

TUESDAY, MARCH 22, 1983

2079

JOURNAL OF THE HOUSE

Forty-eighth Legislative Assembly

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FIFTY-FOURTH DAY

Bismarck, March 22, 1983

The House convened at 1:00 p.m., with Speaker Kelly presiding.

The prayer was offered by Rev. Bob Lynne, Good Shepherd Lutheran Church, Bismarck.

ROLL CALL

The roll was called and all members were present, except Representatives Eagles, B. Larson, and E. Pomeroy.

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-third day and finds the same to be correct.

REP. LAUGHLIN, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2056, SB 2164, SB 2214, SCR 4055

CHARLES FLEMING, Chief Clerk

MESSAGES TO THE SENATE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2056, SB 2164, SB 2214, SCR 4055

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:

SB 2351

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 1478, HB 1712, HCR 3027, HCR 3035, HCR 3043, HCR 3045,
HCR 3049, HCR 3051, HCR 3059, HCR 3060, HCR 3061, HCR 3064,
HCR 3074, HCR 3081

REP. G. MARTIN, Chairman

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

MESSAGES FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1296: Sens. Adams, Moore, Dotzenrod
HB 1386: Sens. Stenehjelm, Holmberg, J. Meyer
HB 1400: Sens. Parker, Todd, Wogsland
HB 1647: Sens. Mutch, Dykshoorn, Satrom
HCR 3050: Sens. Kilander, Mutch, Kusler

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1079, HB 1224, HB 1551, HB 1619, HB 1666, HB 1705,
HCR 3080

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2043, SB 2064, SB 2157, SB 2176, SB 2270, SB 2339,
SB 2343, SB 2364, SCR 4005, SCR 4011, SCR 4022, SCR 4031,
SCR 4046, SCR 4052

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2316 and subsequently passed the same.

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4056, SCR 4057

Very respectfully,
LEO LEIDHOLM, Secretary

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2125:

Reps. Shockman, Conmy, R. Meiers

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2327:

Reps. Riehl, Koski, Goetz

MOTION

REP. BACKES MOVED that the House consider only SB 2005, SB 2015, SB 2128, SB 2226, SB 2227, and SB 2250 on the Sixth order of business today, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. MERTENS MOVED that the amendments to SB 2005 as recommended by the Committee on Appropriations as printed on page 2057 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to SB 2015 as recommended by the Committee on Appropriations as printed on pages 2063-2065 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to Engrossed SB 2128 as recommended by the Committee on Appropriations as printed on pages 2074 and 2075 of the House Journal be adopted, which motion prevailed.

REP. JACOBSON MOVED that the amendments to Engrossed SB 2226 as recommended by the Committee on Education as printed on pages 2075 and 2076 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to Engrossed SB 2227 as recommended by the Committee on Appropriations as printed on page 2076 of the House Journal be adopted, which motion prevailed.

REP. MERTENS MOVED that the amendments to Reengrossed SB 2250 as recommended by the Committee on Appropriations as printed on pages 2076 and 2077 of the House Journal be adopted, which motion prevailed.

SIGNING OF BILLS AND RESOLUTIONS

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

HB 1478, HB 1712, HCR 3027, HCR 3035, HCR 3043, HCR 3045,
HCR 3049, HCR 3051, HCR 3059, HCR 3060, HCR 3061, HCR 3064,
HCR 3074, HCR 3081

CHARLES FLEMING, Chief Clerk

THE CHIEF CLERK ANNOUNCED that the Speaker signed the following:

SB 2070, SB 2088, SB 2101, SB 2139, SB 2177, SB 2182,
SB 2192, SB 2201, SB 2217, SB 2229, SB 2282, SB 2295,
SB 2296, SB 2299, SB 2302, SB 2318, SB 2335, SB 2347,
SCR 4004, SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028,
SCR 4029, SCR 4032, SCR 4034, SCR 4035, SCR 4036, SCR 4037,
SCR 4039, SCR 4042, SCR 4048, SCR 4050

CHARLES FLEMING, Chief Clerk

MOTIONS

REP. MELBY MOVED that consideration of the conference committee report on HB 1049 be laid over one legislative day, which motion prevailed.

REP. W. MEYER MOVED that SB 2260 be rereferred to the Committee on Agriculture, which motion prevailed.

SPEAKER KELLY ANNOUNCED that SB 2260 was rereferred to the Committee on Agriculture.

