

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 12, 1989

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

The prayer was offered by Rev. Lloyd Hohn, Bethel Assembly of God Church, Mandan.

The roll was called and all Representatives were present, except Representatives Flaagan, Frey, Gerl, Lang, Murphy, Rydell, and Shockman.

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 Sixty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 2163, after line 12, insert:

"REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2072 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1293 of the House Journal and that Engrossed SB 2072 be amended as follows:

Page 1, line 1, replace "sections 25-02-01 and" with "section"

Page 1, line 2, replace "to provide for changing the name" with ", relating to the object"

Page 1, line 3, remove "to the North Dakota mental health center; and to"

Page 1, line 4, remove "provide for codifying the name change"

Page 1, remove lines 6 through 19

Page 2, line 1, remove the overstrike over "~~state hospital~~" and remove "North Dakota mental health center"

Page 2, line 2, replace "North Dakota mental health center" with "state hospital"

Page 2, line 4, replace "mental health center" with "state hospital"

Page 2, line 6, remove the overstrike over "~~state hospital~~"

Page 2, line 7, remove "North Dakota mental health center"

ReNUMBER accordingly

For the Senate: Sens. Mathern, Kelsh, Stenehjem
For the House: Reps. R. Larson, Myrdal, Scherber

Engrossed SB 2072 was placed on the Seventh order of business on the calendar for the succeeding legislative day."

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

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 11, 1989

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

Dear Mr. Speaker:

I have signed HB 1228, the substance of which I heartily endorse. Section 2, the appropriation section, however, I believe could be better covered under the bonding authority provided in another bill.

Therefore, I am vetoing Section 2 of this bill and I am recommending the inclusion of funding authority in a bonding bill.

Sincerely,

GEORGE A. SINNER
Governor

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 12, 1989

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

Dear Mr. Speaker:

This is to inform you that on April 11, 1989, I signed the following: HB 1229, HB 1563.

68th DAY

WEDNESDAY, APRIL 12, 1989

2177

Sincerely,

GEORGE A. SINNER
Governor

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 11, 1989

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

Dear Mr. Speaker:

This is to inform you that on April 10, 1989, I signed the following: HB 1010, HB 1019, HB 1075, HB 1078, HB 1127, HB 1130, HB 1144, HB 1262, HB 1283, HB 1292, HB 1323, HB 1352, HB 1353, HB 1368, HB 1370, HB 1372, HB 1375, HB 1379, HB 1387, HB 1389, HB 1415, HB 1424, HB 1444, HB 1451, HB 1462, HB 1466, HB 1475, HB 1476, HB 1481, HB 1483, HB 1494, HB 1495, HB 1498, HB 1526, HB 1537, HB 1538, HB 1539, HB 1540, HB 1543, HB 1559, HB 1580, HB 1585, HB 1599, HB 1621, HB 1631, HB 1640, HB 1657, HB 1666, HB 1667.

On April 11, 1989, I signed the following: HB 1052, HB 1302, HB 1337, HB 1527.

Sincerely,

GEORGE A. SINNER
Governor

RECONSIDERATION OF A VETOED MEASURE

REP. KLOUBEC MOVED that HB 1228 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 of Section 2 of HB 1228, which motion prevailed.

HB 1228 was placed on the Eleventh order of business on the calendar.

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.

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 2062: Reps. Lindgren, Trautman, Marks

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1401 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 HB 1449, HB 1564, and HB 1581 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 2192, SB 2193, SB 2226, SB 2376, SB 2389, and SB 2459 and subsequently passed the same.

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

MR. PRESIDENT: The House has failed to pass: SB 2333, SB 2375, SB 2438.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2274, SB 2413, SB 2530.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2003, SB 2270, SB 2501.

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

MR. PRESIDENT: The House has passed unchanged: SB 2025, SB 2030, SB 2422, SB 2537, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1647 as printed on pages 1750-1751 of the House Journal, which motion prevailed.

Engrossed HB 1647, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1647: A BILL for an Act to create and enact a new section to chapter 64-03 of the North Dakota Century Code, relating to the requirement that meters purchased for use on petroleum delivery vehicles be capable of printing receipts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 55 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, R.; Bernstein; Brokaw; Carlson; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gerntholz; Gilmore; Graba; Halmrast; Hanson, L.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Nicholas; Nowatzki; Oban; Ring; Scherber; Schindler; Schmidt; Schneider; Shockman; Solberg; Sorensen; Soukup; Starke; Stofferahn; Thompson, V.; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Christman; Clayburgh; Dorso; Gates; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland;

Hausauer, A.; Hausauer, R.; Howard; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Shaft; Shide; Skjerven; Smette; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Vander Vorst

HB 1647 lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HCR 3087 as printed on page 2146 of the House Journal, which motion prevailed.

HCR 3087, as amended, was placed on the Eleventh order of business on the calendar.

CONFLICT OF INTEREST

REP. SHAFT STATED that he had a conflict of interest on HCR 3087.

