the Senate: Sens. Maxson, Holmberg, Stenehjem
For the House: Reps. Aas, Shaft, Ulmer

Reengrossed SB 2192 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 Reengrossed SB 2193 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1489-1490 of the House Journal and that Reengrossed SB 2193 be amended as follows:

In lieu of the amendments to reengrossed Senate Bill No. 2193 as printed on page 1596 of the Senate Journal, reengrossed Senate Bill No. 2193 is amended as follows:

Page 1, line 19, after "procedures" insert ", although does not need to be legally trained,"

Page 1, line 20, replace "political or economic association" with "bias or prejudice"

Page 1, remove line 22

Page 2, remove line 1

Page 2, line 2, remove "officer."

Page 2, line 26, remove "the state water commission, job"

Page 2, line 27, remove "service North Dakota,"

Renumber accordingly

For the Senate: Sens. Maxson, Stenehjem, Holmberg
For the House: Reps. Aas, Shaft, Ulmer

Reengrossed SB 2193 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 SB 2222 has had the same under consideration and recommends that the HOUSE RECEDE from the

House amendments as found on page 1627 of the House Journal and that SB 2222 be amended as follows:

Page 1, line 5, after "Nondisclosure" insert "- Record of information maintained"

Page 1, line 8, after the period insert "A criminal justice agency shall maintain a list of all files containing active criminal intelligence and investigative information which have been in existence for more than one year. The list required under this subsection is subject to section 44-04-18."

Renumber accordingly

For the Senate: Sens. J. Meyer, Hanson, Holmberg
For the House: Reps. D. Larson, Stenehjem, Kolbo

SB 2222 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 2226 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1215-1216 of the House Journal and that Engrossed SB 2226 be amended as follows:

Page 2, line 2, remove "and rules of the board of university and school lands"

Renumber accordingly

For the Senate: Sens. Maixner, O'Connell, David
For the House: Reps. Schatz, R. Berg, Tomac

Engrossed SB 2226 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 2320 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1568-1569 of the House Journal and that Engrossed SB 2320 be amended as follows:

In lieu of the conference committee amendments to engrossed Senate Bill No. 2320 as printed on pages 1597-1598 of the Senate Journal, engrossed Senate Bill No. 2320 is amended as follows:

Page 3, line 3, remove ", but only"

Page 3, remove line 4

Page 3, line 5, remove "kilometers] or less from the central office,"

Page 5, line 16, remove "or decreases"

Page 5, line 18, after the underscored period insert "A decrease must be reflected in prices within thirty days of the effective date of the price factor."

Page 6, line 13, after "Act" insert "on an ongoing basis during the interims between the 1989, 1991, 1993, and 1995 legislative sessions"

Page 6, line 14, after "in" insert "1990, 1992, and"

Page 8, line 24, overstrike "Separation between regulated and unregulated services" and insert immediately thereafter "Cross-subsidization prohibited"

Page 8, line 25, after "services" insert ", including essential and nonessential services,"

Page 8, line 27, overstrike "enterprises"

Page 9, line 3, replace "as exempted by action of the" with "services, and revenues from essential services may not be used to subsidize or otherwise give advantage to a telecommunications company in its nonessential services. The commission may require a telecommunications company to keep separate books of account, to allocate costs in accordance with procedures established by rule or order of the commission, and to perform other acts that will assist the commission in enforcing this section"

Page 9, line 4, remove "commission pursuant to section 49-21-02.1"

Page 9, line 5, after "service" insert "or a nonessential service" and remove "incremental"

Re-number accordingly

For the Senate: Sens. Langley, Krauter (refused to sign), Nothing

For the House: Reps. R. Larson, Whalen, Stofferahn (absent)

Engrossed SB 2320 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 2376 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1511 of the House Journal and that Engrossed SB 2376 be amended as follows:

Page 1, line 14, replace ". An opening may be placed in the dividing wall to allow" with "designed to allow sales personnel to serve customers and make sales in both the licensed and unlicensed portions of the premises, and that may allow customers in either portion of the premises access to the other portion."

