

TUESDAY, MARCH 29, 1983

2301

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FIFTY-NINTH DAY

Bismarck, March 29, 1983
The House convened at 9:00 a.m., with Speaker Kelly presiding.

The prayer was offered by the Right Reverend Harold A. Hopkins, Bishop of the Episcopal Church of North Dakota, Fargo.

ROLL CALL

The roll was called and all members were present, except Representatives Eagles, Cullickson, Mertens, Opedahl, Shockman, and Solberg.

A quorum was declared by the Speaker.

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-eighth day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

MESSAGE FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith HB 1627 which the Senate has amended as follows:

SENATE AMENDMENTS TO HB 1627

On page 2 of the engrossed bill, line 13, delete the word "four" and insert in lieu thereof the word "three"

On page 2 of the engrossed bill, line 17, delete the word "four" and insert in lieu thereof the word "three"

And renumber the lines accordingly

Very respectfully,
LEO LEIDHOLM, Secretary

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2049:

Reps. Riehl, Laughlin, A. Olson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2067:

Reps. Nowatzki, Keller, Kretschmar

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2179:

Reps. G. Pomeroy, Schneider, Moore

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2245:

Reps. Hill, Stofferahn, A. Olson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2373:

Reps. Conmy, E. Pomeroy, R. Meiers

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2473:

Reps. E. Pomeroy, R. Meiers, Kretschmar

MOTION

REP. BACKES MOVED that the House stand in recess until 10:30 a.m., which motion prevailed.

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

MESSAGES TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2049: Reps. Riehl, Laughlin, A. Olson
SB 2067: Reps. Nowatzki, Keller, Kretschmar
SB 2179: Reps. G. Pomeroy, Schneider, Moore
SB 2245: Reps. Hill, Stofferahn, A. Olson

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2373: Reps. Conmy, E. Pomeroy, R. Meiers
SB 2473: Reps. E. Pomeroy, R. Meiers, Kretschmar

Very respectfully,
CHARLES FLEMING, Chief Clerk

TUESDAY, MARCH 29, 1983

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HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended:

SB 2226, SB 2227, SCR 4040

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has refused to concur in the Senate amendments to HB 1007, HB 1011, HB 1014, HB 1015, HB 1019, HB 1020, HB 1021, HB 1022, HB 1023, HB 1024, HB 1027, HB 1030, HB 1031, HB 1032, HB 1033, HB 1034, HB 1036, HB 1037, HB 1038, HB 1336, and HB 1429, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1007: Reps. G. Martin, Boyle, O. Hanson
HB 1011: Reps. Mushik, Rayl, Unhjem
HB 1014: Reps. Opedahl, Solberg, O. Hanson
HB 1015: Reps. Mushik, Rayl, Lipsiea
HB 1019: Reps. Horgan, Lardy, Lipsiea
HB 1020: Reps. Erdman, Opedahl, Gunsch
HB 1021: Reps. Horgan, Rayl, Hausauer
HB 1022: Reps. Boyle, Erdman, O. Hanson
HB 1023: Reps. Horgan, G. Martin, Lipsiea
HB 1024: Reps. Opedahl, Sanstead, Peterson
HB 1027: Reps. Erdman, Lardy, Kingsbury
HB 1030: Reps. Rayl, Erdman, O. Hanson
HB 1031: Reps. Opedahl, Sanstead, O. Hanson
HB 1032: Reps. Erdman, Boyle, Thompson
HB 1033: Reps. Lardy, Boyle, Hausauer
HB 1034: Reps. Opedahl, Lardy, Eagles
HB 1036: Reps. Horgan, Mushik, Thompson
HB 1037: Reps. Sanstead, Boyle, Kuchera
HB 1038: Reps. Sanstead, Boyle, Kuchera
HB 1336: Reps. Schoenwald, Riehl, Kent
HB 1429: Reps. R. Meyer, Watne, Martinson

Very respectfully,
CHARLES FLEMING, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2005:

Reps. Erdman, G. Martin, O. Hanson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2019:

Reps. Opedahl, Mertens, Peterson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2322:

Reps. Gullickson, Schindler, W. Williams

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2144:

Reps. Aubol, Schneider, Olafson

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2197:

Reps. Aubol, Schneider, Olafson

REVISION AND CORRECTION OF THE JOURNAL

MADAM SPEAKER: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Fifty-eighth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 2253, after line 24, insert the following:

"MESSAGE TO THE SENATE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1084, HB 1167, HB 1182, HB 1246, HB 1290, HB 1295, HB 1315, HB 1319, HB 1373, HB 1374, HB 1404, HB 1406, HB 1408, HB 1417, HB 1428, HB 1432, HB 1439, HB 1443, HB 1445, HB 1447, HB 1454, HB 1458, HB 1466, HB 1479, HB 1518, HB 1519, HB 1523, HB 1526, HB 1533, HB 1534, HB 1543, HB 1559, HB 1589, HB 1630, HB 1641, HB 1653, HB 1670, HB 1674, HB 1680, HCR 3018, HCR 3020, HCR 3036, HCR 3083, HCR 3084, HCR 3086

Very respectfully,
CHARLES FLEMING, Chief Clerk"

On page 2256, delete lines 19 through 30

REP. LAUGHLIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

TUESDAY, MARCH 29, 1983

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ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that the Conference Committee on SB 2125 is dissolved, because the Senate has reconsidered its action and now concurs with the House amendments to SB 2125.

**MESSAGE FROM THE SENATE
SENATE CHAMBER**

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2047, SB 2068, and SB 2431, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2047: Sens. Leibhan, Erickson, Waldera
SB 2068: Sens. Stenehjem, Olson, Lashkowitz
SB 2431: Sens. Adams, Goodman, Dotzenrod

Very respectfully,
LEO LEIDHOLM, Secretary

**MESSAGE TO THE SENATE
HOUSE CHAMBER**

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2005: Reps. Erdman, G. Martin, O. Hanson
SB 2019: Reps. Opedahl, Mertens, Peterson
SB 2144: Reps. Aubol, Schneider, Olafson
SB 2197: Reps. Aubol, Schneider, Olafson
SB 2322: Reps. Gullickson, W. Williams, Schindler

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully reports that it has examined the following bills and finds the same correctly enrolled:

HB 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
HB 1458, HB 1575, HB 1586, HB 1683, HCR 3011, HCR 3026,
HCR 3044, HCR 3068, HCR 3071, HCR 3079, HCR 3082

REP. G. MARTIN, Chairman

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

MOTION

REP. BACKES MOVED that the House stand in recess until 2:30 p.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
HB 1458, HB 1575, HB 1586, HB 1683, HCR 3011, HCR 3026,
HCR 3044, HCR 3068, HCR 3071, HCR 3079, HCR 3082

CHARLES FLEMING, Chief Clerk

MOTIONS

REP. BACKES MOVED that the rules be suspended and that all bills passed on the Fifty-eighth legislative day be messaged to the Senate immediately, which motion prevailed.

REP. BACKES MOVED that consideration of amendments to SB 2309 be laid over one legislative day, which motion prevailed.

REP. BACKES MOVED that the rules be suspended, that immediately following consideration of amendments to each bill on Sixth order today, that each bill be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1167, HB 1254, HB 1289, HB 1316, HB 1349, HB 1442,
HB 1458, HB 1575, HB 1586, HB 1683, HCR 3011, HCR 3026,
HCR 3044, HCR 3068, HCR 3071, HCR 3079, HCR 3082

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has amended:

SB 2003, SB 2006, SB 2007, SB 2008, SB 2009, SB 2010,
SB 2011, SB 2012, SB 2013, SB 2014, SB 2015, SB 2021,
SB 2023, SB 2024, SB 2025, SB 2030, SB 2031, SB 2032,
SB 2033, SB 2034, SB 2035, SB 2036

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4053, SCR 4054

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Reengrossed SB 2037 as recommended by the Committee on Appropriations as printed on page 2071 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 86 YEAS, 16 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lang; Lardy; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Hill; Hughes; Kingsbury; Kuchera; Larson, R.; Lipsiea; Melby; Murphy; O'Shea; Rice; Rued; Swiontek; Unhjem; Wold

ABSENT AND NOT VOTING: Gates; Larson, B.; Nicholas; Strinden

SB 2037 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2039 as recommended by the Committee on Appropriations as printed on pages 2071-2073 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 85 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Boyle; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, W.; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, C.; Rayl; Retzer; Rice; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Backes; Black; Hamerlik; Kingsbury; Kloubec; Larson, R.; Melby; Meyer, R.; Moore; Murphy; Olafson; Olson, A.; Peltier; Riley; Rued; Slide; Shockman; Timm; Vander Vorst; Wold

ABSENT AND NOT VOTING: Brokaw

SB 2039 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2040 as recommended by the Committee on Appropriations as printed on page 2073 of the House Journal be adopted.