MOTION

REP. KLOUBEC MOVED that Rep. Shaft be allowed to vote on HCR 3087, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3087: A concurrent resolution supporting the Attorney General of North Dakota in requesting the United States District Court for the District of North Dakota to modify the district court's orders to minimize or eliminate the role of the court monitor that was created by the court in the case concerning the deinstitutionalization of developmentally disabled persons.

The question being on the adoption of the resolution, which has been read.

HCR 3087 was declared adopted on a verification vote.

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 9:21 a.m., April 12, 1989: HB 1016, HB 1022, HB 1029, HB 1041, HB 1101, HB 1186, HB 1196, HB 1210, HB 1320, HB 1480.

MOTION

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

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 2119-2131 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

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

SECOND READING OF SENATE BILL

SB 2005: A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; to provide a statement of legislative intent; to provide for a transfer from the lignite research fund; to provide a contingent appropriation; to provide for the investment of the agronomy seed farm reserve income fund; to change the name of the North Dakota state university extension division; to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the agricultural experiment station and the agricultural research station and centers; to amend and reenact section 4-28-03, subsection 2 of section 15-10-01, sections 15-12-05, 15-12-08, 15-12-17, subdivision c of subsection 16 of section 19-18-02, and section 23-20-04 of the North Dakota Century Code, relating to the name of the agricultural experiment station; and to repeal chapter 4-05 of the North Dakota Century Code, relating to the agricultural experiment stations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 7 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; Gertholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Koibo; Kouba; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Uriacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Gunsch; Larson, D.; Murphy; Shockman; Sorensen; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Gerl

SB 2005 passed and the title was agreed to.

MOTIONS

REP. NICHOLAS MOVED that the House reconsider its action whereby the conference committee report was accepted and HB 1200 was placed on the Seventh order of business on the calendar, which motion prevailed.

REP. NICHOLAS MOVED that HB 1200 be rereferred to the conference committee, which motion prevailed. Pursuant to Rep. Nicholas' motion, HB 1200 was rereferred.

REP. D. LARSON MOVED that the House reconsider its action whereby SB 2222 passed, which motion prevailed.

REP. D. LARSON MOVED that the House reconsider its action whereby the conference committee report on SB 2222 was adopted, and the action by which it was placed on the Seventh order, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2016 as recommended by the Committee on Appropriations as printed on page 2172 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2016 was placed on the Fourteenth order of business on the calendar.

REQUEST

REP. K. THOMPSON REQUESTED that the question on the final passage of Engrossed SB 2016, as amended by the House, be divided to have the divisions voted on separately, in the following manner, which request was granted as per House Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

That part of the title which reads as follows: "to provide for a statement of legislative intent; and to declare an emergency" and that part of the bill which reads as follows:

SECTION 2. LEGISLATIVE INTENT. It is the intent of the legislative assembly that \$820,000 of the capital improvements line item contained in section 1 of this Act be used as a continuation of the special contract program for state institutions. Once completed the highway department shall be under no responsibility to maintain these projects. If project costs exceed awarded amounts, the agencies receiving these funds are authorized to accept and expend gifts and grants to complete the projects.

SECTION 3. EMERGENCY. This Act is declared to be an emergency measure.

DIVISION B

The rest of Engrossed SB 2016, as amended by the House, which reads as follows:

A BILL for an Act making an appropriation for defraying the expenses of the highway department of the state of North Dakota.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the highway department of the state of North Dakota for the purpose of defraying the expenses thereof, for the biennium beginning July 1, 1989, and ending June 30, 1991, as follows:

Salaries and wages	\$ 63,866,654
Data processing	2,484,083
Operating expenses	40,147,124

Equipment	15,731,528
Capital improvements	244,392,139
Grants, benefits, and claims	9,627,422
Total all funds	<u>\$376,248,950</u>
Less estimated special funds	376,220,236
Total general fund appropriation	<u>\$ 28,714</u>

MOTION

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

ROLL CALL

The question being on the motion to adopt Division A of Engrossed SB 2016, as amended by the House, the roll was called and there were 50 YEAS, 54 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; Enget; Flaagan; Frey; Gerhardt; Gilmore; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kolbo; Laughlin; Marks; Mertens; Nelson; Nicholas; Nowatzki; Oban; Olson, V.; Ring; Scherber; Schneider; Shaft; Shockman; Skjervem; Solberg; Starke; Stofferahn; Thompson, V.; Tollefson; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Olsen, D.; Olson, A.; O'Shea; Payne; Rydell; Schatz; Schindler; Schmidt; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Gerl; Peterson

The motion to adopt Division A of Engrossed SB 2016 lost.

REQUEST

REP. PETERSON REQUESTED that the record show that he intended to vote "yea" on Division A, which request was granted.

ROLL CALL

The question then was on the motion to adopt Division B of Engrossed SB 2016, as amended by the House, the roll was called and there were 104 YEAS, 1 NAY, 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; 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: Murphy

ABSENT AND NOT VOTING: Gerl

The motion to adopt Division B of Engrossed SB 2016 passed.