Page 1, remove lines 15 through 18

Re-number accordingly

For the Senate: Sens. Robinson, Langley, Ingstad

For the House: Reps. Shaft, Howard, Flaagan

Engrossed SB 2376 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 2389 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1670 of the House Journal and that Engrossed SB 2389 be amended as follows:

Page 7, line 17, after "attorney" insert "or retained attorney"

Page 7, line 24, after "residence" insert ", or to an attorney retained by that person to represent the applicant throughout the proceedings" and remove "state's"

Page 8, line 23, after "attorney" insert "or retained attorney"

Page 13, line 1, overstrike "The" and insert immediately thereafter "Unless the petitioner has retained an attorney, the"

Page 13, line 4, replace ", except for" with ". The state's attorney or an attorney retained by the petitioner need not appear at"

Page 16, line 28, after the underscored comma insert "the petitioner's retained attorney,"

Page 26, line 26, after the second comma insert "state's attorney,"

Renumber accordingly

For the Senate: Sens. Maxson, Holmberg, Stenehjem

For the House: Reps. Aas, Shaft, Ring

Engrossed SB 2389 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 SB 2459 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on pages 1492-1493 of the House Journal and that SB 2459 be amended as follows:

Page 1, line 15, after "or" insert ", if indigent,"

Page 1, line 17, after the underscored period insert "As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court may order, if a conflict is shown to exist, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons."

Page 2, line 11, after "or" insert ", if indigent,"

Page 2, line 13, after the underscored period insert "As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court may order, if a conflict is shown to exist, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons."

Page 4, line 2, after "or" insert ", if indigent,"

Page 4, line 5, after the underscored period insert "As an alternative to the state's attorney serving as legal counsel to the parent, the state's attorney may request the court to order, upon which the court may order, if a conflict is shown to exist, that other legal counsel services that may be available be provided to the parent at no cost to the parent. These alternative legal counsel services include counsel services for indigent persons."

Renumber accordingly

For the Senate: Sens. Maxson, Stenehjem, Nalewaja

For the House: Reps. Wentz, Shaft, Nelson

SB 2459 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

REQUEST

REP. KLOUBEC REQUESTED that the record show that the members of the Committee on Finance and Taxation (Reps. A. Hausauer, Belter, Gorman, Haugen, Knell, Martin, A. Olson, Timm, G. Berg, J. DeMers, P. DeMers, Hokana, Scherber, Tomac, and W. Williams) were excused to attend a committee meeting, which request was granted.

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed HB 1191 as printed on pages 1993-1994 of the House Journal be adopted, which motion prevailed.

HB 1191, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to create and enact two new sections to chapter 65-05.1 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; to amend and reenact sections 65-05.1-01, 65-05.1-02, and 65-05.1-04 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; to repeal sections 65-05.1-05 and 65-05.1-06 of the North Dakota Century Code, relating to workers' compensation rehabilitation services; 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 83 YEAS, 0 NAYS, 23 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hoffner; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne;

Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Anderson, R.; Belter; Berg, G.; DeMers, J.; DeMers, P.; Gerl; Goetz; Gorman; Haugen; Hausauer, A.; Hausauer, R.; Hokana; Knell; Martin; Mertens; Olson, A.; Peterson; Scherber; Smette; Thompson, K.; Timm; Tomac; Williams, W.

(Committee on Finance and Taxation members excused.)

HB 1191 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. D. LARSON MOVED that the conference committee report on Engrossed HB 1365 as printed on page 2008 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1365, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1365: A BILL 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.

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, 2 NAYS, 20 ABSENT AND NOT VOTING.

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

NAYS: Murphy; Ulmer

ABSENT AND NOT VOTING: Anderson, R.; Belter; Berg, G.; DeMers, J.; DeMers, P.; Gerl; Goetz; Gorman; Haugen; Hausauer, A.; Hausauer, R.; Hokana; Knell; Martin; Olson, A.; Peterson; Scherber; Timm; Tomac; Williams, W.

(Committee on Finance and Taxation members excused.)

HB 1365 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. KNELL MOVED that the conference committee report on Engrossed HB 1422 as printed on page 1994 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1422, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to special number plates for farm vehicles; to amend and reenact subsection 5 of section 39-04-19 of the North Dakota Century Code, relating to registration of certain farm motor vehicles; to provide a penalty; 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 82 YEAS, 7 NAYS, 17 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Enget; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, D.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Brokaw; Flaagan; Huether; Kingsbury; Laughlin; Shockman; Vander Vorst

ABSENT AND NOT VOTING: Anderson, R.; Belter; Berg, G.; DeMers, J.; DeMers, P.; Gerl; Goetz; Gorman; Haugen; Hokana; Knell; Martin; Olson, A.; Scherber; Timm; Tomac; Williams, W.

(Committee on Finance and Taxation members excused.)

HB 1422 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1499 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. MARTIN MOVED that the conference committee report on HB 1554 as printed on page 2022 of the House Journal be adopted, which motion prevailed.

HB 1554, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1554: A BILL for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to modification of water resource district boundaries; and to amend and reenact section 61-16-06 of the North Dakota Century Code, relating to the modification of the boundaries of water resource districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 1 YEA, 86 NAYS, 19 ABSENT AND NOT VOTING.

