

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, April 15, 1989

The House convened at 8:00 a.m., with Acting Speaker R. Hausauer presiding.

The prayer was offered by Representative Shockman.

The roll was called and all Representatives were present, except Representatives B. Anderson, G. Berg, Dorso, Gerl, Graba, Kouba, Lang, Schatz, Speaker Kretschmar.

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 Seventieth Day and finds it to be correct.

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

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1604.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1200, HB 1369.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

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

HB 1128: Sens. Keller, Schoenwald, Todd

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2531, SB 2540.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1662.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has passed unchanged: HCR 3090, HB 1017, HB 1674.

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 Acting Speaker A. Hausauer presiding.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 14, 1989

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

Dear Mr. Speaker:

House Bill 1320 amends Section 33-06-01 of the North Dakota Century Code to allow the eviction of a tenant if there is a direct or indirect disturbance of the peace. It also provides that a court must evict the tenant immediately, unless the eviction would cause a substantial hardship to the tenant. Upon a showing of substantial hardship, the court may allow the tenant to remain on the premises for a reasonable period not to exceed fifteen days if the eviction is for failure to pay rent, and, in all other cases, the period before eviction must not exceed five days.

The use of the word "indirect", as it refers to a disturbance of the peace, is very ambiguous. The nature of apartment living lends itself to a variety of situations that could be construed as "indirect" disturbances. It is not difficult to imagine a number of circumstances that could be considered "indirect" disturbances but, in fairness, would not warrant the severe remedy of an eviction.

An ambiguity of this nature could lead to abuse by both landlords and other tenants. Rather than impose this uncertainty on all landlords and tenants, it is better to allow them the opportunity to tailor the terms and conditions of a lease and choose the appropriate remedies for a breach.

The problem of ambiguity is aggravated by the provision demanding the court to limit the time frame in which the eviction must take place. The varied circumstances surrounding the eviction require flexibility, not a rigid rule. I have great confidence in the ability of the judges of North Dakota to fashion a remedy that will serve the interests of justice and protect landlords and tenants. I do not believe it is proper to tie the hands of judges, particularly where it could lead to such serious consequences. The eviction of a tenant from his or her home under any circumstance may have a significant impact on the life of the tenant and a tenant's family and should be given careful consideration.

Therefore, I veto HB 1320.

Sincerely,

GEORGE A. SINNER
Governor

MOTION

REP. KLOUBEC MOVED that HB 1320 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose

of overriding the Governor's veto, and that HB 1320 be placed on the Eleventh order, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2036 as recommended by the Committee on Appropriations as printed on page 2298 of the House Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

Engrossed SB 2036, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act to create and enact sections 54-17.2-01.1 and 54-17.2-03.1 of the North Dakota Century Code, relating to composition, staff services, and duties of the North Dakota building authority committee; to amend and reenact subdivision 1 of subsection 1 of section 28-32-01, sections 54-17.2-01, 54-17.2-02, 54-17.2-05, 54-17.2-08, 54-44.1-03, 54-44.1-06, and 54-44.1-08 of the North Dakota Century Code, relating to the Administrative Agencies Practice Act, the North Dakota building authority, the North Dakota building authority committee, the office of the budget, and preparation of budget reports for submission to the legislative assembly.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 58 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Berg, G.; Berg, R.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Flaagan; Frey; Gerhardt; Gerl; Gilmore; Halmrast; Hanson, L.; Hoffner; Hokana; Kelly; Kolbo; Laughlin; Mertens; Myrdal; Ness; Nowatzki; Oban; O'Shea; Peterson; Ring; Scherber; Schneider; Shockman; Skjerven; Starke; Stofferahn; Thompson, V.; Tomac; Ulmer; Watne; Wilkie; Williams, A.; Williams, W.

NAYS: Aarsvold; Aas; Anderson, R.; Belter; Bernstein; Christman; Clayburgh; Dalrymple; Enget; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Howard; Huether; Jensen; Kaldor; Kingsbury; Kloubec; Knell; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Murphy; Nelson; Nicholas; Olsen, D.; Olson, A.; Olson, V.; Payne; Schindler; Schmidt; Shaft; Shide; Smette; Solberg; Sorensen; Soukup; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Wentz

ABSENT AND NOT VOTING: Dorso; Graba; Kouba; Lang; Rydell; Schatz; Whalen; Speaker Kretschmar

SB 2036 lost.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed SB 2538 as recommended by the Committee on Appropriations as printed on pages 2298-2301 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

Engrossed SB 2538, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND 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; establishing a joint medicaid payment account; making an appropriation for the child evaluation and treatment program; making an appropriation for adult protection services; to amend and reenact section 3 of House Bill No. 1037, as approved by the fifty-first legislative assembly, relating to the capital construction fund; authorizing the developmental disabilities revolving loan fund to sell its loans to the Bank of North Dakota; allowing the proceeds of the sale of the loans to assure the availability of funds for predicted caseload growth in medical assistance, aid to families with dependent children, and foster care; providing for a legislative council study of the appropriations process; and providing a transfer to the capital construction 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 81 YEAS, 16 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Halmrast; Hanson, L.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kloubec; Kolbo; 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; Peterson; Ring; Scherber; Schindler; Schmidt; Schneider; Shockman; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Tollefson; Tomac; Trautman; Ulmer; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Gorman; Gunsch; Hanson, O.; Howard; Kingsbury; Knell; Melby; Payne; Shaft; Shide; Skjervan; Thompson, K.; Timm; Tokach; Urlacher; Vander Vorst

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Kouba; Lang; Rydell; Schatz; Whalen; Speaker Kretschmar

SB 2538 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GUNSCH MOVED that the conference committee report on Engrossed HB 1626 as printed on pages 2296-2297 of the House Journal be adopted, which motion prevailed.

