

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

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Bismarck, March 27, 1991

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

The prayer was offered by the Rev. Randy Mitrovich, Century Baptist Church, Bismarck.

The roll was called and all members were present except Representatives Byerly, Coats, Flaagan, Gorder, Hanson, Mahoney, Mutzenberger, Ring, and Rydell.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. Schmidt, Chairman)

MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Fifty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1439, delete lines 38, 43, and 48

Page 1440, delete line 2

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

REQUEST

REP. MILLER REQUESTED that the record show that she intended to vote "Yea" on SCR 4069, which request was granted.

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 R. Anderson presiding.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1004, HB 1005, HB 1011, HB 1050, HB 1186, HB 1201, HB 1271, HB 1282, HB 1285, HB 1327, HB 1336, HB 1391, HB 1392, HB 1395, HB 1400, HB 1408, HB 1416, HB 1425, HB 1446, HB 1454, HB 1467, HB 1472, HB 1486, HB 1487, HB 1492, HB 1499, HB 1500, HB 1511, HB 1519, HB 1522, HB 1523, HB 1530, HB 1567, HB 1568, HB 1581, HB 1584, HB 1590, HCR 3027, HCR 3031.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

MOTIONS

REP. KLOUBEC MOVED that the House consider all bills and resolutions on the Sixth order in one motion, which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that the amendments to HCR 3070, SB 2017, SB 2020, SB 2021, SB 2032, SB 2112, SB 2284, SB 2515, and SCR 4058 be adopted, which motion prevailed.

SCR 4058, as amended, was placed on the Tenth order of business on the calendar.

HCR 3070, as amended, was placed on the Eleventh order of business on the calendar.

SB 2017, SB 2020, SB 2021, SB 2032, SB 2112, SB 2284, and SB 2515, as amended, were placed on the Fourteenth order of business on the calendar.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to HB 1534 as printed on HJ page 1420 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1534: Reps. Timm, Freier, Williams.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do not concur in the Senate amendments to HB 1597 as printed on HJ pages 1421-1422 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER APPOINTED as a Conference Committee on HB 1597: Reps. Soukup, Muhs, Gilmore.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2249: Reps. Wardner, Belter, Nichols.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2422: Reps. Grosz, Nicholas, B. Anderson.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3070: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of allowing state agencies to retain and expend a portion of unexpended general fund appropriations beyond the end of the biennium for which the funds were appropriated and the possibility of a bonus system in lieu of sick leave use.

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS.

HCR 3070 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the various divisions of the state water commission; providing for an appropriation of funds from the resources trust fund; providing for an appropriation from the solid waste management fund; and to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to repayment of loan proceeds and reimbursement of federal funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Brokaw; Carlson; Gilmore; Gorder; Hanson; Huether; Kroeber; Nelson; Ring; Wilkie; Williams

ABSENT AND NOT VOTING: Mutzenberger; Ritter

Engrossed SB 2017 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 10:10 a.m., March 27, 1991: HCR 3027, HCR 3031.

SECOND READING OF SENATE BILLS

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of various state retirement and investment agencies; and requiring reports on the group self-insurance plan.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Mutzenberger; Ritter

Engrossed SB 2020 passed and the title was agreed to.

SB 2021: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; providing an appropriation for case mix nursing home reimbursement; and to declare an emergency.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaidor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Mutzenberger; Ritter

Engrossed SB 2021 passed, the title was agreed to, and the emergency clause was declared carried.

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 R. Anderson presiding.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

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

HB 1007: Sens. Yockim; Robinson; Ingstad
 HB 1073: Sens. Hanson, E.; Lindgren; Evanson
 HB 1507: Sens. Dotzenrod; Tomac; Moore

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2008, SB 2009, SB 2010, SB 2015, and SB 2258, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2008: Sens. Lindaas; Yockim; Naaden
 SB 2009: Sens. Mushik; Tallackson; Thane
 SB 2010: Sens. Robinson; Yockim; Thane
 SB 2015: Sens. Kelly; Mushik; Naaden
 SB 2258: Sens. Redlin; Satrom; Lips

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1061 and HB 1200, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1061: Reps. Olson, A.; Urlacher; Oban
 HB 1200: Reps. Gorman; Olson, A.; Anderson, B.