YEAS: Halmrast

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

ABSENT AND NOT VOTING: Anderson, R.; Belter; Berg, G.; DeMers, J.; DeMers, P.; Gerl; Goetz; Gorman; Haugen; Hausauer, A.; Hokana; Knell; Martin; Olson, A.; Peterson; Scherber; Timm; Tomac; Williams, W.

(Committee on Finance and Taxation members excused.)

HB 1554 lost.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 10, 1989

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

Dear Mr. Speaker:

Quality education is fundamental to economic and social progress.

Around the country, states are using open enrollment, teacher and student testing, greater educational requirements for teachers and a myriad of other methods to promote accountability, to ensure that education continues to serve our needs in an era of global competition.

In recent years, national studies on education reform, particularly those of the National Governors' Association and the Carnegie Foundation, have emphasized the need for accountability. Teachers, administrators, school boards and students need to be accountable to parents and the public for performance -- or lack of performance.

Open records help assure the accountability in North Dakota. And, if there have been any abuses resulting from open records, they have been few and infrequent. In fact, in some instances, an individual's rights and interests are protected by keeping such records open. Closing records implies that there is something to hide. No such implication is justified in North Dakota.

Further, there are many other public employees who may want the same secrecy sought in this bill. If the trend in this bill continues, no public employee's records will be available for scrutiny by the public, which those employees serve.

In the end, this is not so much an issue of privacy vs. the public's right to know as it is an issue of accountability. And one way to help ensure accountability is that teachers' and administrators' records and school board meeting records remain open for public review. The records are, after all, not "personal" files, but "personnel" files. Given the critical role of education and the high percentage of public money expended on it, this bill moves in exactly the wrong direction.

Clearly we must get better pay for teachers. To do that, public confidence must be ensured.

Therefore, I veto HB 1254.

Sincerely,

GEORGE A. SINNER
Governor

MOTIONS

REP. KLOUBEC MOVED that HB 1254 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, which motion prevailed.

HB 1254 was placed on the Eleventh order of business on the calendar.

REP. KLOUBEC MOVED that the House stand in recess until 5:00 p.m., which motion prevailed.

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

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Transportation (Rep. Timm, Chairman) to which was referred Engrossed SB 2243 has had the same under consideration and

recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "24-02" insert ", a new subsection to section 57-43.1-01, two new sections to chapter 57-43.1, a new subsection to section 57-43.2-01, and two new sections to chapter 57-43.2"

Page 1, line 3, remove the second "and"

Page 1, line 4, after "references" insert ", cooperative agreements that may be entered into by the director of the department of transportation with other states for exchange of information and auditing of users of motor fuels and special fuels used in fleets of motor vehicles that operate interstate, and collection and administration of importer for use tax provisions by the director of the department of transportation"

Page 1, line 9, remove "and" and after "57-40.3-01" insert ", 57-43.1-36, 57-43.1-37, 57-43.1-38, 57-43.1-39, 57-43.1-40, 57-43.1-41, 57-43.1-43, 57-43.2-29, 57-43.2-30, 57-43.2-31, 57-43.2-32, 57-43.2-33, 57-43.2-34, and 57-43.2-36"

Page 1, line 17, replace "and" with a comma and after "tax" insert ", and collection and administration of importer for use taxes by the director of the department of transportation"

Page 4, line 21, after "all" insert "surface"

Page 4, line 23, after the period insert "Coordination must be established between the aeronautics commission planning section and the department of transportation office of planning for airport development as it pertains to surface access."

Page 12, after line 8, insert:

"SECTION 21. A new subsection to section 57-43.1-01 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Director" means the director of the department of transportation.

SECTION 22. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Administration and collection of importer for use taxes by director. The director shall administer the importer for use taxes under the provisions of sections 57-43.1-33 through 57-43.1-43 and, for the purposes of the importer for use tax provisions, shall have all of the authority provided to the tax commissioner under sections 57-43.1-01 through 57-43.1-32.

SECTION 23. AMENDMENT. Section 57-43.1-36 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-36. Importer for use license required. Before any person imports fuel into this state in the fuel supply tank of any motor vehicle, that person shall file application for and obtain an importer for use license. Persons exempted from the tax levied under

section 57-43.1-33 are not required to obtain such license. All applications for an importer for use license must be on forms furnished by the commissioner director and must contain such information as the commissioner director requires.

SECTION 24. AMENDMENT. Section 57-43.1-37 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-37. Issuance and display. If the commissioner director finds the statements in the application to be true, and if the commissioner director is satisfied that the application is made in good faith, the commissioner director shall issue to the applicant an importer for use license bearing a distinctive number and specifying the terms of the license. The license or a photocopy of the license must be carried in the passenger compartment of each motor vehicle operated by each importer for use at all times when the motor vehicle is in this state.