Engrossed HB 1626, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1626: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to county weed board mill levies for noxious weed control; and to provide an appropriation.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Carlson; Christman; Clayburgh; Dairymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Knell; Kolbo; Lang; Laughlin; Martin; Melby; Mertens; Murphy; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Ring; Scherber; Schindler; Schneider; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.

NAYS: Berg, R.; Bernstein; Frey; Gates; Halmrast; Jensen; Kingsbury; Kloubec; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Oban; Payne; Shaft; Shide; Sorensen; Stenehjem; Williams, W.

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Kouba; Peterson; Rydell; Schatz; Schmidt; Whalen; Speaker Kretschmar

HB 1626 passed and the title was agreed to.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Engrossed HB 1011 has had the same under consideration and recommends that the SENATE RECEDE from the Senate amendments as found on pages 2192-2193 of the House Journal and that Engrossed HB 1011 be amended as follows:

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

Page 1, line 2, replace "providing" with "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 "532,362"

Page 1, remove line 18

Page 2, line 2, replace "11,858,410" with "11,854,956"

Page 2, line 4, replace "3,056,961" with "3,053,507"

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	\$ 3,138,413
Grand total special funds appropriation	\$ 8,801,449
Grand total all funds appropriation	\$ 11,939,862"

ReNUMBER 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 (this represents one-half of the funding necessary for the six armories)	\$ 66,546
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>\$ (3,454)</u>

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

For the Senate: Sens. Redlin, Yockim, Naaden
 For the House: Reps. Gerntholz, Smette (refused to sign), Graba

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

REP. D. LARSON MOVED that the conference committee report on SB 2222 as printed on pages 2287-2288 of the House Journal be adopted, which motion prevailed.

SB 2222, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to provide for an exception to the open records law for law enforcement criminal intelligence and criminal investigative 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 92 YEAS, 1 NAY, 13 ABSENT AND NOT VOTING.

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

NAYS: Ulmer

ABSENT AND NOT VOTING: Aas; Dorso; Frey; Gerhardt; Graba; Haugen; Kouba; Olsen, D.; Rydell; Schatz; Schmidt; Whalen; Speaker Kretschmar

SB 2222 passed and the title was agreed to.

MOTIONS

REP. W. WILLIAMS MOVED that the House reconsider its action whereby SB 2397 failed to pass.

REP. KLOUBEC MOVED the previous question, which motion failed on a verification vote.

REP. KLOUBEC MOVED that debate be limited to a time certain, and that time being 11:20 a.m., which motion prevailed.

REQUEST

REP. SOLBERG REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2397 failed to pass.

CALL OF THE HOUSE

REP. ULMER REQUESTED a Call of the House and an interpretation of House Rule 303, subsection 5, which states that while the House is under Call, no business can be transacted except to receive and act on the report of the Sergeant-at-Arms, and no motion is in order except a motion to suspend further proceedings under the Call, and said motion shall not be adopted unless a majority of all members elect vote in favor thereof. If the Call of the House is granted, do we suspend the vote on this until Monday by a majority vote.

RULING BY THE SPEAKER

ACTING SPEAKER A. HAUSAUER determined that there were a sufficient number of members who supported the request of Rep. Ulmer for a Call of the House.

REQUEST

REP. ULMER REQUESTED that the Call of the House be withdrawn, which request was granted.

MOTIONS

REP. KLOUBEC MOVED that House Rule 341, paragraph 3, be suspended in order that the House can reconsider SB 2397 on Monday, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that all action taken, including action on SB 2024, be messaged to the Senate, which motion prevailed.

REP. KLOUBEC MOVED that the House stand in recess until 12:00 noon, which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Acting Speaker A. Hausauer presiding.

REQUEST

REP. W. WILLIAMS REQUESTED that his motion to reconsider the action whereby SB 2397 failed to pass be withdrawn, which request was granted.

REPORT OF STANDING COMMITTEE

MR. SPEAKER: Your Committee on Political Subdivisions (Rep. Lindgren, Chairman) to which was referred SB 2542 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 15, remove "or mitigation of the effects of an emergency"

Page 1, line 16, remove "condition"

Re-number accordingly

SB 2542 was placed on the Sixth order of business on the calendar.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2024, SB 2538.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has adopted the conference committee report on SB 2222 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 1626 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 2036.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)
MR. SPEAKER: The Senate has adopted the conference committee report on SB 2037, SB 2062, SB 2261 and subsequently passed the same.