ROLL CALL

The question then was on the final passage of Engrossed SB 2016, as amended by the House, excluding Division A and including Division B, with title amended appropriately, and lines, sections, and pages renumbered accordingly, which has been read, the roll was called and there were 102 YEAS, 2 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; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; 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: Melby; Murphy

ABSENT AND NOT VOTING: Gerl; Kingsbury

Engrossed SB 2016, as amended by the House, excluding Division A and including Division B, passed and the title was agreed to.

MOTIONS

REP. GUNSCH MOVED that the vote by which SB 2016 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

REP. KLOUBEC MOVED that the rules be suspended and that SB 2005 and SB 2016 be messaged to the Senate immediately, which motion prevailed.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred Engrossed SB 2536 has had the same under consideration and recommends by a vote of 11 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, remove "This tax"

Page 1, remove line 17

Page 1, line 18, remove "oil or gas."

Renumber accordingly

Engrossed SB 2536 was placed on the Sixth order of business on the calendar.

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.

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

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

SB 2153: Sens. Dotzenrod, Maxson, Ingstad

HOUSE ENROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1063.

HOUSE ENROLLING REPORT

The following bill and resolution were enrolled: HB 1245, HCR 3088.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1098, HB 1191, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634.

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

MR. SPEAKER: The Senate respectfully requests the return of: SB 2222.

MOTION

REP. KLOUBEC MOVED that the House accede to the Senate's request for the return of SB 2222, which motion prevailed.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3087 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1647 and subsequently failed to pass the same.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2005, SB 2016.

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

MR. PRESIDENT: The House accedes to the Senate's request for the return of: SB 2222.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2412 as recommended by the Committee on Appropriations as printed on pages 2097-2100 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2412, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2412: A BILL for an Act to amend and reenact section 54-52.1-02 and subsection 3 of section 54-52.1-03 of the North Dakota Century Code, relating to establishing subgroups in the uniform group insurance program; and to provide a contingent appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Gerl; Murphy

SB 2412 passed and the title was agreed to.

MOTION

REP. PETERSON MOVED that the House reconsider its action whereby HB 1647 failed to pass, which motion lost on a verification vote.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Arnold Gronneberg

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUSER MOVED that the amendments to SB 2455 as recommended by the Committee on Finance and Taxation as printed on pages 2156-2159 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2455, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 12.1-28-02, two new subsections to section 53-06.1-07, a new section to chapter 53-06.1, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to seizure of illegal gaming

devices, the maximum prize per play in electronic video gaming device play of games of chance, commingling of games of charitable gaming tickets, imposition of a tax in lieu of sales taxes on charitable gaming tickets, and sales and use tax exemption for proceeds from games of chance conducted through use of electronic gaming devices; and to amend and reenact subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code and subsections 4 and 5 of section 53-06.1-14 of the North Dakota Century Code as contained in House Bill No. 1641 as approved by the fifty-first legislative assembly, relating to expense limitations for organizations, distributors, and manufacturers of gaming devices, and games of chance taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 30 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Frey; Gates; Gerntholz; Gilmore; Goetz; Gorman; Graba; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Jensen; Kelly; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Smette; Solberg; Sorensen; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Wald; Wentz; Whalen; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, B.; Berg, G.; Enget; Flaagan; Gerhardt; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Howard; Huether; Kaldor; Kingsbury; Kolbo; Laughlin; Melby; Olsen, D.; Payne; Schmidt; Shide; Soukup; Starke; Thompson, V.; Tomac; Vander Vorst; Watne; Wilkie; Williams, A.

ABSENT AND NOT VOTING: Gerl

SB 2455 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUSER MOVED that the amendments to SB 2536 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2536, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2536: A BILL for an Act to amend and reenact section 57-51-03 of the North Dakota Century Code, relating to the gross production tax being a real property tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 55 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Berg, G.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Graba; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kloubec; Kolbo; Larson, R.; Laughlin; Marks; Martin; Mertens; Murphy; Nelson; Oban; Olson, V.; Payne; Peterson; Ring; Scherber; Schneider; Shockman; Soukup; Stofferahn; Thompson, V.; Tomac; Ulmer; Urlacher; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aarsvold; Anderson, R.; Belter; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Enget; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Hausauer, A.; Howard; Jensen; Kingsbury; Knell; Kouba; Lang; Larson, D.; Lindgren; Martinson; Melby; Myrdal; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; O'Shea; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Vander Vorst; Wald; Whalen

ABSENT AND NOT VOTING: Gerl

SB 2536 lost.

REPORTS OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was rereferred SB 2332 has had the same under consideration and recommends by a vote of 15 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

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

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

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

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

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

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

Page 2, remove line 20

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

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

Page 5, after line 7, insert:

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

Page 7, after line 3, insert:

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

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

SECTION 4. EFFECTIVE DATE. This Act becomes effective on July 1, 1990."

Renumber accordingly

SB 2332 was placed on the Sixth order of business on the calendar.