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 1478, HB 1712, HCR 3027, HCR 3035, HCR 3043, HCR 3045,
HCR 3049, HCR 3051, HCR 3059, HCR 3060, HCR 3061, HCR 3064,
HCR 3074, HCR 3081

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2070, SB 2088, SB 2101, SB 2139, SB 2177, SB 2182,
SB 2192, SB 2201, SB 2217, SB 2229, SB 2282, SB 2295,
SB 2296, SB 2299, SB 2302, SB 2318, SB 2335, SB 2347,
SCR 4004, SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028,

SCR 4029, SCR 4032, SCR 4034, SCR 4035, SCR 4036, SCR 4037,
SCR 4039, SCR 4042, SCR 4048, SCR 4050

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 2125: Reps. Shockman, R. Meiers, Conmy

SB 2327: Reps. Riehl, Koski, Goetz

Very respectfully,
CHARLES FLEMING, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2049: A BILL for an Act to amend and reenact subsection 2 of section 57-51-15 of the North Dakota Century Code, relating to maximum allocations of annual revenues to counties from the oil and gas gross production tax.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1962, the roll was called and there were 100 YEAS, 2 NAYS, 4 ASSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; 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, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, W.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olsen, D.; 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; Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Olafson; Olson, A.

ABSENT AND NOT VOTING: Backes; Eagles; Larson, B.; Meyer, R.

SB 2049 passed and the title was agreed to.

SB 2055: A BILL for an Act to amend and reenact sections 51-14-02 and 51-14-03 of the North Dakota Century Code, relating to revolving charge account agreements.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1962 and 1963, the roll was called and there were 28 YEAS, 73 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Conmy; Dotzenrod; Gates; Goetz; Haugland; Hausauer; Hughes; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Moore; Peltier; Peterson; Retzer; Rice; Riley; Rued; Strinden; Timm; Unhjem; Vander Vorst; Wentz; Wold

NAYS: Aubol; Backes; Black; Boyle; Brokaw; DeMers; DuBord; Erdman; Gerl; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kingsbury; Koski; Lardy; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.; Murphy; Mushik; Nalewaja; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Swiontek; Thompson; Vig; Watne; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Knudson; Larson, B.; Martinson; Nicholas

SB 2055 was declared lost.

SB 2068: A BILL for an Act to amend and reenact sections 27-05-03.1, 54-52-06.1, and subsections 1 and 4 of section 54-52-17 of the North Dakota Century Code, relating to the maximum number of years of service credit and to retirement benefits for supreme and district court judges and other public employees; to repeal section 27-17-01.1 of the North Dakota Century Code, relating to supplemental retirement benefits for judges under the public employees retirement system; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1967 and 1968, the roll was called and there were 69 YEAS, 35 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aubol; Backes; Black; Conmy; DeMers; Erdman; Gates; Goetz; Halmrast; Hamerlik; Hanson, L.; Haugland; Hausauer; Hill; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kent; Kloubec; Knudson; Kretschmar; Kuchera; Lang; Lardy; Larson, B.; Larson, R.; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Mertens; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Riley; Sanstead; Schneider; Schoenwald; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Unhjem; Vander Vorst; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Anderson, C.; Anderson, R.; Boyle; Brokaw; Dotzenrod; DuBord; Gerl; Gorder; Gullickson; Gunsch; Hanson, O.; Hjelle; Hughes; Kingsbury; Koehn; Koski; Laughlin; Lloyd; Melby; Meyer, R.; Meyer, W.; Olafson; Olsen, D.; Olson, A.; Retzer; Rice; Rued; Schindler; Shide; Shockman; Thompson; Timm; Vig; Watne; Whalen

ABSENT AND NOT VOTING: Eagles; Peltier

SB 2068 passed, the title was agreed to, but the emergency clause was declared lost.

SB 2093: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to self-insurance of the health insurance benefits coverage under the state uniform group insurance program; and to amend and reenact sections 54-52.1-01, 54-52.1-04, and 54-52.1-06 of the North Dakota Century Code, relating to definitions and board authority to contract for insurance under the uniform group insurance program.

Which has been read.