SECTION 25. AMENDMENT. Section 57-43.1-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-38. Assignment forbidden. A license issued by the commissioner director pursuant to this chapter is not subject to assignment or transfer, nor is such a license either a franchise or irrevocable.

SECTION 26. AMENDMENT. Section 57-43.1-39 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-39. Revocation, cancellation, and surrender of importer for use license. An importer for use license issued by the commissioner director is in force until the license is suspended, surrendered, or revoked for cause by the commissioner director. The commissioner director, upon showing of failure to comply with the provisions of this chapter or rules adopted by the commissioner or the director under this chapter, may suspend or revoke any license issued under this chapter upon five days' notice to the grantee and on opportunity to be heard. If an importer for use license has been revoked for cause, the commissioner director may reinstate such license upon payment of a fifty dollar fee.

SECTION 27. AMENDMENT. Section 57-43.1-40 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-40. Occasional trip permits. Any person who occasionally makes trips into or through North Dakota and elects to secure occasional trip permits as provided in this section is exempt from the licensing requirements imposed upon importers for use. The word "occasionally" means no more than one trip in any seventy-two-hour period into or through the state. The commissioner director or the commissioner's director's agent shall issue occasional trip permits for a fee of fifteen dollars per trip pursuant to regulations and procedures prescribed by the commissioner director.

SECTION 28. AMENDMENT. Section 57-43.1-41 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-41. Authorization of the ~~commissioner~~ director. The ~~commissioner~~ director may issue authorization relieving fuel dealers of the duty of collecting the tax imposed under this chapter and chapter 57-43.2 from persons who are licensed as importers for use, and who consistently purchase from North Dakota fuel dealers more fuel than is consumed in the propulsion of their motor vehicles in this state.

SECTION 29. AMENDMENT. Section 57-43.1-43 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.1-43. Importer for use tax, reports, payments, records, penalties, disposition of funds, audits, and assessments.

1. Importers for use shall file a quarterly tax return with the ~~commissioner~~ director on forms prescribed by the ~~commissioner~~ director to determine the amount of tax liability or credit under this chapter. The importer for use shall file the return no later than the last day of the month next succeeding the last calendar month in the quarter. Importers for use shall be assessed penalty and interest and are subject to recordkeeping as provided in this chapter. The importer for use tax collected must be distributed as provided in this chapter.
2. The ~~commissioner~~ director shall audit the returns and make necessary assessments pursuant to the procedures and limitations provided for in section 57-43.1-17.

SECTION 30. A new section to chapter 57-43.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Cooperative agreements between states.

1. The director may enter into cooperative agreements with other states for exchange of information and auditing of users of motor fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement or amendment to an agreement is not effective until filed in writing with the director.
2. An agreement under this section may provide for determining the base state for users, users' records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods including defining the uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of motor fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.
3. The director may, as required by the terms of the agreement, forward to officers of another state any information in the director's possession relative to the manufacture, receipt, sale, use, transportation, or shipment of motor fuels by any person. The director may disclose to officers of another

state the location of officers, motor vehicles, and other real and personal property of users of motor fuels.

4. An agreement may provide for each state to audit the records of persons based in the state, to determine if the motor fuel taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the state, to each state in which the person has taxable use of motor fuels. For persons not based in this state and who have taxable use of motor fuel in this state, the director may serve the audit findings received from another state, in the form of an assessment, on the person as though an audit was conducted by the director.
5. Any agreement entered under this section does not preclude the director from auditing the records of any person covered by the provisions of this chapter.
6. The provisions of any agreement entered into under this section prevail over any conflicting rules adopted by the director.

SECTION 31. A new subsection to section 57-43.2-01 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

"Director" means the director of the department of transportation.

SECTION 32. A new section to chapter 57-43.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Administration and collection of importer for use taxes by director. The director shall administer the importer for use taxes under the provisions of sections 57-43.2-26 through 57-43.2-36 and, for the purposes of the importer for use tax provisions, shall have all of the authority of the tax commissioner under sections 57-43.2-01 through 57-43.2-25.

SECTION 33. AMENDMENT. Section 57-43.2-29 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-29. Importer for use license required. Before any person imports fuel into this state in the fuel supply tank of any motor vehicle, that person shall file application for and obtain an importer for use license. Persons exempted from the tax levied under section 57-43.2-26 are not required to obtain such license. All applications for an importer for use license must be on forms furnished by the ~~commissioner~~ director and must contain such information as the ~~commissioner~~ director requires. If the license required by section 57-43.1-38 has been obtained, no license is required pursuant to this section.