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

MR. PRESIDENT: The Speaker has signed: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1534 and HB 1597, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1534: Reps. Timm; Freier; Williams

HB 1597: Reps. Soukup; Muhs; Gilmore

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 2249: Reps. Wardner; Belter; Nichols

SB 2422: Reps. Grosz; Nicholas; Anderson, B.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SB 2429, SCR 4005, SCR 4009, SCR 4037, SCR 4040, SCR 4044, SCR 4046, SCR 4049, SCR 4053, SCR 4055, SCR 4056, SCR 4060.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2144, SB 2294, SB 2311, SB 2348, SB 2409, SB 2410, SB 2411, SB 2430, SB 2433, SB 2434, SB 2440, SB 2444, SB 2450, SB 2454, SB 2484, SB 2485, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2548.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HB 1610, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2151 and SB 2324, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2151: Sens. Kelsh; Marks; Bowman

SB 2324: Sens. Heinrich; Jerome; Stenehjem

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, and SB 2193 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2274 and SCR 4011 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1020.

Page 1, line 10, replace "55,000" with "85,000"

Page 1, line 11, replace "363.772" with "393.772"

Page 1, line 12, replace "418.772" with "478,772"

Page 1, line 13, replace "555,000" with "565,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

The capital improvements line item is increased by \$10,000 from the general fund to restore funding for the addition to the administration building to the executive budget recommended level.

The grants line item is increased by \$30,000 from the general fund for increased utility costs associated with the increased need for irrigation of the formal gardens and greenhouse nursery operations.

The capital improvements line item is increased by \$20,000 from the general fund to repair the cement mozaic pattern in the formal gardens.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1017, HB 1043, HB 1380, HB 1599, HB 1613, HCR 3026.

SENATE AMENDMENTS TO ENGROSSED HB 1017

Page 1, line 12, replace "1,264,715" with "1,340,550"

Page 1, line 14, replace "573,664" with "623,664"

Page 1, line 18, replace "7,071,699" with "7,197,534"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

The salaries and wages line item is increased by \$75,835 from the state lands maintenance fund to provide 1.5 FTE for the Foreclosed Property Division as provided for in the executive budget recommendation.

The operating expenses line item is increased by \$50,000 from the state lands maintenance fund to provide the funds for mineral management studies of \$20,000 and \$30,000 which are to be used to account for minerals acquired through foreclosed properties.

SENATE AMENDMENTS TO REENGROSSED HB 1043

Page 1, line 4, replace "Introduction of" with "Action on"

Page 1, line 12, replace "introduced" with "considered for final passage"

Page 1, line 19, replace "considered" with "received"

Page 1, line 20, replace "a standing committee" with "either house"

Page 1, line 22, after "The" insert "legislative council may exempt any legislative measure or amendment from the requirements of this Act. If required, the"

Page 2, line 22, remove "- Rulemaking" and replace "Every" with "A"

Page 2, line 23, remove "or an amendment of a legislative measure,"

Page 2, line 24, remove "as" and replace ", must" with "may"

Page 2, line 25, replace "required under" with "as provided in"

Page 2, line 26, after "Act" insert "and for the council's review and recommendation" and replace "adopt a procedure whereby all" with "afford"

Page 2, line 27, remove "are afforded"

Page 3, line 2, remove "Following receipt of"

Page 3, remove lines 3 through 5

Re-number accordingly

SENATE FLOOR AMENDMENT TO ENGROSSED HB 1380

In addition to the amendments printed on pages 1027 and 1115 of the Senate Journal, Engrossed House Bill No. 1380 is further amended as follows:

Page 1, line 19, after the period insert "The property sold under the authority of this Act must be used for fairgrounds."

Re-number accordingly

SENATE AMENDMENTS TO HB 1599

Page 2, line 2, after the period insert "A local housing authority may elect to exercise the authority granted to the industrial commission under this section only within two years of the effective date of this Act. For transition of housing certificates and vouchers, a local housing authority that elects to exercise the authority granted to the industrial commission and that would administer three hundred or more units of certificates and vouchers administered by the industrial commission shall agree to accept a rate of seventy percent of the total contract administrative fees for the affected certificates and vouchers for two years or until all local housing authorities in the state have entered into the administration of their certificates and vouchers, whichever is sooner. The remaining thirty percent of the fees remain with the industrial commission until that time to assure the provision of housing services to rural areas until local administration is implemented."