MOTION

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

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1756, the roll was called and there were 62 YEAS, 43 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Boyle; Conmy; Dotzenrod; Gates; Gerl; Gorder; Gullickson; Halmrast; Hamerlik; Hanson, L.; Haugland; Hill; Hoffner, Serenus; Hoffner, S. F.; Horgan; Keller; Kent; Kingsbury; Kloubec; Koski; Kretschmar; Lardy; Larson, B.; Lautenschlager; Lipsiea; Lloyd; Martin, G.; Martinson; Meier, A.; Meiers, R.; Meyer, R.; Meyer, W.; Moore; Murphy; Nalewaja; Nicholas; Nowatzki; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Riehl; Riley; Sanstead; Schneider; Schoenwald; Shide; Sinner; Solberg; Swiontek; Thompson; Timm; Vig; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Wold

NAYS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Brokaw; DeMers; DuEord; Erdman; Goetz; Gunsch; Hanson, O.; Hausauer; Hjelle; Hughes; Jacobson; Knudson; Koehn; Kuchera; Lang; Larson, R.; Laughlin; Linderman; Martin, C.; Melby; Mertens; Mushik; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; Peterson; Richard; Rued; Schindler; Shockman; Stofferahn; Strinden; Unhjem; Vander Vorst; Watne; Speaker Kelly

ABSENT AND NOT VOTING: Eagles

SB 2093 passed and the title was agreed to.

MESSAGE FROM THE SENATE SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate requests the return of HB 1473.

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2150: A BILL for an Act to amend and reenact subsection 2 of section 49-02-01, section 49-02-01.1, subsection 2 of section 49-21-01, sections 49-21-04, 49-21-09, and 49-21-10 of the North Dakota Century Code, relating to the jurisdiction of the public service commission over telegraph and telephone companies.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1972-1974, the roll was called and there were 88 YEAS, 14 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; DeMers; Dotzenrod; DuEord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; Hausauer; Hill;

Hjelle; Hoffner, Serenus; Hoffner, S. F.; Hughes; Jacobson; Keller; Kent; Kingsbury; Knudson; Koski; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, W.; Murphy; Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.; Olson, A.; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjelm; Vander Vorst; Watne; Wentz; Whalen; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Black; Conmy; Kloubec; Koehn; Kuchera; Lipsiea; Moore; Nalewaja; Olafson; Peltier; Riley; Rued; Vig; Wold

ABSENT AND NOT VOTING: Eagles; Horgan; Meyer, R.; Peterson

SB 2150 passed and the title was agreed to.

SB 2172: A BILL for an Act to create and enact one new subsection to section 65-01-02 of the North Dakota Century Code, relating to a definition of disability; and to amend and reenact subsections 8 and 11 of section 65-01-02, and sections 65-05-14 and 65-05-15 of the North Dakota Century Code, relating to definitions of injury and permanent impairment, permanent impairment benefits, and aggravation of compensable injuries.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal page 1974, the roll was called and there were 39 YEAS, 60 NAYS, 7 ABSENT AND NOT VOTING.

YEAS: Anderson, R.; Black; Dotzenrod; Gates; Gorder; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Koehn; Kretschmar; Lang; Larson, R.; Lipsiea; Martinson; Melby; Moore; Murphy; Nalewaja; Olsen, D.; Olson, A.; Peltier; Rice; Riley; Rued; Schindler; Shide; Swiontek; Thompson; Timm; Unhjelm; Vander Vorst; Wentz; Whalen; Wold

NAYS: Anderson, C.; Aubol; Backes; Boyle; Conmy; DeMers; DuBord; Erdman; Gerl; Gullickson; Halmrast; Hanson, L.; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Knudson; Koski; Kuchera; Lardy; Larson, B.; Laughlin; Lautenschlager; Linderman; Lloyd;

Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Meyer, W.; Mushik; Nicholas; Nowatzki; O'Connell; Olafson; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Sanstead; Schneider; Schoenwald; Shockman; Sinner; Solberg; Stofferahn; Strinden; Vig; Watne; Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Brokaw; Eagles; Goetz; Gunsch; Meyer, R.; Peterson; Retzer

SB 2172 was declared lost.

SB 2173: A BILL for an Act to amend and reenact sections 65-05-12, 65-05-13, 65-05-17, and 65-05-26 of the North Dakota Century Code, relating to permanent impairment benefits, death benefits, and burial expenses.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1974 and 1975, the roll was called and there were 100 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuEord; 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; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Murphy; Rued; Whalen

ABSENT AND NOT VOTING: Eagles; Peterson; Retzer

SB 2173 passed and the title was agreed to.