MR. SPEAKER: Your Committee on Appropriations (Rep. Peterson, Chairman) to which was referred Engrossed SB 2024 has had the same under consideration and

recommends by a vote of 19 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "Dakota" insert "; and relating to the appointment of the executive director of the workers compensation bureau"

Page 1, line 8, replace "workmen's" with "workers'"

Page 2, line 5, replace "workmen's" with "workers'"

Page 2, after line 6, insert:

"SECTION 3. FIRST EXECUTIVE DIRECTOR - APPOINTMENT. If Senate Bill No. 2324, as approved by the fifty-first legislative assembly becomes effective, in order to facilitate the transition the governor may appoint the chairman of the workers compensation bureau on the effective date of this Act as the first executive director of the workers compensation bureau."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

This amendment changes the reference of the workmen's compensation fund to the workers' compensation fund and provides for the appointment of the first executive director of the Workers Compensation Bureau under Senate Bill No. 2324.

SB 2024 was placed on the Sixth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to create and enact six new sections to chapter 24-02, 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 of the North Dakota Century Code, relating to a department of transportation, its director, its assumption of functions and structure, administrative rules and references, 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; to amend and reenact section 2-05-03, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-03-03, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, section 49-18-41.1, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, 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 of the North Dakota Century Code, relating to reporting by the director of aeronautics to the director of the department of transportation, substituting the department of transportation or its director for the state highway department or department of motor vehicles in definitions under titles 24 and 39, highway contracts, junkyard and billboard

regulation, financial responsibility, snowmobile regulation, railroad service contracts, interstate motor carrier registration stamps, reports to the governor, tax revenue distribution, motor vehicle excise tax, and collection and administration of importer for use taxes by the director of the department of transportation; to repeal sections 24-02-01, 24-02-02, 24-02-03, 24-02-04, 24-02-05, 24-02-06, and 24-02-38, subsection 14 of section 39-01-01, and sections 39-02-01, 39-02-02, and 39-02-04, relating to the state highway department, highway commissioner and commissioner's duties, highway chief engineer, additional highway appropriations, the motor vehicle registrar, and the registrar's salary, powers, and duties; to provide an 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 94 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, O.; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Payne; Peterson; Ring; Schatz; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.; Haugen; Hausauer, A.; Martinson; Murphy; Olsen, D.; Olson, A.; Rydell; Vander Vorst

ABSENT AND NOT VOTING: Gerl; Hanson, L.; Schmidt

SB 2243 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. A. OLSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1297 as printed on pages 2159-2163 of the House Journal and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1297: Reps. Goetz, Tollefson, Nelson.

MOTION

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.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1006 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

For the Senate: Sens. Stromme, Shea, Thane
For the House: Reps. Jensen, Wald, Kelly

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1007 has had the same under consideration and recommends that your conference committee, having been unable to agree, recommends that the conference committee be discharged and a new conference committee be appointed.

For the Senate: Sens. Mushik, Waldera, Lips
For the House: Reps. Smette, Gerntholz, Solberg

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred HB 1369 has had the same under consideration and recommends that the HOUSE ACCEDE to the Senate amendments as found on page 1680 of the House Journal.

For the Senate: Sens. J. Meyer, Stenehjem, Nalewaja
For the House: Reps. D. Olsen, Stenehjem, A. Williams

HB 1369 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred HB 1446 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 1827-1828 of the House Journal and that HB 1446 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 39-08-01 of the North Dakota Century Code, relating to being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-08-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A person may not drive or be in actual physical control of any vehicle upon a highway or upon public or private areas to which the public has a right of access for vehicular use in this state if any of the following apply:
 - a. That person has a blood alcohol concentration of at least ten one-hundredths of one percent by weight at the time of the performance of a chemical test within two hours

after the driving or being in actual physical control of the vehicle.

- b. That person is under the influence of intoxicating liquor.
- c. That person is under the influence of any drug or substance or combination of drugs or substances to a degree which renders that person incapable of safely driving.
- d. That person is under the combined influence of alcohol and any other drugs or substances to a degree which renders that person incapable of safely driving.

The fact that any person charged with violating this section is or has been legally entitled to use alcohol or other drugs or substances is not a defense against any charge for violating this section, unless a drug ~~which~~ that predominately caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to that person. As used in this section, "actual physical control" of a vehicle means the existing or present bodily direct influence of or over a vehicle."

Renumber accordingly

For the Senate: Sens. J. Meyer, Maxson, Stenehjem
For the House: Reps. D. Larson, Wentz, Ring

HB 1446 was placed on the Seventh order of business on the calendar.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1071.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011.

Page 1, line 1, replace "making" with "to provide for"

Page 1, line 2, replace "and providing" with "and the civil air patrol; to provide"

Page 1, line 3, replace the first semicolon with "and"

Page 1, line 10, after "office" insert "and the civil air patrol"

Page 1, after line 12, insert:

"Subdivision 1.