Re-number accordingly

SENATE FLOOR AMENDMENT TO HB 1613

In lieu of the amendments adopted by the Senate as printed on pages 1072-1073 of the Senate Journal, House Bill No. 1613 is amended as follows:

Page 1, line 4, remove "and"

Page 1, line 6, after "taxation" insert "; and to provide for application of this Act"

Page 2, after line 23, insert:

"SECTION 5. APPLICATION. This Act must not be construed as committing this state in any manner to a policy of permitting interstate branch banking."

Re-number accordingly

SENATE FLOOR AMENDMENT TO HCR 3026

In addition to the amendments printed on page 1073 of the Senate Journal and the floor amendment adopted by the Senate, House Concurrent Resolution No. 3026 is further amended as follows:

Page 2, line 2, replace "10" with "20"

Re-number accordingly

SENATE FLOOR AMENDMENT TO HCR 3026

In addition to the amendments printed on page 1073 of the Senate Journal, House Concurrent Resolution No. 3026 is further amended as follows:

Page 1, line 18, replace "The" with "Except as is necessary to preserve county lines or city boundaries, the"

Renumber accordingly

SENATE AMENDMENTS TO HCR 3026

Page 1, remove line 20

Page 1, line 21, replace "3" with "2"

Page 2, line 1, replace "4" with "3"

Renumber accordingly

SECOND READING OF SENATE BILLS

SB 2032: A BILL for an Act making an appropriation from the state aid distribution fund for county optional supplemental payment grants by the department of human services; and declaring an emergency.

ROLL CALL

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Bodine; Mutzenberger; Schimke

Engrossed SB 2032 passed, the title was agreed to, and the emergency clause was declared carried.

SB 2112: A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to authorizing the carryover of one-half of unexpended general fund appropriations balances for one-time purchases or projects; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 95 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Brokaw; DeMers; Gabrielson; Hokana; Kaldor; Oban; Ring; Schneider; Stofferahn

NAYS: Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Howard; Huether; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell;

Scherber; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Mutzenberger

SB 2112 was declared lost.

SB 2284: A BILL for an Act to amend and reenact sections 54-01-05.2 and 54-01-05.5 of the North Dakota Century Code, relating to sale or exchange of state land; to authorize the director of the department of human services to transfer title and convey certain land at the state developmental center at Grafton to the city of Grafton; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Mutzenberger

Engrossed SB 2284 passed and the title was agreed to.

SB 2515: A BILL for an Act to provide for work force development programs; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Bernstein; Delzer; Schimke; Wald

ABSENT AND NOT VOTING: Mutzenberger

Reengrossed SB 2515 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4058: A concurrent resolution urging Congress to enact legislation giving Indian tribes criminal misdemeanor jurisdiction over all Indians on reservations and to amend the Indian Civil Rights Act to ensure that the constitutional rights of all Indians are protected.

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

The resolution was declared adopted on a voice vote.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, and SB 2270 and subsequently passed the same.

MOTION

REP. KLOUBEC MOVED that the House waive the reading of the title to SB 2033, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2033: A BILL for an Act to create and enact a new section to chapter 50-01.1 of the North Dakota Century Code, relating to financial incentives provided by the department of human services for creating multicounty social service districts; to amend and reenact sections 50-01.1-01, 50-01.1-02, 50-01.1-03, and 50-01.1-04 of the North Dakota Century Code, relating to multicounty social service districts; and to provide an appropriation from the state aid distribution fund.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Mutzenberger

Reengrossed SB 2033 passed and the title was agreed to.

SB 2593: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to school board meetings.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 101 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skjervén; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Brown; Grosz; Skar; Whalen

ABSENT AND NOT VOTING: Mutzenberger

Engrossed SB 2593 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that all action on House bills and resolutions be messaged to the Senate immediately, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1343 as printed on HJ page 1264 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1343: Reps. St. Aubyn, Delzer, Gilmore.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1384 as printed on HJ page 1367 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1384: Reps. Trautman, Price, Thorpe.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. LARSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1569 as printed on HJ page 1155 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 1569: Reps. Larson, Svedjan, Scherber.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2008: Reps. Wald, Myrdal, Brokaw.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2009: Reps. Payne, Schmidt, Kaldor.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2010: Reps. Howard, Schmidt, Laughlin.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2015: Reps. Wald, Payne, Kaldor.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2324: Reps. Freier, Kunkel, Goffe.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

