

POSTSESSION JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

* * * * *

POSTSESSION CORRECTION AND REVISION OF THE JOURNAL

Page 1090, line 30, replace "eight" with "eighty"

Page 1180, line 36, remove the second "or"

Page 1180, line 39, after the semicolon insert "or"

Page 1617, line 19, remove "SB 2418"

Page 1617, line 22, remove "SB 2418"

Page 1737, line 17, remove "HB 1514"

Page 1737, line 21, remove "HB 1514"

Page 2306, line 10, replace "HB 1002" with "SB 2021"

ACTION ON BILLS BY THE GOVERNOR

Postsession Governor's action on House Bills delivered after adjournment:

	DATE SIGNED:
House Bill No. 1001	April 28, 1993
1011	April 28, 1993
1012	April 28, 1993
1013	April 28, 1993
1015	April 28, 1993
1018	April 28, 1993
1065	April 28, 1993
1219	April 28, 1993
1511	April 28, 1993
1515	April 28, 1993
1007	April 29, 1993
1016	April 29, 1993
1416	April 29, 1993
1504	April 29, 1993
1004	April 30, 1993
1005	April 30, 1993
1006	April 30, 1993
1008	April 30, 1993
1010	April 30, 1993
1014	April 30, 1993
1017	April 30, 1993
1020	April 30, 1993
1136	April 30, 1993
1155	April 30, 1993
1212	April 30, 1993
1389	April 30, 1993
1391	April 30, 1993
1399	April 30, 1993
1413	April 30, 1993
1516	April 30, 1993
1518	April 30, 1993
1519	April 30, 1993

1002	May 5, 1993
1003	May 5, 1993
1514	May 5, 1993

VETO MESSAGE

May 5, 1993

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: House Bill 1002

Dear Secretary Jaeger:

Pursuant to Article V, Sections 9 and 10, I am filing House Bill 1002 with your office, having signed the same, and having vetoed Section 4 as authorized by the North Dakota Constitution.

Section 4 of the bill concerns \$4.6 million appropriated to the human service centers in the Department of Human Services. Those funds are to be prioritized according to documents filed with the Legislative Assembly on April 24, 1993. However, the Section goes on to restructure that appropriation with the approval of the budget section of the Legislative Assembly.

My objection to the bill is that it appropriates \$4.6 million in funds that are not specifically prioritized in the bill itself. In addition, the budget section may reprioritize that spending as it deems appropriate. In short, I am asked to approve \$4.6 million in spending, without knowing specifically where and how those funds are to be expended.

For these reasons, I have vetoed Section 4 of House Bill 1002, and file the same with your office.

Sincerely,

EDWARD T. SCHAFFER
Governor

VETO MESSAGE

May 5, 1993

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: House Bill 1003

Dear Secretary Jaeger:

Attached please find House Bill 1003, which I have signed, and am filing with your office pursuant to Article V, Section 10 of the North Dakota Constitution.

However, pursuant to Article V, Section 10, I have struck the sum of \$240,000 for Vocational and Technical Education on page 1 of the bill, as authorized by the Constitution.

Earlier this year, I signed into law Senate Bill 2022, which was the Appropriation bill for the State Board of Vocational Education, and which included an appropriation of \$25 million of all funds (and included \$14 million in general fund appropriations). House Bill 1003 includes \$240,000 in general funds for the purchase of technical equipment which has been previously funded entirely with Federal dollars. The \$240,000 could otherwise have been utilized for the Foundation Aid program (amounting to approximately \$2 per student). I am concerned about following a dangerous precedent, whereby a program is not included in a department's budget, and which is then incorporated into another department's budget utilizing general fund dollars in the absence of federal support for the program. As the Federal Government begins to terminate funding for programs, we in North Dakota must look at our own priorities and determine whether those programs should continue, and whether we can pay for them.

For these reasons, I have partially vetoed House Bill 1003, and respectfully file the same with your office.

Sincerely,

EDWARD T. SCHAFER
Governor

VETO MESSAGE

May 5, 1993

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: House Bill 1038

Dear Secretary Jaeger:

Pursuant to Article V, Section 9, I am filing with your office, House Bill 1038, with my objections thereto, having vetoed the same.

I believe that health care reform is critical to the economy and well-being of North Dakota, as well as our nation. North Dakota must take steps to design appropriate reforms in its health care system and must use people with the expertise to design reform appropriately. At present, North Dakota is participating in a grant by the Robert Wood Johnson Foundation which is designed to research and develop a plan of reform for North Dakota. North Dakota's health task force was established under the auspices of that grant. The task force answers to the state health officer and may be an efficient vehicle capable of developing a strategy for appropriate reforms in our health care system. Additionally, present law requires the health officer to study health care problems, and to plan for their solutions. Since the state health officer is accountable to the Governor's Office, and since I am committed to see appropriate health care reform, I believe we have the mechanism in place to accomplish this goal.