SB 2179: A BILL for an Act to create and enact a new subsection to section 57-02-01, three new sections to chapter 57-32, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to valuation, assessment, and taxation of air carrier transportation property and an exemption from aircraft registration fees and from sales and use taxes for aircraft assessed pursuant to the provisions of chapters 57-06 and 57-32; and to amend and reenact subsection 13 of section 57-02-01 and subsections 3 and 4 of section 57-02-27 of the North Dakota Century Code, relating to definition of air carrier transportation property and assessment and taxation of air carrier transportation property.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1975 and 1976, the roll was called and there were 102 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; 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; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Meiers, R.; Melby; Mertens; Meyer, R.; Moore; Murphy; Mushik; Nalewaja; Nicholas; Nowatzki; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Pomeroy, E.; Pomeroy, G.; Rayl; Retzer; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; 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: None

ABSENT AND NOT VOTING: Eagles; Lang; Meyer, W.; Peterson

SB 2179 passed and the title was agreed to.

SB 2205: A BILL for an Act to amend and reenact subsection 3 of section 52-04-03, subsection 3 of section 52-06-01, subsections 1, 2, and 8 of section 52-06-02, subsections 1

and 2 of section 52-06-04, sections 52-06-05, and 52-06-06 of the North Dakota Century Code, relating to unemployment compensation tax base, payments to ill or disabled claimants, disqualification from benefits, benefit amounts, benefit duration, and benefit reduction due to receipt of severance pay.

Which has been read.

REQUEST

REP. GERL REQUESTED that the question of the final passage of SB 2205 be divided to have the sections voted on separately in the following manner:

Division A: Section 6 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.

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

ROLL CALL

The roll was called and there were 50 YEAS, 52 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Conmy; Dotzenrod; Gates; Goetz; Gorder; Gunsch; Hamerlik; Hanson, O.; Haugland; Hausauer; Hughes; Kent; Kingsbury; Kloubec; Knudson; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lautenschlager; Lipsiea; Martin, C.; Martinson; Melby; Moore; Murphy; Nalewaja; Olsen, D.; Olson, A.; Peltier; Peterson; Pomeroy, E.; Retzer; Rice; Riley; Rued; Schindler; Shide; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Wentz; Whalen; Wold

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

ABSENT AND NOT VOTING: Boyle; Eagles; Nicholas; Unhjem

So Division A of the divided question failed to pass.

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

ROLL CALL

The roll was called and there were 92 YEAS, 10 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Brokaw; Conmy; DeMers; Dotzenrod; Erdman; Gates; Goetz; 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; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lipsiea; Martin, C.; Martin, G.; Martinson; 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; Riehl; Riley; Rued; Sanstead; Schindler; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Vig; Watne; Wentz; Williams, A.; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; DuBord; Gerl; Gorder; Lardy; Lloyd; Meier, A.; Richard; Schneider; Schoenwald

ABSENT AND NOT VOTING: Boyle; Eagles; Unhjem; Whalen

So Division B of the divided question passed.

REQUEST

REP. E. POMEROY REQUESTED that the record show that he intended to vote "NAY" instead of "YEA" on Division A of the divided question, which request was granted.

ROLL CALL

The question then was on the final passage of the bill, less Division A, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Backes; Black; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; Erdman; Gates; Goetz; Gorder; Gullickson; Gunsch; Halmrast; Hamerlik; Hanson, L.; Hanson, O.; Haugland; 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; Martin, C.; Martinson; Meiers, R.; Melby; Mertens; 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;
 Riehl; Riley; Rued; Sanstead; Schindler; Shide;
 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: Aubol; DuBord; Gerl; Lloyd; Martin, G.; Meier, A.;
 Meyer, R.; Richard; Schneider; Schoenwald

ABSENT AND NOT VOTING: Eagles; Hausauer

SB 2205 passed and the title was agreed to.

SB 2220: A BILL for an Act to establish a revolving loan fund at
 the Bank of North Dakota for making agricultural real
 estate loans to North Dakota beginning farmers; and to
 provide an appropriation.
 Which has been read.

MOTION

REP. W. WILLIAMS MOVED the previous question, which motion
 prevailed.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 84 YEAS, 18 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Aubol; Backes; Boyle; Brokaw; DeMers;
 Dotzenrod; DuBord; 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; Knudson; Koehn; Koski; Kretschmar; Lang;
 Larson, B.; Larson, R.; Laughlin; Lautenschlager;
 Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.;
 Meiers, R.; Melby; Mertens; Meyer, R.; Meyer, W.;
 Mushik; Nicholas; Nowatzki; O'Connell; Olsen, D.;
 Olson, A.; Opedahl; O'Shea; Peltier; Peterson;
 Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl;
 Sanstead; Schindler; Schneider; Schoenwald; Shide;
 Shockman; Sinner; Solberg; Stofferahn; Swiontek;
 Unhjem; Vander Vorst; Vig; Watne; Wentz; Whalen;
 Williams, A.; Williams, C.; Williams, W.; Speaker Kelly

NAYS: Anderson, R.; Black; Conmy; Hughes; Kingsbury;
 Kloubec; Kuchera; Lipsiea; Martinson; Moore; Murphy;
 Nalewaja; Olafson; Riley; Strinden; Thompson; Timm;
 Wold

ABSENT AND NOT VOTING: Eagles; Lardy; Retzer; Rued

SB 2220 passed and the title was agreed to.