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

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 2:00 p.m., March 27, 1991: HCR 3056, HCR 3061, HCR 3066, HCR 3068.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do not concur in the Senate amendments to HCR 3026 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 HCR 3026: Reps. Kretschmar, Svedjan, Enget.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2151: Reps. Shide, Schimke, Aarsvold.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2258: Reps. Timm, Freier, Nichols.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4059, SCR 4063, SCR 4065, SCR 4066.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

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

HB 1061: Sens. Graba; Maxson; Nalewaja

HB 1597: Sens. Graba; Maxson; Nalewaja

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1384, HB 1343, and HB 1569, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1384: Reps. Trautman; Price; Thorpe

HB 1343: Reps. St. Aubyn; Delzer; Gilmore

HB 1569: Reps. Larson; Svedjan; Scherber

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 2008: Reps. Wald; Myrdal; Brokaw

SB 2009: Reps. Payne; Schmidt; Kaldor

SB 2010: Reps. Howard; Schmidt; Laughlin

SB 2015: Reps. Wald; Payne; Kaldor

SB 2324: Reps. Freier; Kunkel; Goffe

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2033, SB 2203, SB 2589, SB 2590, SB 2593, SCR 4067.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2505.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2017, SB 2020, SB 2284, SB 2332, SB 2515, SCR 4058.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and failed to pass: SB 2112.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2021.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2032.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and the emergency clause carried: SB 2588.

MOTION

REP. KLOUBEC MOVED that HB 1276 be placed at the head of the calendar, which motion prevailed.

RECONSIDERATION OF A VETOED MEASURE

HB 1276: A BILL for an Act to amend and reenact sections 50-24.4-01 and 50-24.4-10 of the North Dakota Century Code, relating to definition of terms and reimbursement for nursing home operating costs after January 1, 1990; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 98 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Gabrielson; Huether; Kaldor; Ring; Scherber; Schneider; Stofferahn

ABSENT AND NOT VOTING: Mutzenberger

The House overrode the Governor's veto on Engrossed HB 1276.

MOTION

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

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

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4062.

RECONSIDERATION OF A VETOED MEASURE

HB 1091: A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-01 of the North Dakota Century Code, relating to the definition of veteran for veterans' preference purposes.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 62 YEAS, 36 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Byerly; Carlisle; Clayburgh; Coats; Dalrymple; Deizer; DeWitz; Dorso; Flaagan; Freier; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Howard; Kelsch; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Martin; Martinson; Miller; Muhs; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schindler; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Williams

NAYS: Anderson, B.; Bodine; Boucher; Brokaw; Brown; Carlson; Cleary; DeMers; Enget; Erickson; Gabrielson; Gilmore; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kloubec; Kolbo; Larson; Linderman; Nichols; Peterson; Pyle; Ring; Ritter; Scherber; Schimke; Schneider; Skar; Skjerven; Snyder; Starke; Thorpe; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Hausauer; Jensen; Meyer; Mutzenberger; Rydell; Schmidt; Stofferahn; Wentz

The House sustained the Governor's veto on Engrossed HB 1091.

RECONSIDERATION OF A VETOED MEASURE

HB 1365: A BILL for an Act to prohibit political subdivisions from establishing rent controls.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 56 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Deizer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Nelson; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; Starke; Stofferahn; Thorpe; Wilkie; Williams

ABSENT AND NOT VOTING: Jensen; Mutzenberger; Rydell

The House sustained the Governor's veto on HB 1365.

RECONSIDERATION OF A VETOED MEASURE

HB 1371: A BILL for an Act to amend and reenact section 15-10-28 of the North Dakota Century Code, relating to agreements with other states' institutions of higher learning.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 54 YEAS, 49 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Howard; Kelsch; Kloubec; Kretschmar; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Grumbo; Hanson; Hokana; Huether; Jacobson; Kaldor; Kerzman; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Meyer; Myrdal; Nelson; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Wilkie; Williams

ABSENT AND NOT VOTING: Jensen; Mutzenberger; Rydell

The House sustained the Governor's veto on Engrossed HB 1371.

RECONSIDERATION OF VETOED MEASURE

HB 1447: A BILL for an Act to amend and reenact section 36-09-23 of the North Dakota Century Code, relating to the penalty for removal of livestock from the state.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 3 YEAS, 100 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Boehm; Howard; Wald

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gerntholz; Mutzenberger; Rydell

The House sustained the Governor's veto on Engrossed HB 1447.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to Engrossed HB 1260 as printed on HJ pages 1086-1088 which motion prevailed.