REPORTS OF CONFERENCE COMMITTEES

MR. SPEAKER: Your Conference Committee to which was referred Reengrossed SB 2037 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1870 of the House Journal, and that the HOUSE RECEDE from the House amendments as found on pages 1561-1562 of the House Journal, and that Reengrossed SB 2037 be further amended as follows:

Page 1, line 2, remove ", a new section to chapter 15-59.2"

Page 1, line 5, remove ", sharing of costs by school districts of"

Page 1, line 6, remove "special education programs"

Page 1, line 9, remove "and" and replace "appropriation" with "effective date; and to provide an expiration date"

Page 6, line 14, after the underscored period insert "However, no program may be reimbursed at a lesser rate than that of the prior year, notwithstanding locally initiated program changes, within the limits of legislative appropriations."

Page 11, remove lines 10 through 14

Page 11, replace lines 20 through 25 with:

"SECTION 7. EFFECTIVE DATE. Section 3 of this Act becomes effective on July 1, 1990.

SECTION 8. EXPIRATION DATE. Section 3 of this Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

For the Senate: Sens. Mathern, Hilken, Peterson
For the House: Reps. O. Hanson, Myrdal, Hoffner

Reengrossed SB 2037 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred SB 2062 has had the same under consideration and recommends that the HOUSE RECEDE from the

House amendments as found on pages 2006-2007 of the House Journal and that SB 2062 be amended as follows:

Page 1, line 1, after "Act" insert "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"

Page 1, line 2, remove "26.1-08-08,"

Page 1, line 4, replace the first comma with "and" and remove ", and"

Page 1, line 5, remove "premium rates"

Page 2, after line 11, insert:

"SECTION 2. A new subdivision to subsection 6 of section 26.1-08-03 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Exempt, by a two-thirds majority vote, an applicant from the provisions of subsection 4 of section 26.1-08-12 when required under emergency circumstances to allow the applicant access to medical procedures determined to be necessary to preserve life."

Page 10, remove lines 5 through 27

Page 11, line 5, remove the overstrike over "~~six~~" and remove "~~nine~~"

Page 11, line 9, remove the overstrike over "~~to a person~~" and insert immediately thereafter "who has lost dependent status under a parent's or guardian's family or group policy and" and remove the overstrike over "~~who has had continuous coverage under~~"

Page 11, line 10, remove the overstrike over "~~a family~~" and "~~or group policy for the twelve-month period~~"

Page 11, remove the overstrike over line 11

Page 11, line 12, remove the overstrike over "~~procedures or~~"

Re-number accordingly

For the Senate: Sens. D. Meyer, Kinnoin, Lodoen

For the House: Reps. Lindgren, Trautman, Marks

SB 2062 was placed on the Seventh order of business on the calendar.

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2261 has had the same under consideration and recommends that the HOUSE RECEDE from the House amendments as found on page 1821 of the House Journal and that Engrossed SB 2261 be amended as follows:

Page 3, line 6, after the period insert "However, the survey shall maintain a core and sample library at the university of North Dakota with associated core receiving, processing, and analytical equipment. The survey, in cooperation with the university of North Dakota, shall

maintain a geologic literature library and archives at the university of North Dakota. The survey may also maintain a working geologic literature library at a site selected by the industrial commission."

Renumber accordingly

For the Senate: Sens. Maixner, O'Connell, Todd
For the House: Reps. K. Thompson, Payne, Hoffner

Engrossed SB 2261 was placed on the Seventh order of business on the calendar.

MOTION

REP. MARTINSON MOVED that the House pay all House employees for a full day today and tomorrow, and that those who work a full day today will receive an extra half-day's pay when their employment ends and that this will include those who have left their positions within the past three weeks.

ROLL CALL

The question being on the motion of Rep. Martinson that the employees be paid pursuant to Rep. Martinson's motion, the roll was called and there were 92 YEAS, 1 NAY, 13 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; 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; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Tomac; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Trautman

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Gunsch; Hanson, L.; Kouba; Lindgren; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

The motion that the House pay all House employees for a full day today and tomorrow and that those who work a full day today will receive an extra half-day's pay when their employment ends, including those who have left their positions within the past three weeks, passed.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1058, HB 1158, HB 1164, HB 1267, and HB 1297 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1006, HB 1479, HB 1499.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)
 MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3005,
 HCR 3040.

SENATE AMENDMENTS TO HCR 3005

Page 1 of the resolution, line 20, replace "primary" with "general"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HCR 3040

Page 1 of the engrossed resolution, line 19, replace "primary" with "general"

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)
 MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004,
 HB 1040, HB 1049.

SENATE AMENDMENTS TO ENGROSSED HB 1004

In addition to the amendments to engrossed House Bill No. 1004, engrossed
 House Bill No. 1004 is amended as follows:

Page 1, line 5, remove "and"

Page 1, line 6, after "and" insert "the state aid distribution fund; to
 provide"

Page 1, line 7, after "54-44.1-11" insert "; and to provide for an
 appropriation to various state agencies and institutions for payment of
 health insurance for part-time employees"

Page 3, after line 15, insert:

"SECTION 6. TRANSFER. There is hereby transferred the sum of
 \$1,600,000 from the state aid distribution fund to the general fund for
 the biennium beginning July 1, 1989, and ending June 30, 1991. The
 money shall be transferred upon the direction of the office of
 management and budget.