MOTION

REP. BACKES MOVED that SB 2239 and SB 2453 be laid over one legislative day, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2245: A BILL for an Act to create and enact a new subsection to section 5-01-01, section 5-02-09.1, and three new sections to chapter 5-02 of the North Dakota Century Code, relating to the definition of licensed premises, the attorney general adopting rules for retail alcoholic beverage licensing pursuant to the Administrative Agencies Practices Act, the registration of the sale of beer in kegs, and prohibiting the sale of alcoholic beverages at a drive-in window, gas stations, and grocery stores; and to amend and reenact sections 5-02-04 and 5-02-06 of the North Dakota Century Code, relating to the licensure of alcoholic beverage retailers and prohibitions as to persons under twenty-one years of age; and to provide a penalty.

Which has been read.

REQUEST

REP. DEMERS REQUESTED that the question of the final passage of SB 2245 be divided to have the sections voted on separately in the following manner:

Division A: Sections 6 and 7

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. UNHJEM REQUESTED a division of Division A, as follows:

Division A: Subdivision 1, section 6 of the bill

Subdivision 2, section 7 of the bill

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

MOTION

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

The question being on the passage of Division A, subdivision 1, which includes section 6 of the bill.

ROLL CALL

The roll was called and there were 27 YEAS, 70 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Boyle; Gerl; Gorder; Halmrast; Hanson, O.;
Haugland; Hoffner, Serenus; Kingsbury; Kloubec;
Knudson; Lang; Lardy; Lautenschlager; Linderman; Melby;
Moore; Peltier; Riley; Rued; Schindler; Solberg;
Stofferahn; Swiontek; Thompson; Vander Vorst; Wentz;
Wold

NAYS: Anderson, C.; Anderson, R.; Aubol; Black; Brokaw;
Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Goetz;
Gullickson; Gunsch; Hamerlik; Hanson, L.; Hausauer;
Hill; Hjelle; Hoffner, S. F.; Horgan; Hughes; Jacobson;
Keller; Kent; Koehn; Koski; Kretschmar; Kuchera;
Larson, B.; Larson, R.; Laughlin; Lipsiea; Lloyd;
Martin, C.; Martin, G.; Martinson; Meier, A.;
Meiers, R.; Mertens; Meyer, R.; Murphy; Mushik;
Nicholas; O'Connell; Olafson; Olsen, D.; Olson, A.;
Opedahl; O'Shea; Peterson; Pomeroy, E.; Pomeroy, G.;
Rayl; Rice; Richard; Riehl; Sanstead; Schneider;
Schoenwald; Shide; Shockman; Sinner; Timm; Unhjem;
Watne; Whalen; Williams, C.; Williams, W.;
Speaker Kelly

ABSENT AND NOT VOTING: Backes; Eagles; Meyer, W.;
Nalewaja; Nowatzki; Retzer; Strinden; Vig; Williams, A.

So Division A, subdivision 1, of the divided question failed to pass.

The question being on the passage of Division A, subdivision 2, which includes section 7 of the bill.

ROLL CALL

The roll was called and there were 48 YEAS, 47 NAYS, 11 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Boyle; Brokaw;
Dotzenrod; Goetz; Gorder; Gullickson; Halmrast;
Hanson, O.; Hoffner, Serenus; Hoffner, S. F.; Hughes;
Jacobson; Keller; Kloubec; Lang; Larson, B.;
Lautenschlager; Linderman; Meiers, R.; Melby;
Meyer, R.; Moore; Nicholas; Opedahl; Peltier; Peterson;
Rice; Richard; Riehl; Riley; Schindler; Schneider;
Schoenwald; Shide; Shockman; Solberg; Stofferahn;
Swiontek; Thompson; Timm; Unhjem; Vander Vorst;
Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Aubol; Black; Conmy; DeMers; DuBord; Erdman; Gates;
Gerl; Gunsch; Hamerlik; Hanson, L.; Haugland; Hausauer;
Hill; Hjelle; Horgan; Kingsbury; Knudson; Koehn; Koski;
Kretschmar; Kuchera; Lardy; Larson, R.; Laughlin;

Lloyd; Martin, C.; Martin, G.; Martinson; Meier, A.; Mertens; Murphy; Mushik; O'Connell; Olafson; Olsen, D.; Olson, A.; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Rued; Sanstead; Sinner; Watne; Wentz; Whalen

ABSENT AND NOT VOTING: Backes; Eagles; Kent; Lipsiea; Meyer, W.; Nalewaja; Nowatzki; Retzer; Strinden; Vig; Williams, A.