ADJUTANT GENERAL"

Page 1, line 17, replace "465,816" with "598,908"

Page 1, remove line 18

Page 2, line 2, replace "11,858,410" with "11,921,502"

Page 2, line 4, replace "3,056,961" with "3,120,053"

Page 2, after line 4, insert:

"Subdivision 2.		
	CIVIL AIR PATROL	
Salaries and wages		\$ 49,215
Operating expenses		35,691
Total general fund appropriation		<u>\$ 84,906</u>
Grand total general fund appropriation		\$ 3,204,959
Grand total special funds appropriation		\$ 8,801,449
Grand total all funds appropriation		\$ 12,006,408"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 513 - CIVIL AIR PATROL

Provides a separate budget of \$84,906 from the general fund for the Civil Air Patrol because the Senate defeated House Bill No. 1199 which provided for the consolidation of the Civil Air Patrol with the Adjutant General. This is \$14,906 more than the consolidated version passed by the House (\$10,000 for lease payments - not needed under the consolidated proposal and \$4,906 to provide for the additional health insurance premiums and the salary increase).

DEPARTMENT 540 - ADJUTANT GENERAL

	INCREASE (DECREASE)
Provides additional funds necessary to provide rent for six existing armories which would need to be vacated under the executive proposal	\$ 133,092
Deletes the Civil Air Patrol line item because this agency will not be consolidated with the Adjutant General as recommended in the executive budget	\$ (70,000)
Total general fund	<u>\$ 63,092</u>

The compensation increases in this bill are to be paid in accordance with legislative salary policy as provided in House Bill No. 1005.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2042 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 2475 and SB 2093 and subsequently passed the same.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Finance and Taxation (Rep. A. Hausauer, Chairman) to which was referred HB 1674 has had the same under consideration

and recommends by a vote of 15 YEAS, 0 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 1, remove "amend and reenact section 57-39.2-26.1 of the North"

Page 1, remove line 2

Page 1, line 3, remove "excise tax revenues to the state aid distribution fund; to"

Page 1, remove lines 8 through 22

Page 2, remove lines 1 through 7

Page 2, line 10, remove "Section 1 of this Act is effective for"

Page 2, remove line 11

Page 2, line 12, replace "tax commissioner after June 30, 1989. Section 2 of this" with "This"

Re-number accordingly

HB 1674 was placed on the Sixth order of business on the calendar.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred SB 2042 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1404 of the House Journal and that SB 2042 be amended as follows:

Page 5, line 22, replace "or may be appropriately" with "zoned or" and remove "or useful in"

Page 5, remove lines 23 and 24

Page 5, line 25, remove "enterprises and is otherwise suitable"

Page 13, line 3, after "commission" insert "unless the proposed development is not consistent with the comprehensive city plan"

Re-number accordingly

For the Senate: Sens. Maxson, Dotzenrod, Lodoen

For the House: Reps. Haugen, Lindgren, Carlson

SB 2042 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2093 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1405 of the House Journal and that Engrossed SB 2093 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 26.1-01-03.1 of the North Dakota Century Code, relating to general penalties for violation of provisions of the insurance title.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 26.1-01-03.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

26.1-01-03.1. Cease and desist authority - Hearing - Failure to appear. The commissioner may issue an order to cease and desist when it appears that any person is engaged in an act or practice which violates or may lead to a violation of this title. The commissioner shall provide written notice to the person named in the order stating the time and place of the hearing on the matter and setting forth the alleged violation. A hearing must be held not later than ten days after the issuance of the order unless a delay is requested by all persons named in the order. The commissioner shall, within thirty days after the issuance of the cease and desist order, issue an order vacating the cease and desist order or making the cease and desist order permanent, as the facts require. The failure of any named person to appear at any proper hearing under this section after receiving notice of the hearing will cause that person to be in default and the allegations contained in the cease and desist order may be deemed to be true and may be used against the person at the hearing. If no civil monetary penalty is otherwise provided by law, the offender is, after hearing by the commissioner, subject to payment of an administrative monetary penalty of up to ten thousand dollars."

Renumber accordingly

For the Senate: Sens. Keller, Krauter, Todd

For the House: Reps. Whalen, Lang, Starke

Engrossed SB 2093 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred SB 2475 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1586 of the House Journal and that SB 2475 be amended as follows:

Page 1, line 1, replace "section" with "sections 57-36-10," and after "57-36-25" insert ", subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32"

Page 1, line 2, after "to" insert "compensation available to distributors and"

Page 1, line 3, after "products" insert "; and to provide an expiration date"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 57-36-10 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-36-10. Stamps may be purchased at discount. Any licensed distributor located within or without this state may purchase stamps at a discount of five percent of the face value thereof, and the tax commissioner may allow such the discount in the settlement of the account of such the wholesale distributor upon the payment to him the

tax commissioner of any moneys which may be or become due to the state by reason of the sale, delivery, or consignment to ~~such~~ the distributor of ~~such~~ the stamps. The discount is computed as a percentage of the face value of the stamp at the following rates:

1. For the first five thousand dollars of discount per quarter, the rate is five percent.
2. For the discount in each quarter exceeding five thousand dollars but less than ten thousand dollars, the rate is four percent.
3. For the discount in each quarter exceeding ten thousand dollars but less than fifteen thousand dollars, the rate is three percent.
4. For the discount in each quarter exceeding fifteen thousand dollars but less than twenty-five thousand dollars, the rate is two percent.
5. The total discount under this section for any distributor may not exceed twenty-five thousand dollars in any quarterly period."