MOTION

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

Engrossed HB 1260, as amended was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1260: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-01, subsection 7 of section 53-06.2-04, sections 53-06.2-05, 53-06.2-06, 53-06.2-10.1, and 53-06.2-11 of the North Dakota Century Code, relating to the definitions of breeders' fund and purse fund for parimutuel horse racing, duties and powers of the North Dakota racing commission, organizations eligible to conduct racing and simulcast parimutuel wagering, and payoff formulas for parimutuel wagering; to provide a continuing appropriation; and to declare an emergency.

MOTION

REP. R. BERG 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 77 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brown; Byerly; Carlisle; Clayburgh; Coats; DeWitz; Dorso; Erickson; Flaagan; Freier; Gates; Gilmore; Gorman; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Huether; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Olson, A.; Payne; Porter; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

NAYS: Belter; Boehm; Brokaw; Carlson; Cleary; Dalrymple; Delzer; Enget; Gabrielson; Gertholz; Goffe; Gorder; Grosz; Kerzman; Laughlin; Martin; Oban; Olsen, D.; Peterson; Pyle; Ring; Ritter; Rydell; Scherber; Shide; Skjerven; Thompson

ABSENT AND NOT VOTING: DeMers; Mutzenberger

Engrossed HB 1260 passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

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

HB 1200: Sens. Wogsland; Kinnoin; Moore
 HB 1534: Sens. Dotzenrod; Tomac; Tennefos

MOTION

REP. KLOUBEC MOVED that that portion of House Rule 506 pertaining to when bills must be reported out of committee in the second house be suspended until the fifty-eighth legislative day, 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 HCR 3026, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HCR 3026: Reps. Kretschmar; Svedjan; Enget

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 2151: Reps. Shide; Schimke; Aarsvold
 SB 2258: Reps. Timm; Freier; Nichols

REPORT OF PROCEDURAL COMMITTEE

MR. SPEAKER: Your procedural Committee on Delayed Bills (Rep. Kloubec, Chairman) has examined a bill for an Act for a contingent appropriation for capital construction projects at institutions of higher education.

It shall be numbered HB 1614.

Your Committee on Delayed Bills cast a vote of 3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING in favor of accepting this bill.

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

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House be on the Ninth order of business, and at the conclusion of the Ninth order, the House stand adjourned until 8:00 a.m., Thursday, March 28, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2003, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, after "15-21-02" insert ", 15-21-13.1, 15-44-09," and after "Code" insert "and section 10 of chapter 218 of the 1989 Session Laws of North Dakota"

Page 1, line 7, replace "and" with ", school district accounting and reporting systems."

Page 1, line 8, after "grants" insert "and unspent funds of the 1989-91 school restructuring appropriation" and remove "and"

Page 1, line 9, after "Code" insert "; and to declare an emergency"

Page 1, line 22, replace "8,695,920" with "8,330,123"

Page 2, line 1, replace "600,114" with "592,914"

Page 2, line 2, replace "4,080,883" with "4,091,911"

Page 2, line 3, replace "432,318" with "423,418"

Page 2, line 5, replace "375,873,509" with "381,014,334"

Page 2, line 8, replace "78,608,646" with "79,608,646"

Page 2, line 9, replace "4,475,850" with "5,900,000"

Page 2, line 10, replace "559,939,268" with "567,133,374"

Page 2, line 12, replace "419,079,338" with "426,273,444"

Page 2, line 24, underscore "250,000"

Page 2, remove line 25

Page 2, line 26, replace "26,340,504" with "26,320,504"

Page 2, line 28, replace "13,763,435" with "13,743,435"

Page 3, line 2, replace "1,439,982" with "1,397,112"

Page 3, line 4, replace "1,106,064" with "1,026,064"

Page 3, line 7, replace "3,683,655" with "3,560,785"

Page 3, line 9, replace "2,689,170" with "2,566,300"

Page 3, line 16, replace "114,300" with "25,300"

Page 3, line 17, replace "4,375,040" with "4,286,040"

Page 3, line 19, replace "3,985,265" with "3,896,265"

Page 4, line 2, replace "441,645,708" with "448,957,944"

Page 4, line 4, replace "597,353,416" with "604,665,652"

Page 5, after line 13, insert:

"SECTION 8. AMENDMENT. Section 15-21-13.1 of the North Dakota Century Code is amended and reenacted as follows:

15-21-13.1. Uniform accounting and reporting system. The superintendent of public instruction shall implement a uniform computerized system for the accounting, budgeting, and reporting of fiscal data for all school districts in the state. The accounting system shall be based on Handbook II-B, Revised, as developed and piloted in the state's school districts during the past two years. All school districts shall, upon request, submit additional reports concerning finances to the superintendent. The superintendent of public instruction shall select one type of computer hardware, which must be compatible with personal computer systems, and no more than two software programs to be used by school districts.