So Division A, subdivision 2, of the divided question failed to pass for lack of a constitutional majority.

The question being on the passage of Division B, the remainder of the bill.

ROLL CALL

The roll was called and there were 86 YEAS, 12 NAYS, 8 ABSENT AND NOT VOTING.

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

NAYS: Backes; Black; Halmrast; Kent; Koski; Kuchera; Lipsiea; Meier, A.; Murphy; Rued; Timm; Whalen

ABSENT AND NOT VOTING: Eagles; Haugland; Meyer, W.; Nalewaja; Nowatzki; Retzer; Vig; Williams, A.

So Division B passed.

ROLL CALL

The question being on the final passage of the bill as amended, House Journal pages 1983 and 1984, less Division A, subdivisions 1 and 2, the roll was called and there were 88 YEAS, 10 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Backes; Boyle; Brokaw; Conmy; DeMers; Dotzenrod; DuBord; Erdman; Gates; Gerl; Goetz; Gorder; Gullickson; Gunsch;

Hamerlik; Hanson, L.; Hanson, O.; Hausauer; Hill; Hjelle; Hoffner, Serenus; Hoffner, S. F.; Horgan; Hughes; Jacobson; Keller; Kingsbury; Kloubec; Knudson; Kretschmar; Lang; Lardy; Larson, B.; Larson, R.; Laughlin; Lautenschlager; Linderman; Lloyd; Martin, C.; Martin, G.; Martinson; Meiers, R.; Melby; Meyer, R.; Moore; Murphy; Mushik; Nicholas; O'Connell; Olafson; Olsen, D.; Olson, A.; Opedahl; O'Shea; Peltier; Peterson; Pomeroy, E.; Pomeroy, G.; Rayl; Rice; Richard; Riehl; Riley; Rued; Sanstead; Schindler; Schneider; Schoenwald; Shide; Shockman; Sinner; Solberg; Stofferahn; Strinden; Swiontek; Thompson; Timm; Unhjem; Vander Vorst; Watne; Wentz; Williams, C.; Williams, W.; Wold; Speaker Kelly

NAYS: Black; Halmrast; Kent; Koehn; Koski; Kuchera; Lipsiea; Meier, A.; Mertens; Whalen

ABSENT AND NOT VOTING: Eagles; Haugland; Meyer, W.; Nalewaja; Nowatzki; Retzer; Vig; Williams, A.

SB 2245 passed and the title was agreed to.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 22, 1983

The Honorable Tish Kelly
Speaker of the House
House Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam Speaker:

This is to inform you that on March 22, 1983, I signed the following House Bills:

HB 1057, HB 1060, HB 1425, HB 1648.

Sincerely,

ALLEN I. OLSON
Governor

MOTION

REP. RILEY MOVED that the House reconsider its action whereby the amendments proposed by the minority of the Committee on Natural Resources on SB 2251 failed to pass.

REQUEST

REP. GOETZ REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the motion to reconsider the amendments proposed by the minority on SB 2251, the roll was taken and there were 51 YEAS, 46 NAYS, and 9 ABSENT AND NOT VOTING.

YEAS: Anderson, C.; Anderson, R.; Aubol; Black; Boyle; Conmy; Dotzenrod; Gates; Goetz; Gunsch; Halmrast; Hamerlik; Hanson, O.; Hausauer; Hjelle; Hughes; Kent; Kloubec; Koehn; Kretschmar; Kuchera; Lang; Larson, R.; Lautenschlager; Lipsiea; Martinson; Melby; Meyer, R.; Moore; Murphy; Nicholas; Olafson; Olsen, D.; Olson, A.; Peltier; Peterson; Rice; Riley; Rued; Sanstead; Schindler; Shide; Sinner; Strinden; Swiontek; Thompson; Timm; Vander Vorst; Whalen; Williams, C.; Wold