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

Page 2, after line 20, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 57-36-26 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products, purchased in another state and brought into this state by a dealer for the purpose of sale at retail, an excise tax at the rate of ~~twenty~~ twenty-five percent of the wholesale purchase price at the time ~~such~~ the products were brought into this state. For the purposes of this section the term "wholesale purchase price" shall mean the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction, ~~provided that~~. However, the dealer may elect to report and remit the tax on his cost price of ~~such~~ the products rather than on the wholesale purchase price. The proceeds of ~~such~~ the tax, together with ~~such~~ the forms of return and in accordance with ~~such~~ the rules and regulations as the tax commissioner may prescribe, shall be remitted to the tax commissioner by the dealer on a calendar quarterly basis on or before the tenth day of the month following the quarterly period for which it is paid. The tax commissioner shall have the authority to place any dealer on an annual remittance basis when in the judgment of the tax commissioner the operations of the dealer merit ~~such~~ an annual remittance period. In addition, the tax commissioner shall have the authority to permit the consolidation of the filing of a dealer's return when the dealer has more than one location and thereby would be required to file more than one return.

SECTION 4. AMENDMENT. Subsection 1 of section 57-36-28 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A tax is hereby imposed upon the use or storage by consumers of cigars, snuff, and other tobacco products in this state, and upon such those consumers, at the rate of twenty ~~twenty-five~~ percent of the cost to the consumer of such ~~those~~ products.

SECTION 5. AMENDMENT. Section 57-36-32 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

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

SECTION 6. EXPIRATION DATE. Sections 2 through 5 of this Act are effective through June 30, 1991, and after that date are ineffective."

Renumber accordingly

For the Senate: Sens. Richard, Robinson, Moore
For the House: Reps. Goetz, A. Hausauer, Tomac

SB 2475 was placed on the Seventh order of business on the calendar.

REP. O. HANSON MOVED that the conference committee report on HB 1021 as printed on page 2172 of the House Journal be adopted, which motion prevailed.

HB 1021, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to make an appropriation for defraying the expenses of the state seed department of the state of North Dakota; and to amend and reenact section 4-09-20 of the North Dakota Century Code, relating to investments of moneys in the state seed department revolving fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Gerl; Gerntholz; Gunsch; Laughlin; Peterson; Tomac

HB 1021 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on Engrossed HB 1205 as printed on pages 2131-2143 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1205, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to provide for a committee on protection and advocacy for persons with developmental disabilities or mental illnesses; to amend and reenact sections 25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and 50-27-03 of the North Dakota Century Code, relating to the placement of the state council on developmental disabilities and the governor's council on human resources within the office of the governor; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 5 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; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjøm; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher;

Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.;
Speaker Kretschmar

NAYS: Hanson, O.; Kingsbury; Murphy; Thompson, K.; Whalen

ABSENT AND NOT VOTING: Gerl; Gunsch; Peterson; Tomac

HB 1205 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1660 be placed at the head of the Seventh order on the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. MARTINSON MOVED that the conference committee report on Engrossed HB 1660 as printed on page 2104 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1660, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1660: A BILL for an Act to amend and reenact sections 54-03-10 and 54-03-20 of the North Dakota Century Code, relating to compensation of assistant leaders and travel expense reimbursement for members of the legislative assembly; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Anderson, R.; Frey; Gunsch; Hanson, O.; Melby; Murphy; Olson, V.;
Shide; Stofferahn; Vander Vorst

ABSENT AND NOT VOTING: Gerl; Tomac

HB 1660 passed, the title was agreed to, and the emergency clause carried.

MOTION

REP. KLOUBEC MOVED that SB 2072 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 2072 be adopted, which motion prevailed.

Engrossed SB 2072, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact section 25-02-03 of the North Dakota Century Code, relating to the object of the state hospital at Jamestown.

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.; Belter; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, R.; Brokaw; Gunsch; Hanson, L.; Murphy; Shockman; Skjerven; Starke; Thompson, V.; Trautman; Williams, W.

ABSENT AND NOT VOTING: Gerl; Tomac

SB 2072 passed and the title was agreed to.

MOTIONS

REP. A. HAUSAUER MOVED that the House reconsider its action whereby SB 2536 failed to pass, which motion prevailed.

REP. A. HAUSAUER MOVED that the House reconsider its action whereby the amendments to SB 2536 were adopted, the committee report was accepted and SB 2536 was placed on the Sixth order of business on the calendar, which motion prevailed.

REP. A. HAUSAUER MOVED that SB 2536 be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. A. Hausauer's motion, SB 2536 was rereferred.

REP. KLOUBEC MOVED that the House stand in recess until 5:15 p.m., which motion prevailed.