SECTION 9. AMENDMENT. Section 15-44-09 of the North Dakota Century Code is amended and reenacted as follows:

15-44-09. Funds controlled and paid out by school district clerk business manager of the school district - Accounting. All funds shall be kept in the possession or under the control of, and shall be paid out by, the business manager of the school district clerk except as otherwise provided by the laws of this state, ~~and he.~~ The business manager shall keep one general account of the entire receipts and expenditures of the district and separate itemized accounts for each class of receipts and expenditures, unless otherwise directed by the superintendent of public instruction. His The business manager's books shall or computer systems must show at all times, by entries under proper heads, all receipts of funds and payments made therefrom so as to enable any person readily to ascertain the balance in any fund.

SECTION 10. Section 10 of chapter 218 of the 1989 Session Laws of North Dakota is amended and reenacted as follows:

SECTION 10. If House Bill No. 1637 is approved by the fifty-first legislative assembly, becomes effective, and contains a provision authorizing the superintendent of public instruction to distribute any unspent amount appropriated to the grants - foundation aid program, then a new section is hereby created and enacted to read as follows:

DISTRIBUTION OF UNSPENT FUNDS. If the amount appropriated pursuant to section 9 of this Act exceeds the amount necessary to make the payments as required in section 6 of this Act the unspent amount first \$200,000 of unspent funds may not be spent but any additional unspent amounts must be made available to the superintendent of public instruction to distribute pursuant to the superintendent's authority to

distribute any unspent amount appropriated to the grants - foundation aid program under the provisions of House Bill No. 1637."

Page 5, line 26, after "COMMITTEE" insert "- DEPARTMENT OF HUMAN SERVICES"

Page 6, line 1, after "committee" insert "and department of human services"

Page 6, after line 17, insert:

"SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of providing matching grants on a dollar-for-dollar basis with up to \$2,000 per school district in order that school districts may purchase computers and equipment needed to implement a uniform computerized accounting system for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 6, after line 23, insert:

"SECTION 18. SCHOOL FOR THE BLIND FTE POSITION. The school for the blind may employ one FTE position paid from the expanded outreach program funding to provide services and programs for the blind including coordinating work relating to the Dakota radio information service (DRIS).

SECTION 19. LEGISLATIVE INTENT - OTHER FUNDS - POSITIONS. Persons in positions funded from other funds and federal funds may be employed only for as long as such funding is available.

SECTION 20. LEGISLATIVE INTENT - NATIVE AMERICAN CURRICULUM. It is the intent of the 1991 legislative assembly that up to \$50,000 of operating expenses included in subdivision 1 of section 1 of this Act may be used for developing, testing, and implementing a native American curriculum for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 21. CONTINGENT APPROPRIATION - VOCATIONAL EDUCATION GRANTS. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, an amount equal to the amount of unspent moneys appropriated in 1989 House Bill No. 1507 for school district restructuring, but not to exceed \$200,000, to the board of vocational education for secondary vocational education grants for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 22. EMERGENCY. Section 10 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

Salaries and Wages

Salaries and wages are reduced as follows to delete the funding for the following positions added in the executive budget and by the Senate:

		<u>General</u> <u>Fund</u>
1	FTE coordinator of department divisions	\$ 71,443
2	FTE school restructuring/telecommunication coordinators*	155,948

1	FTE curriculum coordinator	70,330
1	FTE teacher program approval coordinator*	68,076
5.0	FTE	<u>\$365,797</u>

* The funding is not provided for these positions; however, the authority remains for one restructuring/telecommunications coordinator and the teacher program approval coordinator if funding becomes available for the positions.

The following line items are reduced because of the deletion of the above positions:

	<u>General Fund</u>
Information services	\$ 7,200
Operating expenses	38,972
Equipment	8,900
Total	<u>\$55,072</u>

The amendment adds a section of intent and \$50,000 from the general fund for operating expenses for developing, testing, and implementing a Native American curriculum.