SECTION 7. APPROPRIATION. The sums hereinafter listed, or so
 much thereof as may be necessary, are hereby appropriated out of any
 moneys in the general fund and from special funds in the state
 treasury, not otherwise appropriated, to the agencies and institutions
 of state government listed below for the purpose of paying health
 insurance premiums for part-time employees, previously excluded in the
 executive budget due to Senate Bill No. 2254 which has since been
 defeated, for the period beginning July 1, 1989, and ending June 30,
 1991:

AGENCY	GENERAL FUND	SPECIAL FUNDS	TOTAL
Attorney General	\$ 3,365	\$	\$ 3,365
Director of Institutions	1,198		1,198
Department of Public Instruction	2,483	3,278	5,761
State Library	7,927		7,927
School for the Deaf	19,725		19,725

School for the Blind	29,841		29,841
Veterans' Home	958		958
Department of Human Services	176,519	240,778	417,297
Governor's Office - Protection and Advocacy Project	13,458		13,458
Bank of North Dakota		27,146	27,146
Job Service North Dakota		40,833	40,833
Department of Corrections and Rehabilitation	19,514		19,514
Seed Department		3,365	3,365
Wheat Commission		1,682	1,682
Soil Conservation Committee	1,198		1,198
Industrial Commission		3,365	3,365
Game and Fish Department		3,365	3,365
Parks and Recreation Department	2,395		2,395
Water Commission	3,365		3,365
Highway Department		<u>10,094</u>	<u>10,094</u>
Total	\$281,946	\$333,906	\$615,852"

ReNUMBER accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1004

- Page 1, line 3, after "reenact" insert "subsection 3 of section 19-02.1-14.1 as amended in section 1 of House Bill No. 1298, approved by the fifty-first legislative assembly, and"
- Page 1, line 4, after "to" insert "print size requirements for legends on drug prescription forms and"
- Page 3, after line 15, insert:

"SECTION 6. AMENDMENT. Subsection 3 of section 19-02.1-14.1 of the 1987 Supplement to the North Dakota Century Code as amended in section 1 of House Bill No. 1298, as approved by the fifty-first legislative assembly, is hereby amended and reenacted to read as follows:

3. If a practitioner prescribes a drug by its brand name, the pharmacist may exercise professional judgment in the economic interest of the patient by selecting a drug product with the same generic name and demonstrated therapeutical equivalency as the one prescribed for dispensing and sale to the patient unless the practitioner specifically indicates in the practitioner's own handwriting "brand necessary" on a written prescription or expressly indicates that an oral prescription is to be dispensed as communicated. The pharmacist shall note the instructions on the file copy of the prescription. A reminder legend must be placed on all prescription forms. The legend must state: "In order to require that a brand name product be dispensed, the practitioner must handwrite the words 'brand necessary'." The legend printed on the prescription form must be in at least ~~sixteen point~~ six-point uppercase print. The pharmacist shall not substitute a generic name drug product unless its price to the purchaser is less than the price of the prescribed drug product. In

addition, a pharmacist shall not substitute drug products in the following dosage forms: enteric coated tablets, controlled release products, injectable suspensions other than antibiotics, suppositories containing active ingredients for which systemic absorption is necessary for therapeutic activity, and different delivery systems for aerosol and nebulizer drugs. In the event that any drug listed above is, subsequent to January 1, 1982, determined to be therapeutically equivalent, then the previously mentioned substitution ban shall be automatically removed for that drug. The pharmacist shall inform the person receiving the drug when a prescription for a brand name drug product does not require that the prescribed drug be dispensed and of the person's right to refuse a generic name drug product selected by the pharmacist. The pharmacy file copy of every prescription shall include the brand name, if any, or the name of the manufacturer, packer, or distributor of the generic name drug dispensed. A pharmacist who selects and dispenses a therapeutically equivalent generic name drug product shall assume no greater liability for selecting the dispensed drug product than would be incurred in filling a prescription for a drug product prescribed by its generic name. The practitioner is not liable for the substitution made by a pharmacist."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1004

Page 1, line 5, remove "and"

Page 1, line 6, replace "and" with "; to provide for"

Page 1, line 7, after "54-44.1-11" insert "; to provide for a transfer to the pay equity implementation fund; to provide for a loan from the Bank of North Dakota to match federal disaster funds; and to declare an emergency"

Page 1, line 19, replace "4,977,321" with "5,286,363"

Page 1, line 20, replace "2,145,745" with "2,155,745"

Page 1, line 21, replace "2,985,861" with "3,006,391"

Page 1, line 22, replace "64,785" with "76,785"

Page 2, line 3, replace "193,035" with "193,035"

Page 2, remove line 4

Page 2, line 5, replace "36,650,890" with "36,502,462"

Page 2, line 7, replace "7,319,905" with "7,171,477"

Page 2, line 10, replace "7,332,113" with "7,653,568"

Page 2, line 11, replace "19,646,574" with "20,746,574"

Page 2, line 12, replace "5,522,000" with "5,532,000"

Page 2, line 13, replace "32,500,687" with "33,932,142"

Page 2, line 21, replace "7,319,905" with "9,671,477"

Page 2, line 22, replace "64,164,040" with "67,095,495"

Page 2, line 23, replace "71,483,945" with "76,766,972"