Finally, the bill unnecessarily adds an additional layer of Governmental oversight, directing the task force to report to the Legislative Council (or an interim committee designated by the Legislative Council). Current law directs the health task force to report to the health officer directly.

For these reasons, I believe that is in North Dakota's best interest to veto House Bill 1038 and to use North Dakota's current resources to develop and implement appropriate reform in our health care system.

Sincerely,

EDWARD T. SCHAFER
Governor

VETO MESSAGE

May 5, 1993

Alvin Jaeger
Secretary of State
State Capitol
600 East Boulevard, 1st Floor
Bismarck, ND 58505

RE: House Bill 1514

Dear Secretary Jaeger:

Pursuant to Article V, Sections 9 and 10, I am filing with your office House Bill 1514, having signed the same, but also having vetoed Section 2 pursuant to the line item veto authorized by Article V, Section 10 of the North Dakota Constitution.

The tourism industry is critical to North Dakota's economic prosperity. Boating and fishing activities on North Dakota's lakes by our citizens and visitors have a substantial economic impact on the state and are a vital part of the state's recreational resources. I believe we have adequate funding available in the Game and Fish Department to provide reasonable boating access for our citizens and visitors to our state. I am absolutely committed to the development of our tourism industry, and to providing reasonable access to all who wish to use the state's water resources. As part of my commitment, I am asking the Game and Fish Director to take steps necessary to accumulate funds for this purpose, and to begin the task of providing proper boating access.

Section 2 of the bill diverts monies from the Highway Tax Distribution Fund for the purposes of construction and installation of boat launching facilities, fish cleaning and comfort stations, boating enforcement, etc.

The objectionable section establishes a new program, but does not make funds available for its intended purpose until June 30, 1995. It is also conditioned upon House Bill 1399 (gas tax) becoming law. The bill sets up a scenario for the 1993-95 biennium (however unlikely), of diverting highway tax funds for constructing boat launching facilities, and leaving insufficient funds to fully fund the state's match for federal highway construction dollars. That could result in activating an additional \$.01 gas tax under House Bill 1399. Please recall that Federal Government provides \$4.00 for highway construction funds for every \$1.00 the State of North Dakota is able to provide as a match.

Even if the above scenario does not occur during the 1993-95 biennium, the program still diverts highway construction dollars for future years to come, which compounds North Dakota's current difficulty in matching federal dollars for highway construction. So, the intended funding source uses "high risk" dollars that could cost the state \$4.00 in federal highway construction funds for every \$1.00 that is diverted to this program.

By exercising this partial veto, and making a commitment now, I believe we can provide the kind of boating access that North Dakotans and the tourism industry deserve today.

For these reasons, I have vetoed Section 2 of House Bill 1514.

Sincerely,

EDWARD T. SCHAFER
Governor

LIST OF CORRECTIONS AND REVISIONS OF THE HOUSE JOURNAL

- Page 23, line 10, replace "Svedjen" with "Svedjan"
- Page 23, line 27, replace "Broadshaug" with "Brodshaug"
- Page 37, line 47, replace "Kelsh" with "Kelsch"
- Page 38, Line 19, delete the word "Nelson" and replace it with the word "Wogsland"
- Page 38, line 25, after the word "guards", replace the comma with a period and insert the following: "Mike Johnson, Senior Patrol Leader,"
- Page 119, line 54, replace "Nicholas" with "Nichols"
- Page 198, line 13, after "10-15-52.1" insert ", and 10-15-52.3"
- Page 202, line 8, delete the word "and" and after the numeral "1182" insert the following: ", and HB 1187"
- Page 224, after line 1, insert the following: "HB 1028 was rereferred to the Appropriations Committee."
- Page 224, line 2, delete "HB 1028,"
- Page 275, line 9, after the word "Fifth" insert the words "and Seventh"
- Page 275, line 9, delete the word "order" and insert "orders"
- Page 275, line 10, delete the word "that" and insert the word "those" and delete the word "order" and insert the word "orders"
- Page 282, line 2, replace "97" with "98"
- Page 282, line 3, replace "1" with "0"
- Page 282, line 17, after the word "Wilkie", insert "; Speaker R. Berg."
- Page 282, delete line 18
- Page 319, line 13, insert: "The following bill was reengrossed: HB 1023."
- Page 319, line 23, delete "HB 1023"
- Page 319, delete lines 32 through 36 and insert on page 320, after line 3.
- Page 364, line 31, delete "REP." and insert "SPEAKER"
- Page 403, line 30, insert "Former Representative" before the word "Anna"
- Page 469, line 20, remove ", SB 2508" and insert "."

Page 478, line 32, after "10-15-52.1" insert ", and 10-15-52.3"

Page 517, line 17, after the period insert "Engrossed"

Page 529, remove lines 32, 33, and 34

Page 577, after line 12, insert the following:

"Everything in the Majority Report except Divisions B, C, D, and E

Renumber and revise the totals and statement of purpose of amendment accordingly"

Page 734, line 8, delete "the rules be suspended and that"

Page 803, after line 25, insert:

"SB 2423: A BILL for an Act to create and enact a new section to chapter 21-06 of the North Dakota Century Code, relating to the use of public funds or property for nonprofit education foundations.