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

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills and resolution: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634, HCR 3088.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634, HCR 3088.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1297 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1297: Reprs. Goetz, Tollefson, Nelson

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2304, SB 2309, SB 2320, SB 2322, SB 2335, SB 2382, SB 2468, SB 2470, SB 2520.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it passed SB 2222. The Senate has reconsidered its action whereby it adopted the conference committee report on SB 2222 and now has not adopted the conference committee report on SB 2222. The President has appointed as a new conference committee to act with a like committee from the House on:

SB 2222: Sens. J. Meyer, Hanson, Holmberg

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

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following enrolled bills: SB 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2304, SB 2309, SB 2320, SB 2322, SB 2335, SB 2382, SB 2468, SB 2470, SB 2520.

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

MR. PRESIDENT: The Speaker has signed: SB 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2304, SB 2309, SB 2320, SB 2322, SB 2335, SB 2382, SB 2468, SB 2470, SB 2520.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1021, HB 1205, and HB 1660 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 2072 and subsequently passed the same.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2024 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2024, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act making an appropriation for defraying the expenses of the workers compensation bureau and the divisions thereof of the state of North Dakota; and relating to the appointment of the executive director of the workers compensation bureau.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 102 YEAS, 2 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, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; 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: Hausauer, A.; Lang

ABSENT AND NOT VOTING: Gerl; Kingsbury

SB 2024 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to SB 2332 as recommended by the Committee on Appropriations be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2332, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to amend and reenact sections 12.1-32-02.1, 19-03.1-23, and 54-21-25 of the North Dakota Century Code, relating to prison terms for certain offenders, penalties for unlawful manufacture, delivery, or possession of controlled substances, and authority to contract with other governmental agencies for prisoners and juvenile delinquents; to provide a penalty; and to provide an effective date.

MOTION

REP. V. OLSON MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, P.; Dorso; Enget; Flaagan; Gates; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Marks; Martin; Martinson; Melby; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tokach; Tollefson; Tomac; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Speaker Kretschmar

NAYS: Anderson, B.; Carlson; DeMers, J.; Frey; Gerhardt; Gerntholz; Kaldor; Kelly; Kolbo; Lindgren; Mertens; Murphy; Nelson; Ring; Schneider; Thompson, V.; Ulmer; Williams, W.

ABSENT AND NOT VOTING: Gerl

SB 2332 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. A. HAUSAUER MOVED that the amendments to HB 1674 as recommended by the Committee on Finance and Taxation be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

HB 1674, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1674: A BILL for an Act to suspend sections 4, 6, 7, and 8 of chapter 687 of the 1987 Session Laws, relating to separate and additional sales, use, motor vehicle excise, and aircraft excise taxes; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 100 YEAS, 5 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; 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.; 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: Enget; Flaagan; Kingsbury; Laughlin; Murphy

ABSENT AND NOT VOTING: Gerl

HB 1674 passed, the title was agreed to, and the emergency clause carried.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2538.

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

MR. SPEAKER: The President has signed: HB 1063, HB 1098, HB 1191, HB 1245, HB 1365, HB 1422, HB 1504, HB 1614, HB 1634, HCR 3088.

FIRST READING OF SENATE BILL

SB 2538: A BILL for an Act making an appropriation to the department of human services to defray the expenses of developing and expanding programs of active treatment for mentally ill and chemically addicted individuals; providing a transfer from the revolving loan fund maintained in the Bank of North Dakota; stating legislative intent and making an appropriation to the department of human services to supplement senior citizens mill levy match appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services to supplement the service program for elderly and disabled appropriations contained in House Bill No. 1012; stating legislative intent and making an appropriation to the department of human services for the family subsidy program; stating legislative intent and making an appropriation to the department of human services of any income in excess of estimated income contained in House Bill No. 1012 for the purpose of defraying the costs of expanded caseloads and increased utilization; establishing a joint medicaid payment account; making an appropriation for the child evaluation and treatment program; providing for a legislative council study of the appropriations process; and providing a transfer to the capital construction fund.

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

MOTION

REP. HUETHER MOVED that the House reconsider its action whereby SCR 4040 failed to pass.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SCR 4040 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SCR 4040 failed to pass, the roll was called and there were 52 YEAS, 52 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Gerl; Hausauer, R.

So the motion to reconsider the action whereby SCR 4040 failed to pass failed.

REPORT OF CONFERENCE COMMITTEE

REP. STENEHJEM MOVED that the conference committee report on HB 1235 as printed on pages 2101-2104 of the House Journal be adopted, which motion prevailed.

HB 1235, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1235: A BILL for an Act to create and enact a new section to chapter 19-02.1, a new section to chapter 19-08, and a new section to chapter 19-17 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods; and to amend and reenact sections 23-05-01 and 23-14-06 of the North Dakota Century Code, relating to the sale and use of certain home-prepared foods.

MOTION

REP. WALD MOVED the previous question, which motion failed for lack of a two-thirds vote on a verification vote.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 67 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, P.; Enget; Frey; Gerhardt; Gilmore; Graba; Haugland; Hoffner; Hokana; Huether; Kaldor; Kolbo; Laughlin; Marks; Martin; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Peterson; Ring; Schneider; Shockman; Skjerven; Solberg; Starke; Stofferahn; Thompson, V.; Tomac; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; DeMers, J.; Dorso; Flaagan; Gates; Gerntholz; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Hausauer, A.; Hausauer, R.; Howard; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Melby; Mertens; Murphy; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Scherber; Schindler; Schmidt; Shaft; Shide; Smette; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Wentz; Whalen; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl

HB 1235 lost.