Page 3, after line 28, insert:

"SECTION 7. APPROPRIATION - GENERAL FUND TRANSFER TO PAY EQUITY IMPLEMENTATION FUND. There is hereby appropriated and authorized the transfer to the pay equity implementation fund in the state treasury, the sum of \$2,500,000, or so much thereof as may be necessary, from the general fund in the state treasury for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 8. CONTINGENT APPROPRIATION - LOAN AUTHORIZATION - BANK OF NORTH DAKOTA PROFITS - EMERGENCY COMMISSION. There is hereby appropriated and authorized the transfer of \$1,500,000, or so much thereof as may be necessary, from the undivided profits of the Bank of North Dakota to the emergency commission to provide a loan to match federal funds, which are also hereby appropriated to the emergency commission, under the Robert T. Stafford Disaster Emergency Assistance Act [Pub. L. 93-288, as amended] for the period beginning with the effective date of this Act and ending June 30, 1991. The \$1,500,000 appropriation is contingent upon the ability to match federal funds. The emergency commission shall transfer the appropriation authority to state agencies and institutions to provide disaster relief in accordance with federal law. Costs recovered by the state agencies and institutions for which a transfer of funds was made must be deposited in the Bank of North Dakota for the purpose of repaying the loan authorized under this section. The emergency commission may use moneys in the state contingency fund to repay the Bank of North Dakota if those funds are not otherwise needed. In addition to principal repayment, the Bank of North Dakota shall receive interest at the same rate earned by the general fund. If it is estimated that at the end of the 1989-91 biennium a balance will exist on the loan, the emergency commission shall request the 1991 legislative assembly for a deficiency appropriation to repay the loan.

SECTION 9. EMERGENCY. Section 8 of this Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

GENERAL FUND

Salaries and wages*

Adds 4 personnel analyst positions related to the pay equity implementation and salary administration (2 personnel analyst II positions - \$145,244 and 2 personnel analyst I positions - \$117,043)	\$ 262,287
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Adds 1 records analyst related to records management programs for cities and park districts	46,755
	<hr/>
Total salaries and wages increase	\$ 309,042
<u>Data processing</u>	
Adds data processing moneys related to the 4 personnel analyst positions	\$ 10,000
<u>Operating expenses</u>	
Adds operating expenses related to the 4 personnel analyst positions	\$ 14,924
Adds operating expenses related to the records analyst position	5,606
	<hr/>
Total operating expenses increase	\$ 20,530
<u>Equipment</u>	
Adds equipment related to the 4 personnel analyst positions	\$ 12,000
<u>Pay equity adjustments</u>	
Removes the pay equity adjustments funds from the agency's appropriation - these moneys are to be provided in a separate section of the bill	\$ (500,000)
	<hr/>
Total increase (decrease)	\$ (148,428)

*Salaries and wages reflect legislative compensation policy contained in House Bill No. 1005.

DEPARTMENT 112 - CENTRAL DATA PROCESSING

OTHER FUNDS

<u>Salaries and wages*</u>	
Restores 5 programmer/analyst positions deleted by the House	\$ 321,455
<u>Operating expenses</u>	
Restores funds deleted by the House for the downpayment of the upgrade of the central processor	\$ 1,100,000
<u>Equipment</u>	
Restores funds deleted by the House for equipment related to the 5 positions above	\$ 10,000
	<hr/>
Total increase	\$ 1,431,455

*Salaries and wages reflect legislative compensation policy contained in House Bill No. 1005.

This amendment also adds Section 7 to the bill providing for a \$2.5 million general fund appropriation and transfer to the pay equity implementation fund for pay equity adjustments.

Section 8 is added with an emergency clause, authorizing a \$1.5 million loan to the Emergency Commission from the undivided profits of the Bank of North Dakota to be used to match federal disaster emergency funds for use by state agencies and institutions.

SENATE AMENDMENTS TO REENGROSSED HB 1040

In addition to the amendments adopted by the Senate as printed on page 1311 of the Senate Journal, reengrossed House Bill No. 1040 is further amended as follows:

Page 1, line 10, after "branch" insert "and shall financially assist certain ambulance services licensed under this chapter as determined by the branch in obtaining equipment"

Page 1, line 14, replace "training" with "equipment"

Page 1, remove line 16

Page 1, line 17, replace "training" with "the amount of funds available for identified equipment acquisitions. The health services branch shall adopt a schedule of eligibility for financial assistance for equipment. The schedule must provide for a direct relationship between the number of responses during the preceding calendar year for the purpose of rendering medical care, transportation, or both, to individuals who were sick or incapacitated and the amount of funds certified. The schedule must require that as the number of such responses increases, a greater amount of funds certified is required. The schedule must classify responses and the financial assistance available for various classifications. The health services branch may establish minimum and maximum amounts of financial assistance to be provided an ambulance service under this section."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the 50 percent matching requirement for training grants. The Health Services Branch will still have the authority to prorate the funds among the applicants on a yearly basis.

This amendment also provides authorization for equipment grants, within the limits of legislative appropriation, on a matching basis as recommended by the Legislative Council's interim Budget Committee on Institutional Services.