REQUEST

REP. GUNSCH REQUESTED a recorded roll call vote on all appropriation bills containing salaries on Sixth order today, which request was granted.

ROLL CALL

The question being on the final adoption of the proposed amendments to SB 2040, the roll was called and there were 66 YEAS, 39 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Koehn; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nalewaja; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Brokaw; Dotzenrod; Goetz; Gorder; Gunsch; Hanson, O.; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Melby; Moore; Murphy; Nicholas; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Riley; Rued; Schindler; Shide; Strinden; Thompson; Timm; Vander Vorst; Whalen; Wold

ABSENT AND NOT VOTING: Richard

The amendments to SB 2040 were declared adopted.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota; and declaring an emergency.

Which has been read.

REQUEST

REP. RUED REQUESTED that the question of the final passage of SB 2040 be divided to have the sections voted on separately in the following manner:

Division A: Line 18 in section 1, and section 5

Division B: The remainder of the bill

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request.

The question then was on the passage of Division A of the divided question.

ROLL CALL

The roll was called and there were 78 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Sanstead; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Strinden; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Dotzenrod; Gerl; Gorder; Hanson, O.; Hughes; Kingsbury; Kloubec; Lang; Larson, B.; Meiers, R.; Melby; Moore; Murphy; Nalewaja; Olafson; Olson, A.; Retzer; Riley; Rued; Schindler; Schneider; Shide; Swiontek; Thompson; Timm; Whalen

ABSENT AND NOT VOTING: None

Division A was declared passed.

The question then was on the passage of Division B of the divided question.

ROLL CALL

The roll was called and there were 91 YEAS, 15 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, R.; Gorder; Hanson, O.; Hughes; Kingsbury; Larson, R.; Melby; Murphy; Nalewaja; Olafson; Olson, A.; Retzer; Rice; Riley; Shide

ABSENT AND NOT VOTING: None

Division B was declared passed.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 85 YEAS, 21 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Dotzenrod; Gorder; Hanson, O.; Hughes; Kingsbury; Lang; Larson, R.; Melby; Murphy; Nalewaja; Olafson; Olson, A.; Peltier; Retzer; Rice; Riley; Rued; Shide; Timm

ABSENT AND NOT VOTING: None

SB 2040 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. JACOBSON MOVED that the amendments to Engrossed SB 2277 as recommended by the Committee on Education as printed on pages 2105 and 2106 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to amend and reenact sections 15-40.1-07 and 15-41-06 of the North Dakota Century Code, relating to high school per-pupil payments and coursework requirements for high school students.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 71 YEAS, 33 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Black; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Gates; Gerl; Goetz; Gullickson; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Koehn; Koski; Kretschmar; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Mertens; Meyer, W.; Moore; Nalewaja; Nicholas; Nowatzki; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riley; Sanstead; Schneider; Schoenwald; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Backes; Boyle; Erdman; Gorder; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hughes; Kingsbury; Kuchera; Lang; Lipsiea; Meier, A.; Melby; Meyer, R.; Murphy; O'Connell; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Riehl; Rued; Schindler; Shide; Shockman; Solberg; Whalen; Williams, C.

ABSENT AND NOT VOTING: Mushik; Williams, W.

SB 2277 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to SB 2331 as recommended by the Committee on Appropriations as printed on page 2166 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2331: A BILL for an Act to provide for discretionary tuition waivers to be granted by the presidents of specified institutions of higher education under the direction of the state board of higher education.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 30 YEAS, 74 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Conmy; DeMers; Gerl; Goetz; Hamerlik; Hanson, O.; Haugland; Hausauer; Horgan; Hughes; Jacobson; Kretschmar; Kuchera; Larson, B.; Linderman; Martin, G.;

Mertens; Moore; Mushik; Nalewaja; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rued; Sanstead; Strinden; Timm; Unhjem; Wentz

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gorder; Gullickson; Gunsch; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Lang; Lardy; Larson, R.; Laughlin; Lautenschlager; Lipsiea; Lloyd; Martin, C.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Meyer, W.; Murphy; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Rayl; Retzer; Rice; Richard; Riehl; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Vander Vorst; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Riley; Whalen

SB 2331 was declared lost.