The amendment adds a section appropriating \$150,000 from the general fund for the provisions of House Bill No. 1510 relating to matching grants for a uniform computerized accounting system. Section 15-21-13.1 and 15-44-09 are also amended to include the provisions of House Bill No. 1510 relating to school district accounting and reporting systems.

Foundation Aid - Per-Pupil Payments

The amendment adds \$5,140,825 from the general fund to increase per-pupil payments by \$21 each year of the 1991-93 biennium, from \$1,531 to \$1,552 for the first year and from \$1,587 to \$1,608 for the second year.

Telecommunications

The amendment restores \$1,000,000 from the general fund of the \$1,288,560 deleted by the Senate. The amounts provided for telecommunications are as follows:

<u>Executive Budget</u>	<u>Senate</u>	<u>House</u>
\$5,804,815	\$4,516,255	\$5,516,255

School Restructuring

The amendment adds \$1,424,150 from the general fund for school restructuring to provide funding for \$165 per-pupil payments for 12 consortia and approximately \$600,000 for Pairing/Sharing. The following is a schedule comparing the different amounts provided for school restructuring:

	<u>Executive Budget</u>	<u>Senate Version</u>	<u>House Version</u>
School restructuring	\$8,236,500	\$4,475,850	\$5,900,000
Related per-pupil payments	\$165	\$165, \$125, \$85	\$165

DEPARTMENT 250 - STATE LIBRARY

Salaries and wages are decreased by \$42,870 from the general fund to delete funding added by the Senate for one FTE volunteer coordinator for the Dakota Radio Information Service (DRIS). A section of legislative intent is added

providing the School for the Blind authority to use expanded outreach funding to hire a person whose duties include coordinating work relating to DRIS.

Operating expenses are reduced by \$80,000 from the general fund to delete funding added by the Senate for the MINITEX resource sharing contract.

DEPARTMENT 252 - SCHOOL FOR THE DEAF

The amendment reduces capital improvements by \$89,000 from the general fund for the tunnel replacement project. The funding for the project is included in an amendment to the deficiency bill (SB 2021).

DEPARTMENT 253 - SCHOOL FOR THE BLIND

A section of intent is added providing the school authority to use expanded outreach funding to hire one FTE whose duties include work relating to DRIS.

The amendments add a section of legislative intent providing that positions funded by other funds and federal funds are to be discontinued should funding no longer be available.

DEPARTMENT 270 - BOARD FOR VOCATIONAL EDUCATION

The Status of Women appropriation amount of \$20,000 from the general fund is removed. The Status of Women budget will be included in the Governor's office.

A section is added providing a contingent appropriation of \$200,000 for grants. The appropriation is contingent on the money becoming available because of unspent general fund moneys appropriated for the school restructuring program during the 1989-91 biennium.

In total, the amendments increase the Senate recommended general fund appropriation by \$7,312,236. After the amendments, the amount of the general fund appropriation is \$2,763,359 more than the executive budget.

SB 2012, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Fourteenth order on the calendar.

SB 2025, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2025 was placed on the Fourteenth order on the calendar.

SB 2099: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (13 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Fourteenth order on the calendar.

SB 2346, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 23, after the period insert "The advisory commission on intergovernmental relations shall report annually to the budget section of the legislative council on the grants distributed to counties and cities."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 165 - ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

This amendment requires the Advisory Commission on Intergovernmental Relations to provide an annual report to the Budget Section on grants distributed to counties and cities.

SB 2403, as engrossed: Committee on Political Subdivisions (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 1, remove the overstrike over "~~Parking facilities at polling places must be accessible to the~~"

Page 3, line 2, remove the overstrike over "~~elderly and the~~", after "handicapped" insert "physically disabled", and remove the overstrike over "~~and must be clearly marked.~~"

Renumber accordingly

SB 2572: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "1991" with "1993"

Page 1, line 15, after "biennium" insert "and the first year of the 1991-93 biennium" and after the period insert "Of the \$7,000,000 appropriation, \$3,000,000 is to be distributed on May 1, 1991, or as soon thereafter as possible, and \$2,000,000 is to be distributed on July 1, 1991, in proportion to payments made on a per-pupil basis for the second year of the 1989-91 biennium, and \$2,000,000 is to be distributed on July 1, 1992, in proportion to payments made on a per-pupil basis for the first year of the 1991-93 biennium. Payments made under this Act are separate and additional per-pupil payments."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment provides that the per-pupil payments provided for by the \$7,000,000 appropriation are to be made in the amount of \$3,000,000 on May 1, 1991, or as soon thereafter as possible, \$2,000,000 on July 1, 1991, and \$2,000,000 on July 1, 1992, rather than during the last six months of the 1989-91 biennium. The payments provided by the \$7,000,000 are additional payments and do not become part of the future per-pupil payments base.