SENATE AMENDMENTS TO ENGGROSSED HB 1049

Page 1, line 1, after "10-30.1-04" insert a comma

Page 1, line 2, remove "and" and after "10-30.2" insert ", and a new subdivision to subsection 1 of section 57-38-01.2"

Page 1, line 5, after "corporations" insert "and tax exemptions for pension benefits"

Page 1, line 7, remove the second "and" and after "10-30.2-14" insert ", and subdivisions j and l of subsection 1 of section 57-38-01.2"

Page 1, line 10, remove the second "and"

Page 1, line 11, after "Incorporated" insert "and tax exemptions for pension benefits; and to provide an effective date"

Page 7, after line 8, insert:

"SECTION 12. AMENDMENT. Subdivisions j and l of subsection 1 of section 57-38-01.2 of the 1987 Supplement to the North Dakota Century Code are hereby amended and reenacted to read as follows:

- j. Reduced by any amount, up to a maximum of five thousand dollars, received pursuant to the ~~United States Civil Service Retirement Act~~, firemen's relief associations authorized by chapters 18-05 and 18-11, or policemen's pension funds authorized by chapter 40-45 provided, however, that the adjustment provided in this subdivision shall be reduced by any amount received pursuant to the federal Social Security Act.
- l. Reduced by any amount, up to a maximum of five thousand dollars, received by any person ~~sixty~~ fifty years of age or older as retired military personnel pay for service in the United States army, navy, air force, coast guard, or marine corps or reserve components thereof; provided, however, that the adjustment provided in this subdivision shall be reduced by any amount received pursuant to the federal Social Security Act.

SECTION 13. A new subdivision to subsection 1 of section 57-38-01.2 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Reduced by any amount, up to a maximum of five thousand dollars, received as retirement benefits paid by the United States, a territory or possession or political subdivision thereof, the government of the District of Columbia, or an agency or instrumentality of one or more of the foregoing, other than retired military personnel pay, as exempted in subdivision l; provided, however, that the adjustment provided in this subdivision shall be reduced by any amount received pursuant to the federal Social Security Act.

SECTION 14. EFFECTIVE DATE. Sections 12 and 13 of this Act are effective for taxable years beginning after December 31, 1988."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HB 1049

Page 1, line 1, after "10-30.1-04" insert a comma

Page 1, line 2, remove "and" and after "10-30.2" insert "and a new subdivision to subsection 1 of section 57-38-01.2"

Page 1, line 5, remove the second "and"

Page 1, line 6, replace "sections" with "section" and after the first comma insert "subsection 1 of section 10-30.1-05, and sections", remove

"subsection 2 of section", and after the third comma insert "10-30.1-08, 10-30.1-09,"

Page 1, line 7, remove "and sections"

Page 1, line 11, after "Incorporated" insert "; and to declare an emergency"

Page 1, line 20, after "Is" insert "a business which through a process employing knowledge and labor adds value to a product for resale; and

c. Has its principal office in this state and is primarily"

Page 1, line 21, after "business" insert "or an affiliate of a business"

Page 2, line 2, replace "one million" with "five hundred thousand"

Page 2, line 15, after "investors" insert "within two years of receiving the funds"

Page 2, after line 17, insert:

"SECTION 3. AMENDMENT. Subsection 1 of section 10-30.1-05 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Subject to sections 10-30.1-06, 10-30.1-07, and 10-30.1-08, a taxpayer is entitled to a credit against any state income tax liability which may be imposed on the taxpayer for a particular taxable year that begins after December 31, 1984, if the taxpayer makes an investment in a venture capital corporation. However, a taxpayer that makes an investment on or after the effective date of this Act in a venture capital corporation which has invested in a business or an affiliate of a business that has invested in tax exempt securities is not entitled to a tax credit. Investments by Myron G. Nelson Fund, Incorporated, in a venture capital corporation do not qualify for the tax credit provided by this chapter. Tax credits under this chapter are not subject to payment of interest as provided in section 57-38-35.1."

Page 3, line 1, replace "Subsection 2 of section" with "Section"

Page 3, replace lines 3 through 14 with:

"10-30.1-07. Taxable year for credit.

1. The tax credit must be credited against the taxpayer's income tax liability for the taxable year in which full consideration for the investment in the venture capital corporation is received by the venture capital corporation. If the amount of the tax credit exceeds the taxpayer's tax liability for that taxable year, the amount of the credit which exceeds the tax liability may be **carried back or carried forward**, to the extent not already used as a credit pursuant to this section, as a credit against the taxpayer's state income tax liability for **the three taxable years preceding and the seven taxable years following the taxable**

year in which full consideration for the investment is received.

2. A taxpayer is eligible for a tax credit under this chapter on the date the venture capital corporation receives full consideration for the investment purchased by the taxpayer in the venture capital corporation. In the event the venture capital corporation must return the taxpayer's investment pursuant to subsection 8 of section 10-30.1-04 or section 2 of this Act, any tax credit taken by a taxpayer for the investment under this chapter plus penalty and interest as provided in section 57-38-45 must be paid to the state tax commissioner; however, the taxpayer is entitled to retain a percentage of the tax credit equal to the percentage of the taxpayer's investment not returned by the venture capital corporation, up to a maximum percentage of ten percent.