Was read the first time and referred to the Finance and Taxation Committee."

Page 885, line 23, after the numerals "3059" insert ", as amended,"

Page 926, line 22, replace "McGee" with "McKee"

Page 966, line 29, remove "as engrossed"

Page 966, line 32, remove "Engrossed"

Page 991, line 29, replace "referred to" with "has been heard by"

Page 1070, line 12, replace "SENATE" with "HOUSE"

Page 1090, line 30, replace "eight" with "eighty"

Page 1164, line 43, replace "ABSENT AND NOT VOTING" with "EXCUSED"

Page 1180, line 36, remove the second "or"

Page 1180, line 39, after the semicolon insert "or"

Page 1224, after line 17, insert:

"SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act relating to the provision of health care for residents of this state; to create and enact a new subsection to section 23-01-03, a new subsection to section 23-17.2-02, a new subdivision to subsection 1 of section 23-17.2-03, a new subsection to section 23-17.2-03, a new subsection to section 26.1-04-03, two new sections to chapter 26.1-36, three new sections to chapter 50-24.1, a new subdivision to subsection 1 of section 57-38-01.2, a new subsection to section 57-38-30.3, and a new section to chapter 57-38 of the North Dakota Century Code, relating to the duties of the North Dakota health council, the definition of long-term care facility, the certificate of need program, unfair insurance practices, a health plan for children and pregnant women, and income tax deductions for long-term care insurance; to amend and reenact subsection 7 of section 23-17.2-02, sections 26.1-18-12, and 26.1-36-37.1 of the North Dakota Century Code, relating to the definition of health care facility, prohibiting copayments and deductibles for prenatal care and preventive services, and a standard health insurance proof of loss and claim form; and to provide an appropriation."

Page 1309, line 21, replace "2056" with "2426"

Page 1359, line 28, remove "the following"

Page 1398, after line 26, insert:

"ANNOUNCEMENT BY THE SPEAKER

THE CHIEF CLERK ANNOUNCED that the Governor's office delivered to the Speaker vetoed HB 1276, with the Governor's objections to same, at the hour of 3:30 p.m. on March 23, 1993."

Page 1403, line 7, remove "that the rules be suspended and"

Page 1412, line 28, replace "HCR" with "SB"

Page 1414, line 6, remove "and resolution"

Page 1414, lines 8 and 12, remove ", HCR 3030"

Page 1533, line 42, replace "David" with "Douglas"

Page 1579, line 18, replace "is to be" with "was"

Page 1583, remove lines 2 through 14 and insert:

"YEAS: Aarsvold; Allmaras; Berg, J.; Brodshaug; Christopherson; Cleary; Coats; Dobrinski; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Bodine; Huether; Stenehjem"

Page 1617, line 19, remove "SB 2418"

Page 1617, line 22, remove "SB 2418"

Page 1638, line 11, replace "1203" with "1023"

Page 1737, line 17, remove "HB 1514"

Page 1737, line 21, remove "HB 1514"

Page 1845, after line 27 insert:

"RULING BY THE SPEAKER

SPEAKER R. BERG RULED that in accordance with House Rule 602, Section 5, if the Majority Report proposed amendments to Engrossed SB 2539 are adopted, the proposed amendments of the Minority Report will not be voted upon; however, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon."

Page 1845, remove lines 35 through 40

Page 1847, line 12, remove "the Majority"

Page 1847, line 13, remove "Report amendments to"

Page 1847, line 15, remove "the Majority Report"

Page 1847, line 16, remove "amendments to"

Page 1850, line 42, remove "the Majority"

Page 1850, line 43, remove "Report amendments to"

Page 1878, after line 10, insert:

"REQUEST

REP. WILKIE REQUESTED a Ruling by the Speaker as to whether Division C of the bill was germane to the bill as introduced and before the Majority Report amendments were adopted.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that Division C was germane to Engrossed SB 2539.

REP. WILKIE APPEALED the Ruling by the Speaker. The appeal was upheld on a voice vote."

Page 1878, line 12, remove "the Majority"

Page 1878, line 13, remove "Report amendments to"

Page 1878, line 15, remove "the Majority Report"

Page 1878, line 16, remove "amendments to"

Page 2059, after line 6, insert:

"ROLL CALL"

Page 2059, after line 8, insert:

***YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Glassheim; Goffe; Grumbo; Gulleon; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Martin; Mutzenberger; Nelson; Ness; Nichols; Oban; Price; Pyle; Ring; Sitz; Stenson; Thorpe; Wentz; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovda; Freier; Froseth; Gates; Gertholz; Gorder; Gorman; Grosz; Hausauer; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Dobrinski; Henegar"

Page 2119, line 19, replace "Lips, Kelly, Redlin" with "Redlin, Kelly, Lips"

Page 2306, line 10, replace "HB 1002" with "SB 2021"