REPORTS OF CONFERENCE COMMITTEES

HB 1053, as engrossed: Your conference committee (Sens. Meyer, Traynor, Marks and Reps. Clayburgh, Kelsch, Snyder) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1067 and then place it on the Seventh order.

HB 1127, as engrossed: Your conference committee (Sens. Schoenwald, Krauter, Krebsbach and Reps. Whalen, Shide, Skjerven) recommends that the SENATE RECEDE from the Senate amendments on HJ page 677, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 511 of the Senate Journal and page 677 of the House Journal and that Engrossed House Bill No. 1127 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections" and after "1" insert ", 4, and 5"

Page 1, line 2, replace "for" with "and other"

Page 1, line 3, replace "restriction purposes" with "restrictions"

Page 1, line 5, replace "Subsection" with "Subsections" and after "1" insert ", 4, and 5"

Page 1, line 6, replace "is" with "are"

Page 1, after line 10, insert:

- "4. "Employee" means a person who performs services for an employer, who employs ~~ten~~ one or more individuals, for compensation, whether in the form of wages, salaries, commission, or otherwise. "Employee" does not include a person elected to public office in the state or political subdivision by the qualified voters thereof, or a person chosen by the officer to be on the officer's political staff, or an appointee on the policymaking level or an immediate advisor with respect to the exercise of the constitutional or legal powers of the office. Provided, "employee" does include a person subject to the civil service or merit system or civil service laws of the state government, governmental agency, or a political subdivision.
5. "Employer" means a person within the state who employs ~~ten~~ one or more ~~full-time~~ employees for more than one quarter of the year, and a person wherever situated who employs ~~ten~~ one or more employees whose services are to be partially or wholly performed in the state."

Renumber accordingly

HB 1138, as engrossed: Your conference committee (Sens. Meyer, DeKrey, Solberg and Reps. Kretschmar, Brown, Grumbo) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1049 and then place it on the Seventh order.

HB 1165, as engrossed: Your conference committee (Sens. Meyer, Stenehjem, Holmberg and Reps. Clayburgh, Miller, Ring) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1069 and then place it on the Seventh order.

HB 1262, as engrossed: Your conference committee (Sens. Marks, Solberg, Traynor and Reps. Clayburgh, Kretschmar, Jacobson) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1363 and then place it on the Seventh order.

HB 1381, as engrossed: Your conference committee (Sens. Schoenwald, O'Connell, David and Reps. Delzer, Bernstein, Kroeber) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1117 and then place it on the Seventh order.

HB 1441, as engrossed: Your conference committee (Sens. Langley, Krauter, Mutch and Reps. Soukup, Carlisle, Skjerven) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1068-1069, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 923 of the Senate Journal and pages 1068-1069 of the House Journal and that Engrossed House Bill No. 1441 be amended as follows:

Page 2, line 26, remove the overstrike over "~~A policy may not be issued covering property~~"

Page 2, remove the overstrike over line 27

Page 2, line 28, remove the overstrike over "~~unless~~"

Page 3, remove the overstrike over lines 1 through 7

Page 3, line 8, remove the overstrike over "~~limits of any incorporated city with a population of less than~~" and after "two" insert "ten"

Page 3, line 9, remove the overstrike over "thousand" and remove the overstrike over "~~located within the territory comprised in the~~"

Page 3, remove the overstrike over lines 10 through 12

Page 3, line 13, remove the overstrike over "company" and insert immediately thereafter an underscored period

Renumber accordingly

HCR 3038, as engrossed: Your conference committee (Sens. Meyer, Traynor, DeKrey and Reps. Uriacher, Brown, Nelson) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1373 and then place it on the Seventh order.

FIRST READING OF HOUSE BILL

Reps. Wald, Martinson, Jensen and Sens. Lips, Goetz, Kelly introduced: (Approved by the Committee on Delayed Bills)

HB 1614: A BILL for an Act for a contingent appropriation for capital construction projects at institutions of higher education.

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

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

ROY GILBREATH, Chief Clerk