MOTION

REP. KLOUBEC MOVED that HB 1479 be placed at the foot of the Seventh order on the calendar, which motion prevailed.

REPORTS OF CONFERENCE COMMITTEES

REP. R. ANDERSON MOVED that the conference committee report on Engrossed SB 2417 as printed on pages 2172-2173 of the House Journal be adopted, which motion lost on a verification vote.

REP. JENSEN MOVED that the conference committee report on Engrossed HB 1006 be adopted and that the conference committee be discharged and that a new conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a new Conference Committee on HB 1006: Reps. Sorensen, Dalrymple, Watne.

REPORT OF CONFERENCE COMMITTEE

REP. SMETTE MOVED that the conference committee report on Engrossed HB 1007 be adopted and that the conference committee be discharged and that a new conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a new Conference Committee on Engrossed HB 1007: Reps. Gunsch, Kingsbury, Graba.

REPORT OF CONFERENCE COMMITTEE

REP. D. OLSEN MOVED that the conference committee report on HB 1369 be adopted, which motion prevailed.

HB 1369, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 and section 50-24.1-02.3 of the North Dakota Century Code, relating to the duty of burial and pre-need funeral service plans; 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; Frey; Gates; Gerhardt; Gertholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Uriacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: None

ABSENT AND NOT VOTING: Flaagan; Gerl; Peterson

HB 1369 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. D. LARSON MOVED that the conference committee report on HB 1446 be adopted.

MOTION

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

The motion to adopt the conference committee report on HB 1446 prevailed.

HB 1446, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1446: A BILL for an Act to amend and reenact subsection 1 of section 39-08-01 of the North Dakota Century Code, relating to being in actual physical control of a vehicle while under the influence of intoxicating liquor or drugs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 5 YEAS, 98 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Hokana; Thompson, V.; Tokach; Tomac

NAYS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Gerhardt; Gertholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen;

Haugland; Hausauer, A.; Hausauer, R.; Hoffner; 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; Skjervan; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Dorso; Flaagan; Gerl

HB 1446 lost.

REPORT OF CONFERENCE COMMITTEE

REP. HAUGEN MOVED that the conference committee report on SB 2042 be adopted, which motion prevailed.

SB 2042, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact section 40-58-01.1 and a new section to chapter 40-58 of the North Dakota Century Code, relating to definitions concerning city development and renewal and the use of tax increment financing by cities for the development of certain industrial or commercial property; to amend and reenact sections 40-58-02, 40-58-03, 40-58-04, 40-58-05, 40-58-06, 40-58-07, 40-58-08, 40-58-09, 40-58-10, 40-58-12, 40-58-13, 40-58-15, 40-58-16, 40-58-17, 40-58-18, and 40-58-20 of the North Dakota Century Code, relating to city development and renewal; and to repeal sections 40-58-01 and 40-58-19 of the North Dakota Century Code, relating to the short title and definitions under the urban renewal law.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 7 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; 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; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; 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: Aarsvold; Brokaw; Enget; Hausauer, A.; Kaldor; Shockman; Skjervan

ABSENT AND NOT VOTING: Belter; Flaagan; Gerl; Lang; Melby

SB 2042 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GOETZ MOVED that the conference committee report on SB 2475 be adopted, which motion prevailed.

SB 2475, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act to amend and reenact sections 57-36-10, 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to compensation available to distributors and the rate of excise tax on the wholesale purchase price of tobacco products; 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 81 YEAS, 21 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Aas; Berg, G.; Clayburgh; Gunsch; Hanson, O.; Knell; Kouba; Laughlin; Murphy; Nelson; Olsen, D.; Olson, A.; Olson, V.; Payne; Schmidt; Shide; Skjerven; Smette; Tollefson; Tomac; Whalen

ABSENT AND NOT VOTING: Flaagan; Gerl; Haugen; Lang

SB 2475 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. WHALEN MOVED that the conference committee report on Engrossed SB 2093 be adopted, which motion prevailed.

Engrossed SB 2093, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 26.1-01-03.1 of the North Dakota Century Code, relating to general penalties for violation of provisions of the insurance title.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 101 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Flaagan; Gerl; Gunsch; Lang

SB 2093 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 Engrossed HB 1011 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 Engrossed HB 1011: Reps. Gertholz, Smette, Graba.

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2222: Reps. D. Larson, Stenehjem, Kolbo.

THE SPEAKER ANNOUNCED that the House had not adopted the conference committee report on SB 2417 and appointed the following to a new Conference Committee on SB 2417: Reps. Martin, Gorman, Scherber.

MOTIONS

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

REP. KLOUBEC MOVED that the House stand adjourned until 8:00 a.m., Thursday, April 13, 1989, which motion prevailed.

68th DAY

WEDNESDAY, APRIL 12, 1989

2211

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

ROY GILBREATH, Chief Clerk