SECTION 34. AMENDMENT. Section 57-43.2-30 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-30. Issuance and display. If the ~~commissioner~~ director finds the statements in the application to be true, and if the

commissioner director is satisfied that the application is made in good faith, the commissioner director shall issue to the applicant an importer for use license bearing a distinctive number and specifying the terms of the license. The license or a photocopy of the license must be carried in the passenger compartment of each motor vehicle operated by each importer for use at all times when the motor vehicle is in this state.

SECTION 35. AMENDMENT. Section 57-43.2-31 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-31. Assignment forbidden. A license issued by the commissioner director pursuant to this chapter is not subject to assignment or transfer, nor is such a license either a franchise or irrevocable.

SECTION 36. AMENDMENT. Section 57-43.2-32 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-32. Revocation, cancellation, and surrender of importer for use license. An importer for use license issued by the commissioner director is in force until the license is suspended, surrendered, or revoked for cause by the commissioner director. The commissioner director, upon showing of failure to comply with the provisions of this chapter or rules adopted by the commissioner or director under this chapter, may suspend or revoke any license issued under this chapter upon five days' notice to the grantee and on opportunity to be heard. If an importer for use license has been revoked for cause, the commissioner director may reinstate such license upon payment of a fifty dollar fee.

SECTION 37. AMENDMENT. Section 57-43.2-33 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-33. Occasional trip permits. Any person who occasionally makes trips into or through North Dakota and elects to secure occasional trip permits as provided in this section is exempt from the licensing requirements imposed upon importers for use. The word "occasionally" means no more than one trip in any seventy-two-hour period into or through the state. The commissioner director or the commissioner's director's agent shall issue occasional trip permits for a fee of fifteen dollars per trip pursuant to regulations and procedures prescribed by the commissioner director.

SECTION 38. AMENDMENT. Section 57-43.2-34 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-34. Authorization of the commissioner director. The commissioner director may issue authorization relieving fuel dealers of the duty of collecting the tax imposed under this chapter and chapter 57-43.1 from persons who are licensed as importers for use, and who consistently purchase from North Dakota fuel dealers more fuel than is consumed in the propulsion of their motor vehicles in this state.

SECTION 39. AMENDMENT. Section 57-43.2-36 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.2-36. Importer for use tax reports, payments, records, penalties, disposition of funds, audits, and assessments.

1. Importers for use shall file a quarterly tax return with the commissioner director on forms prescribed by the commissioner director to determine the amount of tax liability or credit under this chapter. The importer for use shall file the return no later than the last day of the month next succeeding the last calendar month in the quarter. Importers for use shall be assessed penalty and interest and are subject to recordkeeping as provided in this chapter. The importer for use tax collected must be distributed as provided in this chapter.
2. The commissioner director shall audit the returns and make necessary assessments pursuant to the procedures and limitations provided for in section 57-43.2-14.

SECTION 40. A new section to chapter 57-43.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Cooperative agreements between states.

1. The director may enter into cooperative agreements with other states for exchange of information and auditing of users of special fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement or amendment to an agreement is not effective until filed in writing with the director.
2. An agreement under this section may provide for determining the base state for users, users' records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods including defining the uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of special fuel taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.
3. The director may, as required by the terms of the agreement, forward to officers of another state any information in the director's possession relative to the manufacture, receipt, sale, use, transportation, or shipment of special fuels by any person. The director may disclose to officers of another state the location of officers, motor vehicles, and other real and personal property of users of special fuels.
4. An agreement may provide for each state to audit the records of persons based in the state, to determine if the special fuel taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the state, to each state in which the person has taxable use of special fuels. For persons not based in this state and who have taxable use of special fuel in this state, the director may serve the audit findings

received from another state, in the form of an assessment, on the person as though an audit was conducted by the director.

5. Any agreement entered under this section does not preclude the director from auditing the records of any person covered by the provisions of this chapter.
6. The provisions of any agreement entered into under this section prevail over any conflicting rules adopted by the director."

Page 12, line 21, replace "This Act becomes" with "Sections 1 through 20 and sections 41 and 42 of this Act become"

Page 12, line 22, after the period insert "Sections 21 through 40 of this Act become effective on July 1, 1990."

Renumber accordingly

Engrossed SB 2243 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolutions: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1038, HB 1039, HB 1123, HB 1124, HB 1152, HB 1351, HB 1455, HB 1510, HB 1641, HB 1664, HCR 3022, HCR 3071, HCR 3086, HCR 3089.