SECTION 6. AMENDMENT. Section 10-30.1-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-30.1-08. Tax credit limits. The total amount of investments for which tax credits are allowed for all taxpayers under this chapter for the period beginning on July 1, 1985, and ending December 31, 1986, is four million dollars, and for each two-year period thereafter is four million dollars plus up to one million dollars of any investments available for tax credits from the previous two-year period January 1, 1989, and ending December 31, 1990, is seven hundred fifty thousand dollars. If investments in venture capital corporations reported to the state tax commissioner pursuant to section 10-30.1-10 exceed the limits on investments for tax credit imposed by this section, the credit must be allowed to taxpayers in the chronological order of their investments in the venture capital corporations as determined from the forms provided for in section 10-30.1-10.

SECTION 7. AMENDMENT. Section 10-30.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-30.1-09. Tax credit - Procedure. To receive the tax credit provided by this chapter, a taxpayer must claim the tax credit on the taxpayer's annual state income tax return in the manner prescribed by the state tax commissioner and file with the taxpayer's annual state tax return a copy of the form issued by the venture capital corporation as to the taxpayer's investment in the venture capital corporation pursuant to section 10-30.1-10. The tax credit provided for in this chapter, including ~~carrybacks~~ and carryforwards, may not be claimed by taxpayers filing income tax returns pursuant to the provisions of section 57-38-30.3."

Page 4, line 28, overstrike "carried back for not more than three taxable years or".

Page 5, line 21, overstrike "carried back for not more than three taxable years or"

Page 6, line 2, after the underscored period insert "However, the total amount of investments for which tax credits are allowed for all taxpayers under this chapter for the period beginning January 1, 1989,

and ending December 31, 1990, is one million two hundred fifty thousand dollars."

Page 6, line 13, after "corporation" insert ", or a separate legal entity such as a limited partnership created by the corporation as an affiliate for the purpose of obtaining investment capital from the public"

Page 7, after line 8, insert:

"SECTION 12. A new subdivision to subsection 1 of section 57-38-01.2 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

Reduced by the amount, up to a maximum of five thousand dollars for any person or ten thousand dollars if a joint return is filed, of investment made after January 1, 1989, in either a venture capital corporation organized pursuant to chapter 10-30.1 or in the Myron G. Nelson Fund, Incorporated, or a separate legal entity such as a limited partnership created by the Myron G. Nelson Fund, Incorporated, as an affiliate, which entities are organized pursuant to chapter 10-30.2. This deduction may only be taken in the tax year in which the taxpayer qualifies for a credit pursuant to chapters 10-30.1 or 10-30.2. However, a taxpayer that makes an investment on or after the effective date of this Act, in a venture capital corporation which has invested in a business or an affiliate of a business that has invested in tax exempt securities, is not entitled to this deduction.

SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The President has dissolved the Conference Committee on SB 2001 and has appointed as a new conference committee to act with a like committee from the House on:

SB 2001: Sens. Wogsland, Ewen, Nelson

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has not adopted the conference committee report on HB 1134. The President has appointed as a new conference committee to act with a like committee from the House on:

HB 1134: Sens. J. Meyer, Mathern, Nalewaja

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed SB 2237 as printed on page 2288 of the House Journal be adopted, which motion prevailed.

Engrossed SB 2237, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2237: A BILL for an Act to amend and reenact sections 65-02-06, 65-05-01, 65-05-02, 65-05-09.1, 65-05-15, 65-05-17, 65-05-25, 65-05-28, 65-05-29, 65-05-30, 65-05-32, 65-05-33, and 65-08-01 of the North Dakota Century Code, relating to workers' compensation and reinsurance, filing on behalf of an injured worker, physician's certificate of physical examinations, offset in cases of social security overpayment, aggravation law application, death benefits, bureau ordered independent medical evaluations, offset in cases of overpayment, medical information available to the bureau, privacy rights of claimants, definition of a false claim, providing a penalty for filing a false claim, bureau authority to compromise and settle disputed claims, and out-of-state jobsites; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 12 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dairymple; DeMers, P.; Enget; Flaagan; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kolbo; 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; Schindler; Shaft; Shide; Shockman; Skjervem; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Uriacher; Vander Vorst; Wald; Wentz; Wilkie; Williams, A.; Williams, W.

NAYS: Aarsvold; Brokaw; Carlson; DeMers, J.; Frey; Gerl; Kaldor; Murphy; Scherber; Schneider; Tomac; Watne

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Gunsch; Hanson, L.; Kouba; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

SB 2237 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GERNTHOLZ MOVED that the conference committee report on Engrossed HB 1011 be adopted, which motion prevailed.

Engrossed HB 1011, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide for an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and the civil air patrol; to provide for an appropriation and transfer of funds from the national guard tuition trust fund; and to provide for 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 77 YEAS, 15 NAYS, 14 ABSENT AND NOT VOTING.

YEAS: Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Kneil; Kolbo; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Murphy; Nelson; Ness; Oban; Olson, V.; O'Shea; Payne; Ring; Schindler; Schneider; Shaft; Shockman; Skjerven; 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.

NAYS: Aarsvold; Frey; Howard; Jensen; Lang; Laughlin; Melby; Myrdal; Nicholas; Nowatzki; Oisen, D.; Olson, A.; Scherber; Shide; Smette

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Gunsch; Hanson, L.; Kouba; Mertens; Peterson; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

HB 1011 passed and the title was agreed to.