NAYS: Backes; Brokaw; DeMers; DuBord; Erdman; Gerl; Gorder; Gullickson; Hanson, L.; Hill; Hoffner; Serenus; Hoffner, S. F.; Horgan; Jacobson; Keller; Kingsbury; Knudson; Koski; Lardy; Larson, B.; Laughlin; Linderman; Lloyd; Martin, C.; Martin, G.; Meier, A.; Meiers, R.; Mertens; Mushik; O'Connell; Opedahl; O'Shea; Pomeroy, E.; Pomeroy, G.; Rayl; Richard; Riehl; Schneider; Schoenwald; Shockman; Solberg; Stofferahn; Watne; Wentz; Williams, W.; Speaker Kelly

ABSENT AND NOT VOTING: Eagles; Haugland; Meyer, W.; Nalewaja; Nowatzki; Retzer; Unhjem; Vig; Williams, A.

So the motion to reconsider the amendments proposed by the minority on SB 2251 failed for lack of a constitutional majority.

MESSAGE FROM THE SENATE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1478, HB 1712, HCR 3027, HCR 3035, HCR 3043, HCR 3045, HCR 3049, HCR 3051, HCR 3059, HCR 3060, HCR 3061, HCR 3064, HCR 3074, HCR 3081

Very respectfully,
LEO LEIDHOLM, Secretary

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4056: A concurrent resolution directing the Legislative Council to study taxes, fees, and charges imposed on insurance companies, the effect of taxes, fees, and charges on the costs of providing or receiving health care insurance coverage, the effect of overutilization of health care insurance and potential methods of cost containment for health care coverage.

Was read the first time and referred to the Committee on Industry, Business, and Labor.

SCR 4057: A concurrent resolution directing the Legislative Council to study taxation of pipeline property owned by public and private carriers for transportation of crude oil, natural gas, processed gas, manufactured gas, and refined petroleum products.

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

REPORTS OF PROCEDURAL COMMITTEE

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 4:46 p.m., March 22, 1983:

HB 1712

REP. G. MARTIN, Chairman

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

MADAM SPEAKER: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State at the hour of 4:54 p.m., March 22, 1983:

HCR 3027, HCR 3035, HCR 3043, HCR 3045, HCR 3049, HCR 3051,
HCR 3059, HCR 3060, HCR 3061, HCR 3064, HCR 3074, HCR 3081

REP. G. MARTIN, Chairman

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

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 9:00 a.m., Wednesday, March 23, 1983, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM SPEAKER: Your Committee on Appropriations to which was referred HB 1733 has had the same under consideration and recommends by a vote of 18 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

REP. MERTENS, Chairman

HB 1733 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2019 has had the same under consideration and recommends by a vote of 15 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, delete the words "to provide for the office of management and budget"

On page 1 of the engrossed bill, line 2, delete the words "to alter statutory payment dates;"

On page 1 of the engrossed bill, delete lines 6 through 14

On page 2 of the engrossed bill, line 11, delete the numerals "3,087,500" and insert in lieu thereof the numerals "1,087,500"

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation to the Office of Management and Budget for the purpose of defraying the expenses associated with cash flow financing is decreased by \$2 million from the general fund. This amendment also deletes the provision allowing the Office of Management and Budget to alter statutory payment dates.

REP. MERTENS, Chairman

Engrossed SB 2019 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2031 has had the same under consideration and recommends by a vote of 17 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the numerals "3,797,969" and insert in lieu thereof the numerals "3,882,693"

On page 1 of the engrossed bill, line 19, delete the numerals "7,380,689" and insert in lieu thereof the numerals "7,465,413"

On page 1 of the engrossed bill, line 21, delete the numerals "6,468,789" and insert in lieu thereof the numerals "6,553,513"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the State Water Commission is increased by \$84,724 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 \$35,716 is to be provided in a separate appropriation bill.

REP. MERTENS, Chairman

Engrossed SB 2031 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was referred Engrossed SB 2033 has had the same under consideration and recommends by a vote of 17 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 14, delete the numerals "2,358,893" and insert in lieu thereof the numerals "2,392,588"

On page 1 of the engrossed bill, line 20, delete the numerals "7,475,632" and insert in lieu thereof the numerals "7,509,327"

On page 1 of the engrossed bill, line 22, delete the numerals "4,854,632" and insert in lieu thereof the numerals "4,888,327"

On page 2 of the engrossed bill, line 6, after the word "department" insert the words ", except that the purchase of land may be only for land adjoining existing land holdings of the department as of June 30, 1983,"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item of the Parks and Recreation Department is increased by \$33,695 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 \$14,167 is to be provided in a separate appropriation bill.