MOTION

REP. KLOUBEC MOVED that HB 1499 be placed at the head of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. GOETZ MOVED that the conference committee report on Engrossed HB 1499 as printed on pages 1994-1995 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1499, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1499: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to a reduced sales and use tax rate for manufacturing equipment purchased by a new or expanding business; and to amend and reenact section 57-40.2-02.1 of the North Dakota Century Code, relating to a reduced use tax rate for manufacturing equipment purchased by a new business.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 11 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; Gerntholz; Gilmore; Goetz; Gorman; Graba; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervem; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Halmrast; Hanson, O.; Hoffner; Kingsbury; Murphy; Nelson; Oban; Ring; Thompson, K.; Wilkie

ABSENT AND NOT VOTING: Gerl; Lindgren

HB 1499 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on Engrossed SB 2153 as printed on page 2022 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2153, as amended, was placed on the Fourteenth order of business on the calendar.

MOTION

REP. CLAYBURGH MOVED that the House reconsider its action whereby the conference committee report was adopted and SB 2153 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

REPORTS OF CONFERENCE COMMITTEES

REP. CLAYBURGH MOVED that the conference committee report on Engrossed SB 2153 as printed on page 2022 of the House Journal not be adopted and that a new conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

REP. TOLLEFSON MOVED that the conference committee report on Engrossed SB 2173 as printed on page 2008 of the House Journal be adopted, which motion prevailed.

REP. CHRISTMAN MOVED that the conference committee report on Engrossed SB 2187 as printed on pages 2008-2010 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2187, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Kingsbury; Schindler; Schmidt

ABSENT AND NOT VOTING: Gerl; Lindgren; Peterson; Wald

SB 2187 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. R. ANDERSON MOVED that the conference committee report on Engrossed SB 2201 as printed on page 2010 of the House Journal be adopted, which motion prevailed.

MESSAGE TO THE HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2029 and subsequently passed the same.

The Senate does not concur in the House amendments to SB 2001 and SB 2002 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Wogsland, Ewen, Streibel

SB 2002: Sens. Redlin, Stromme, Lips

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed SB 2256 as printed on pages 2022-2023 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2256, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

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

ROLL CALL

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

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; 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; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervem; 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: Gerl; Lindgren; Peterson

SB 2256 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. STENEHJEM MOVED that the conference committee report on Engrossed SB 2262 as printed on pages 2023-2024 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2262, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to declare legislative intent; to create and enact chapter 23-09.2 of the North Dakota Century Code, relating to education of food preparers; to amend and reenact subsections 14 and 15 of section 43-15-10 of the North Dakota Century Code, relating to powers of the state board of pharmacy; and to repeal sections 19-02-13, 19-02-14, 19-02-15, 19-02-16, 19-02-17, 19-02-18, 19-02-19, 19-02-20, 19-02-21, 19-02-22, 19-02-23, and 19-02-24 of the North Dakota Century Code, relating to food and drug regulation.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Gerl; Lindgren; Wald

SB 2262 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. CLAYBURGH MOVED that the conference committee report on Engrossed SB 2291 as printed on pages 2010-2015 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2291, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the creation of a human services advisory board; to amend and reenact sections 50-06-01, 50-06-01.3, 50-06-05.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services advisory board and the structure of the department of human services; and to provide an effective date.

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, 16 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; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Goetz; Gunsch; Hanson, O.; Haugen; Kingsbury; Knell; Kouba; Martinson; Murphy; Schmidt; Thompson, K.; Timm; Urlacher; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Gerl; Lindgren

SB 2291 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

REP. LINDGREN MOVED that the conference committee report on SB 2304 as printed on page 2015 of the House Journal be adopted, which motion prevailed.

REP. A. HAUSAUER MOVED that the conference committee report on Reengrossed SB 2309 as printed on pages 2024-2025 of the House Journal be adopted, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that SB 2320 be placed at the head of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. R. LARSON MOVED that the conference committee report on Engrossed SB 2320 be adopted, which motion prevailed.

Engrossed SB 2320, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact subsection 6 of section 49-21-01.1 and four new sections to chapter 49-21, relating to the establishment of a regulatory reform review commission and exemption from certain regulations for telecommunication companies; and to amend and reenact subsection 2 of section 49-02-01, sections 49-21-01, 49-21-02.1, 49-21-02.2, 49-21-04, 49-21-04.1, 49-21-05, 49-21-06, 49-21-07, and 49-21-09, relating to regulation of telecommunication companies.

POINT OF PERSONAL PRIVILEGE

REP. STOFFERAHN: Mr. Speaker: I rise on a point of personal privilege and request that my remarks on SB 2320 be printed in the Journal.

Mr. Speaker and members of the Assembly: Is SB 2320 a good bill? I do not know. What I do know is that this is a major issue.