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)
MR. SPEAKER: The Senate has passed unchanged: HB 1020, HB 1669.

REPORT OF CONFERENCE COMMITTEE

REP. O. HANSON MOVED that the conference committee report on Reengrossed SB 2037 be adopted, which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact a new section to chapter 15-59 and a new subsection to section 15-59.2-05 of the North Dakota Century Code, relating to school district liability for the cost of special education and coordination of special education transportation; to amend and reenact sections 15-40.1-16.1, 15-40.2-08.1, and 15-59-06 of the North Dakota Century Code, relating to state aid for special education; to provide an effective date; 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 91 YEAS, 1 NAY, 14 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly;

Kingsbury; Kloubec; Knell; Kolbo; 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; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; 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.

NAYS: Huether

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Gunsch; Hanson, L.; Hausauer, R.; Kouba; Peterson; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

SB 2037 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. LINDGREN MOVED that the conference committee report on SB 2062 be adopted, 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 93 YEAS, 0 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; 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; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; 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.

NAYS: None

ABSENT AND NOT VOTING: Aas; Berg, G.; Dorso; Graba; Gunsch; Hanson, L.; Kouba; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

SB 2062 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. K. THOMPSON MOVED that the conference committee report on Engrossed SB 2261 be adopted, which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to provide for a geological survey and a state geologist and their duties and powers; to repeal sections 15-11-08, 15-11-09, 15-11-11, 15-11-11.1, 15-11-12, 15-11-13, 15-11-14, and 15-12-18 of the North Dakota Century Code, relating to the geological survey and the state geologist; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 4 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Clayburgh; Dalrymple; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; 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; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Smette; 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.

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

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Gunsch; Hanson, L.; Kouba; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

SB 2261 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. LINDGREN MOVED that the amendments to SB 2542 as recommended by the Committee on Political Subdivisions be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2542, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2542: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; 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 85 YEAS, 9 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Halmrast; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kloubec; Knell; Kolbo; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Murphy; Myrdal; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Scherber; Schindler; Schneider; Shaft; Shockman; Skjervén; Smette; 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.

NAYS: Dalrymple; Gerl; Hanson, O.; Kingsbury; Larson, D.; Melby; Nelson; Olsen, D.; Shide

ABSENT AND NOT VOTING: Aas; Dorso; Graba; Gunsch; Hanson, L.; Kouba; Rydell; Schatz; Schmidt; Solberg; Whalen; Speaker Kretschmar

SB 2542 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PETERSON MOVED that the House do not concur in the Senate amendments to HB 1004 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 ACTING SPEAKER APPOINTED as a Conference Committee on HB 1004: Reps. Kingsbury, Gunsch, Solberg.

APPOINTMENT OF CONFERENCE COMMITTEE

THE ACTING SPEAKER ANNOUNCED that the Senate had not adopted the conference committee report on HB 1134 and appointed the following to a new Conference Committee on HB 1134: Reps. Gates, Trautman, J. DeMers.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that SB 2542 and all other Senate bills on which action has been taken, except SB 2397, be messaged to the Senate immediately, which motion prevailed.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1004 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1004: Reps. Kingsbury, Gunsch, Solberg

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2542.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2037, SB 2062, SB 2237, and SB 2261 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 1011 and subsequently passed the same.

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

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

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

MESSAGE to the HOUSE from the SENATE (Perry Grotberg, Asst. Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2001 and subsequently passed the same.

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER: Your Conference Committee to which was referred Engrossed SB 2001 has had the same under consideration and recommends that the SENATE ACCEDE to the House amendments as found on page 1867 of the House Journal.

For the Senate: Sens. Wogsland, Ewen, Nelson

For the House: Reps. Gunsch, Gerntholz, Graba

Engrossed SB 2001 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fourth order of business, and at the conclusion of the Fourth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 8:00 a.m., Monday, April 17, 1989, which motion prevailed.

FIRST READING OF SENATE BILLS

SB 2531: A BILL for an Act to provide for the establishment of a North Dakota rural area development corporation to administer programs of economic development assistance to rural areas of the state; and to provide a contingent appropriation.

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

SB 2540: A BILL for an Act to create and enact nine new sections to chapter 36-23.1 of the North Dakota Century Code, relating to inspection and condemnation of meat and to injunctions; to amend and reenact sections 36-23.1-01, 36-23.1-02, 36-23.1-03, and 36-23.1-04 of the North Dakota Century Code, relating to inspection of meat and slaughterhouses; to repeal sections 36-23.1-05, 36-23.1-06, and 36-23.1-08 of the North Dakota Century Code, relating to reinspections and the sale of

unapproved meat; to provide a penalty; to provide an appropriation; and to declare an emergency.

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

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2536 and subsequently passed the same.

COMMUNICATION

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

April 15, 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 15, 1989, I signed the following: HB 1012, HB 1021, HB 1077, HB 1155, HB 1185, HB 1205, HB 1401, HB 1449, HB 1564, HB 1581, HB 1660.

Sincerely,

GEORGE A. SINNER
Governor

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

ROY GILBREATH, Chief Clerk