SIXTH ORDER OF BUSINESS

REP. E. POMEROY MOVED that the amendments to Engrossed SB 2413 as recommended by the Committee on Judiciary as printed on page 2251 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to amend and reenact section 5-01-06 of the North Dakota Century Code, relating to recovery of damages resulting from intoxication.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 103 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik;

Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Black; Lipsiea

ABSENT AND NOT VOTING: Strinden

SB 2413 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to SB 2018 as recommended by the Committee on Appropriations as printed on pages 2290 and 2291 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act making an appropriation for defraying the unforeseen expenses of the various agencies and institutions of the state of North Dakota.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 104 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. E.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: None

ABSENT AND NOT VOTING: Strinden; Timm

SB 2018 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to Engrossed SB 2020 as recommended by the Committee on Appropriations as printed on pages 2291-2296 of the House Journal be adopted.

ANNOUNCEMENT

SPEAKER KELLY ANNOUNCED that, pursuant to Representative Gunsch's request, a recorded roll call vote will be taken on the motion to adopt the proposed amendments to SB 2020.

ROLL CALL

The question being on the final adoption of the proposed amendments to SB 2020, the roll was called and there were 71 YEAS, 32 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; DuBord; Eagles; Erdman; Gates; Gerl; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Rayl; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Swiontek; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Dotzenrod; Goetz; Gorder; Gunsch; Hanson, O.; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Lang; Larson, R.; Lipsiea; Melby; Moore; Murphy; Nalewaja; Olafson; Olson, A.; Peltier; Retzer; Rice; Rued; Schindler; Shide; Shockman; Thompson; Vander Vorst; Whalen; Wold

ABSENT AND NOT VOTING: Pomeroy, G.; Strinden; Timm

So the amendments to SB 2020 were declared adopted.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the human services department; authorizing a developmentally disabled facility loan fund loan program for the establishment by nonprofit corporations of

facilities for developmentally disabled, chronically mentally ill, and physically disabled persons; and authorizing the board of university and school lands to invest in a developmentally disabled facility loan fund program.

Which has been read.

REQUEST

REP. OLAFSON REQUESTED that the question of the final passage of SB 2020 be divided to have the sections voted on separately in the following manner:

Division A: Sections 3, 4, 5, 7, and 8 of the bill

Division B: The remainder of the bill

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request.

REQUEST

REP. DEMERS REQUESTED that the remarks of Rep. S. F. Hoffner regarding SB 2020 be printed in the House Journal, which request was granted.

REMARKS OF REP. S. F. HOFFNER

Senate Bill 2020 is the huge budget of \$385 million for the Department of Human Services.

This department is the largest in state government. It is taking away control from local areas and giving the power to a czar appointed by the Governor.

Because of the size of this department and the amount of money involved, I introduced Study Resolution 3075.

We have been told by the Minority Leader that the Legislature is the Board of Directors of the State of North Dakota and it really makes sense that we, as a Board of Directors, take a good hard look at the Department of Human Services. Study Resolution 3075 would give us that opportunity. When I testified on my Study Resolution 3075, the Governor's top men came to the committee and opposed a look at the department. Dale Moug and Bob Melland both opposed the study. I was shocked this Assembly did pass the study, but the Governor's men appeared in the Senate committee, opposed the resolution, and the Senate killed it on a straight party line vote.

Why would the Executive Branch oppose the Legislature checking on an agency that spends \$385 million? The 1985 legislative session will have no more idea as to what this department is doing than we do in this session.

The question then was on the passage of Division A of the divided question.

ROLL CALL

The roll was called and there were 79 YEAS, 25 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Stofferahn; Strinden; Swiontek; Thompson; Unhjem; Vig; Watne; Wentz; Williams, A.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Gorder; Gunsch; Hanson, O.; Hughes; Kent; Kingsbury; Lang; Laughlin; Melby; Murphy; Nicholas; Olafson; Olson, A.; Rice; Richard; Riley; Rued; Schindler; Shide; Solberg; Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Larson, B.; Williams, C.

So Division A was declared passed.

The question then was on the passage of Division B of the divided question.

ROLL CALL

The roll was called and there were 82 YEAS, 21 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lardy; Larson, R.; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Moore; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem;

Vig; Watne; Wentz; Williams, A.; Williams, W.; Wold;
Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Gorder; Hanson, O.;
Hughes; Kent; Kingsbury; Lang; Laughlin; Melby; Murphy;
Olafson; Olson, A.; Rice; Richard; Riley; Rued;
Schindler; Shide; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Larson, B.; Sinner; Williams, C.

So Division B was declared passed.

ROLL CALL

The question being on the final passage of the bill as amended,
the roll was called and there were 74 YEAS, 31 NAYS, 1 ABSENT AND
NOT VOTING.