I also know from being in the Assembly, that when a \$10,000 budget comes to the floor, it gets a lot of attention - generating a lot of discussion. If a budget with \$300 million comes to the floor, we often do not get near the discussion because the issue is too broad, too involved, and too complicated. Likewise, if a bill with minor changes to the code comes to the floor, it is easy to understand the central issue. Often these bills generate lively discussion.

Major changes to the code often are like those \$300 million dollar budgets: too broad, too involved and too complicated. We as legislators in a fast moving session like this, do not have the time to dig deep into these bills to define the issues.

Senate Bill 2320 is one of those bills - a bill with major changes and many implications. It is similar to those \$300 million dollar budgets.

If someone in this Assembly introduced a bill that would allow someone to charge one dollar per call for use of a pay telephone, I expect we would soundly defeat it.

In SB 2320, we do not see those glaring issues, but they are there just the same. SB 2320, allows one dollar pay telephone service and much, much more. If any deregulated service suffers from lack of competition or monopoly control, the sky could be the limit on prices, or whatever the market will bear.

SB 2320 presumes competition exists, but in looking at the facts, I have serious doubts whether that competition is sufficient to justify this dramatic change.

SB 2320 presumes updating for the newest equipment, but there is no assurance.

SB 2320 presumes more jobs although industry officials only express their intent and give no promises.

In short, SB 2320 is a "trust me" bill.

In no other case than Nebraska, did a State Assembly approve this type of legislation in the year of its introduction.

I am willing to bet that the vast majority of this Assembly does not understand fully the mechanics or potential implications of this bill.

We should have taken time to study it during the interim.

I am fully aware of the likelihood for this bill as it stands to become law.

When SB 2320 came to the floor of the Senate, it was promoted as a vastly improved bill due to amendment. When it came to the House floor, it was vastly improved again due to amendments. Conference Committee amended it again to improve it and then one more time. Senate Bill 2320 was amended to make it as a vastly, vastly, vastly improved bill.

All of this action begs the question. If SB 2320 is such a good bill today, what was it before and can we be sure it is all that good as we see it before us?

Proponents of this bill, mainly US West, have much to prove in the years to come. Admittedly, they are nice folks, but they have a job to do which is different than ours. Our job is to enact good policy whatever the issue, regardless of the friendliness of the lobbyists, or the resources they invest to pass legislation.

I, for one, am not comfortable that SB 2320 is fully researched to assure it is good policy. After this Session the monkey is on the back of the industry. You have a lot of proving to do. I intend to vote no.

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, 22 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Howard; Huether; Jensen; Kloubec; Knell; Kolbo; Lang; Larson, D.; Larson, R.; Marks; Martinson; Melby; Mertens; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Brokaw; DeMers, J.; DeMers, P.; Gilmore; Hokana; Kaldor; Kelly; Kingsbury; Laughlin; Martin; Murphy; Ness; O'Shea; Ring; Schmidt; Schneider; Shockman; Starke; Stofferahn; Wilkie

ABSENT AND NOT VOTING: Gerl; Kouba; Lindgren; Thompson, K.

SB 2320 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. R. BERG MOVED that the conference committee report on SB 2322 as printed on page 2025 of the House Journal be adopted, which motion prevailed.

SB 2322, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact section 57-19-06 of the North Dakota Century Code, relating to school district authority to withdraw from special reserve funds; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 25 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Marks; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Belter; DeMers, P.; Enget; Gilmore; Gunsch; Hanson, O.; Jensen; Kaldor; Knell; Laughlin; Martin; Melby; Murphy; Olsen, D.; Schmidt; Shide; Smette; Solberg; Sorensen; Timm; Tokach; Urlacher; Whalen; Wilkie

ABSENT AND NOT VOTING: Gerl; Lindgren; Thompson, K.

SB 2322 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the conference committee report on Engrossed SB 2335 as printed on pages 2015-2016 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2335, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3, sections 39-01-15 and 39-04-10.2, subsection 7 of section 39-06.1-06, and section 39-07-07.1 of the North Dakota Century Code, relating to vehicle refueling services, parking privileges, and traffic regulations concerning mobility impaired persons; to repeal subsection 3 of section 39-01-15 of the North Dakota Century Code, relating to the committee appointed to develop guidelines for qualification and the issuance of certificates or insignia for parking privileges for the mobility impaired; to provide a penalty; to provide a continuing appropriation; 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, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Gerl; Lindgren; Thompson, K.

SB 2335 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. WENTZ MOVED that the conference committee report on SB 2468 as printed on page 2025 of the House Journal be adopted, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that HB 1098 be placed at the foot of the Eleventh order on the calendar, which motion prevailed.

RECONSIDERATION OF A VETOED MEASURE

HB 1520: A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the health council membership.