YEAS: Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers;
DuBord; Eagles; Erdman; Gates; Gerl; Gullickson;
Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hjelle;
Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson;
Keller; Knudson; Koehn; Koski; Kretschmar; Kuchera;
Lardy; Larson, B.; Larson, R.; Lautenschlager;
Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.;
Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.;
Mushik; Nalewaja; Nowatzki; O'Connell; Olsen, D.;
Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.;
Pomeroy, G.; Rayl; Retzer; Riehl; Sanstead; Schneider;
Schoenwald; Shockman; Sinner; Solberg; Swiontek;
Thompson; Unhjem; Vig; Watne; Wentz; Williams, A.;
Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Dotzenrod; Goetz;
Gorder; Gunsch; Hanson, O.; Hausauer; Hughes; Kent;
Kingsbury; Kloubec; Lang; Laughlin; Martinson; Melby;
Moore; Murphy; Olafson; Olson, A.; Rice; Richard;
Riley; Rued; Schindler; Shide; Stofferahn; Strinden;
Timm; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Nicholas

SB 2020 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to SB 2044 as recommended
by the Committee on Appropriations as printed on pages 2073, 2074,
and 2296 of the House Journal be adopted.

REQUEST

REP. KUCHERA REQUESTED that the question of the adoption of the
amendments to SB 2044 be divided to have the sections voted on
separately in the following manner:

Division A: the amendments as printed on pages 2073 and 2074 of the House Journal

Division B: the amendments as printed on page 2296 of the House Journal

SPEAKER KELLY GRANTED the request to divide the question, and explained that the House will vote according to the division as stated in the request.

REQUEST

REP. BACKES REQUESTED a call of the House, which request was granted.

MOTION

REP. BACKES MOVED that the House dispense with the call of the House, which motion prevailed.

REQUEST

REP. BACKES REQUESTED a recorded roll call vote on the divided question, which request was granted.

The question then was on the adoption of Division A of the divided question.

ROLL CALL

The roll was called and there were 62 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; DeMers; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koski; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Thompson; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Conmy; Dotzenrod; Eagles; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Nicholas; Olafson; Olsen, D.; Olson, A.; Peltier; Retzer; Rice; Riley; Rued; Shide; Strinden; Swiontek; Timm; Unhjem; Vander Vorst; Wentz; Wold

ABSENT AND NOT VOTING: Black

Division A was declared adopted.

The question then was on the adoption of Division B of the divided question.

ROLL CALL

The roll was called and there were 104 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kent; Kingsbury; Kloubec; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Unhjem

ABSENT AND NOT VOTING: Black

Division B was declared adopted.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact sections 54-27-20.1 and 54-27-20.2 of the North Dakota Century Code, relating to state revenue sharing; to repeal chapter 35 of the 1981 Session Laws, relating to the appropriation for state revenue sharing; to provide an appropriation; to provide for a transfer of funds; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 92 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Eagles; Erdman; Gates; Gerl; Goetz;

Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kingsbury; Knudson; Koehn; Koski; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Meyer, R.; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Thompson; Timm; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Hughes; Kloubec; Melby; Moore; Murphy; Nalewaja; Peltier; Riley; Swiontek; Unhjem; Vander Vorst

ABSENT AND NOT VOTING: Black

SB 2044 passed, the title was agreed to, and the emergency clause carried.

SIXTH ORDER OF BUSINESS

REP. W. MEYER MOVED that the amendments to Engrossed SB 2260 as recommended by the Committee on Agriculture as printed on pages 2296 and 2297 of the House Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2260: A BILL for an Act to provide for a three-mill levy to be used by boards of county commissioners and boards of township supervisors for cutting weeds and grasses along county and township roads; and to amend and reenact section 63-05-03 of the North Dakota Century Code, relating to penalties for failure to cut weeds and grasses.

Which has been read.

MOTIONS

REP. LIPSIEA MOVED that the House reconsider its action whereby the amendments to SB 2260 were adopted, which motion lost on a verification vote.

REP. E. POMEROY MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 34 YEAS, 70 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Boyle; DuBord; Gates; Gorder; Gullickson; Hanson, L.; Haugland; Hoffner, Serenus; Kent; Koehn; Koski; Larson, B.; Larson, R.; Laughlin; Linderman; Lipsiea; Mertens; Meyer, W.; Nalewaja; Nowatzki; O'Connell; Peterson; Pomeroy, E.; Pomeroy, G.; Rice; Sanstead; Sinner; Strinden; Swiontek; Vig; Watne; Wentz; Whalen; Williams, A.

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Brokaw; Conmy; DeMers; Dotzenrod; Eagles; Erdman; Gerl; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Kretschmar; Kuchera; Lang; Lardy; Lautenschlager; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Meyer, R.; Moore; Murphy; Mushik; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Rayl; Retzer; Richard; Riehl; Riley; Schindler; Schneider; Schoenwald; Shide; Shockman; Solberg; Stofferahn; Thompson; Timm; Unhjem; Vander Vorst; Williams, C.; Williams, W.; Wold; Speaker Kelly

ABSENT AND NOT VOTING: Nicholas; Rued

SB 2260 was declared lost.

MOTIONS

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

REP. BACKES MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 8:30 a.m., Wednesday, March 30, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2027 has had the same under consideration and recommends by a vote of 17 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to engrossed Senate Bill No. 2027 as found on pages 2163 and 2164 of the House Journal, engrossed Senate Bill No. 2027 is amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words
"; and to declare an emergency"

On page 1 of the engrossed bill, line 17, delete the numerals "2,068,155" and insert in lieu thereof the numerals "2,113,259"

On page 1 of the engrossed bill, line 23, delete the numerals "3,578,467" and insert in lieu thereof the numerals "3,623,571"

On page 1 of the engrossed bill, line 25, delete the numerals "3,178,467" and insert in lieu thereof the numerals "3,223,571"

On page 1 of the engrossed bill, after line 27, insert the following new line:

"Capital improvements \$157,000"

On page 1 of the engrossed bill, line 28, delete the dollar sign

On page 2 of the engrossed bill, line 1, delete the numerals "342,000" and insert in lieu thereof the numerals "499,000"

On page 2 of the engrossed bill, line 2, delete the numerals "3,520,467" and insert in lieu thereof the numerals "3,722,571"

On page 2 of the engrossed bill, line 4, delete the numerals "3,920,467" and insert in lieu thereof the numerals "4,122,571"

On page 2 of the engrossed bill, after line 13, insert the following new section:

"SECTION 3. APPROPRIATION. The superintendent of the North Dakota state historical board shall be authorized to offer up to \$50,000 of the operating expenses line item appropriated in subdivision 1 of section 1 of this Act to the North Dakota humanities council, inc., in expectation of return of the appropriation and match from the national endowment for the humanities. Any such funds that may be received by the superintendent are hereby appropriated to the state historical board for the development of the exhibits at the heritage center."

On page 2 of the engrossed bill, after line 20, insert the following new section:

"SECTION 5. EMERGENCY. The capital improvement funds in the amount of \$157,000 as appropriated in subdivision 2 of section 1 of this Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Historical Board

The salaries and wages line item is increased by \$45,104 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$18,941 is to be provided in a separate appropriation bill.

The amendment also authorizes the superintendent to offer \$50,000 to the North Dakota Humanities Council, Inc., in anticipation of receiving matching moneys from the National Endowment for the Humanities to be used for the development of exhibits at the Heritage Center.

International Peace Garden

To add \$157,000 from the general fund for a new sewage line at the International Peace Garden. An emergency clause is also added.

REP. MERTENS, Chairman

Engrossed SB 2027 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2172 has had the same under consideration and recommends by a vote of 14 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In addition to the amendments to Senate Bill No. 2172 adopted by the House as found on page 1974 of the House Journal, engrossed Senate Bill No. 2172 is amended as follows:

On page 1 of the engrossed bill, line 4, delete the words "sections 65-05-14 and" and insert in lieu thereof the words "section 65-05-14"

On page 1 of the engrossed bill, line 5, delete the numerals "65-05-15"

On page 1 of the engrossed bill, line 6, after the first comma insert the words "and to", and delete the second comma and insert in lieu thereof a period

On page 1 of the engrossed bill, delete line 7

On page 3 of the engrossed bill, delete lines 11 through 35

On page 4 of the engrossed bill, delete lines 1 through 5

And renumber the lines and pages accordingly

REP. S. F. HOFFNER, Chairman

Engrossed SB 2172 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Industry, Business, and Labor to which was referred Engrossed SB 2499 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 10 of the engrossed bill, delete lines 24 through 28

And renumber the lines, sections, and pages accordingly

REP. S. F. HOFFNER, Chairman

Engrossed SB 2499 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

The House stood adjourned pursuant to Representative Backes' motion.

CHARLES FLEMING, Chief Clerk