ROLL CALL

The question being on the passage of the bill, as enrolled, over the Governor's veto, which has been read, the roll was called and there were 34 YEAS, 68 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aas; Berg, R.; Christman; Clayburgh; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Howard; Kingsbury; Knell; Kouba; Lang; Melby; Myrdal; Olsen, D.; Olson, A.; Payne; Schatz; Schindler; Shaft; Shide; Smette; Sorensen; Soukup; Timm; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gilmore; Graba; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Ring; Rydell; Scherber; Schmidt; Schneider; Shockman; Skjerven; Solberg; Starke; Stenehjem; Stofferahn; Thompson, V.; Tomac; Ulmer; Urlacher; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Lindgren; Nicholas; Thompson, K.

The House sustained the Governor's veto on HB 1520.

MOTION

REP. KLOUBEC MOVED that HB 1076 and HB 1254 be placed at the head of the Eleventh order on the calendar, which motion prevailed.

RECONSIDERATION OF A VETOED MEASURE

HB 1076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-17-41 of the North Dakota Century Code, relating to duty of physicians and others to report injuries.

ROLL CALL

The question being on the passage of the bill, as enrolled, over the Governor's veto, which has been read, the roll was called and there were 32 YEAS, 71 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Christman; Clayburgh; Dorso; Gates; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, R.; Howard; Knell; Larson, D.; Larson, R.; Martinson; Olsen, D.; Olson, A.; Olson, V.; Payne; Schatz; Shide; Shockman; Soukup; Stenehjem; Stofferahn; Timm; Tokach; Tollefson; Trautman; Vander Vorst; Wentz; Speaker Kretschmar

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Enget;

Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, A.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Kouba; Lang; Laughlin; Marks; Martin; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; O'Shea; Peterson; Ring; Rydell; Scherber; Schindler; Schmidt; Schneider; Shaft; Skjerven; Smette; Solberg; Sorensen; Starke; Thompson, V.; Tomac; Ulmer; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Gerl; Lindgren; Thompson, K.

The House sustained the Governor's veto on HB 1076.

RECONSIDERATION OF A VETOED MEASURE

HB 1254: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, relating to access to teachers' personnel files; to amend and reenact sections 15-29-10 and 15-51-10 of the North Dakota Century Code, relating to school district and school board records; and to provide a penalty.

MOTION

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

ROLL CALL

The question being on the passage of the bill, as enrolled, over the Governor's veto, which has been read, the roll was called and there were 55 YEAS, 49 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Christman; DeMers, J.; DeMers, P.; Frey; Gates; Gerntholz; Goetz; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Jensen; Kaldor; Kelly; Kolbo; Larson, D.; Larson, R.; Martin; Martinson; Murphy; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Shide; Solberg; Starke; Stenehjem; Timm; Urlacher; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; Dorso; Enget; Flaagan; Gerhardt; Gilmore; Gorman; Gunsch; Hanson, O.; Howard; Huether; Kingsbury; Kloubec; Knell; Kouba; Lang; Laughlin; Marks; Melby; Mertens; Myrdal; Nelson; Payne; Ring; Schneider; Shaft; Shockman; Skjerven; Smette; Sorensen; Soukup; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Tomac; Trautman; Ulmer; Vander Vorst; Wald; Watne; Whalen

ABSENT AND NOT VOTING: Gerl; Lindgren

The House sustained the Governor's veto on HB 1254.

SECOND READING OF HOUSE BILL

HB 1663: A BILL for an Act to create unified school district demonstration projects; to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to bonus payments for cooperative education programs; to amend and reenact paragraph 2 of subdivision a

of subsection 11 of section 15-39.1-04 of the North Dakota Century Code, relating to the members of the teachers' fund for retirement; to provide an appropriation; to provide legislative intent regarding the funding of a portion of the cost of education in the unified school district demonstration project areas; to provide for a distribution; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 15 YEAS, 89 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Christman; DeMers, J.; DeMers, P.; Kelly; Lang; Laughlin; Myrdal; Nicholas; Olsen, D.; Olson, A.; Ring; Rydell; Schindler; Schmidt; Wilkie

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; 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; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Marks; Martin; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Schatz; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Lindgren

HB 1663 lost.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2001: Reps. Gunsch, Gerntholz, Graba.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2002: Reps. Kingsbury, Gunsch, Laughlin.

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2153: Reps. Clayburgh, Martinson, Carlson.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that all bills that passed be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1554 and subsequently failed to pass the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1191, HB 1365, and HB 1422 and subsequently passed the same.

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 stand adjourned until 8:00 a.m., Tuesday, April 11, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred SCR 4065 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4065 was placed on the Tenth 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 SCR 4070 has had the same under consideration and recommends by a vote of 17 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4070 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

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

ROY GILBREATH, Chief Clerk