The amendment also restricts the purchase of land by the department to lands adjoining land currently held by the department.

REP. MERTENS, Chairman

Engrossed SB 2033 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Reengrossed SB 2092 has had the same under consideration and recommends by a vote of 19 YEAS, 1 NAY, 1 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 reengrossed Senate Bill No. 2092 adopted by the House as found on pages 1895 through 1897 of the House Journal, reengrossed Senate Bill No. 2092 is amended as follows:

On page 1 of the reengrossed bill, line 21, after the word "transaction" insert the words "must allow for the submission of bids pursuant to a notice published in at least one official county newspaper; except that the sale, exchange, or transaction"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment to reengrossed Senate Bill No. 2092 requires any sale, exchange, or transaction involving Penitentiary lands to allow for submission of public bids.

REP. MERTENS, Chairman

Reengrossed SB 2092 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Finance and Taxation to which was referred Engrossed SB 2095 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations.

On page 1 of the engrossed bill, line 2, after the numeral "4-14.1-03," insert the numeral "4-14.1-04," and after the numeral "57-50-03.1," insert the word "and", and after the numeral "57-05-05" delete the words ", and 57-54-08"

On page 1 of the engrossed bill, line 3, delete the words "relating to the agriculturally"

On page 1 of the engrossed bill, line 4, delete the words "derived alcohol motor vehicle fuel tax fund" and insert in lieu thereof the following new language: "and to amend and reenact section 57-54-08 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.1-02 of the North

Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to agriculturally derived motor fuel and motor fuel taxes; and providing an appropriation"

On page 2 of the engrossed bill, after line 3, insert the following new subsection:

"At least three-fourths of the funds provided for under section 57-50-01 of the North Dakota Century Code shall be used as grants in aid to organizations working to develop agriculturally derived fuels."

On page 2 of the engrossed bill, after line 26, insert the following new subsection:

"Employment of needed personnel, hiring of consultants, and contracting with public entities or private parties for services or may be necessary to implement the policy and purposes of this chapter."

On page 2 of the engrossed bill, line 32, after the word "the" insert the words "commissioner of agriculture with the advice and counsel of an"

On page 3 of the engrossed bill, after line 6, insert the following new sections:

"SECTION 4. AMENDMENT. Section 4-14.1-04 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4-14.1-04. Agricultural products utilization commission - Meetings --~~Personeel~~---Advisory committee. The agricultural products utilization commission shall meet at least once annually, and shall report to each session of the legislative assembly. The ~~commission~~ may secure office space and employ needed personnel for the performance of its duties; may hire consultants; and may contract with public entities or private parties for services. The agricultural products utilization commission shall have an advisory committee composed of three persons, one each designated by the director of the economic development commission, the president of the North Dakota state university, and the state commissioner of agriculture.

SECTION 5. AMENDMENT. Section 57-43.1-02 of the North Dakota Century Code as created by section 1 of House Bill No. 1073, as approved by the

forty-eighth legislative assembly, is hereby amended and reenacted to read as follows:

57-43.1-02. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. A

1. Except as otherwise provided in this section, a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state ~~except the~~.
2. The tax imposed on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol is:
 - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
 - d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
 - e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The dealer shall collect the tax imposed by this section from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and the dealer may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the dealer is liable for the tax."

On page 5 of the engrossed bill, delete lines 27 through 35 and insert in lieu thereof the following new sections:

"SECTION 9. AMENDMENT. If House Bill No. 1073 does not become effective, section 57-54-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-54-08. Tax imposed on motor vehicle fuels - Tax reduced for agriculturally derived alcohol-blended fuels. There is hereby imposed

1. Except as otherwise provided in this section a tax of eight cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state. Provided, however, the
2. The tax imposed by this section on gasoline sold which contains a minimum ten percent blend of an agricultural ethyl alcohol or methanol whose purity is at least ninety-nine percent alcohol shall be is:
 - a. Through December 31, 1983, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - b. From January 1, 1984, through December 31, 1984, five cents per gallon [3.79 liters] less than the tax imposed under subsection 1;
 - c. From January 1, 1985, through December 31, 1985, six cents per gallon [3.79 liters] less than the tax imposed under subsection 1; and
 - d. From December 31, 1985, through June 30, 1992, four cents per gallon [3.79 liters] less than the tax imposed under subsection 1.
 - e. After June 30, 1992, at the same rate as the tax imposed under subsection 1.
3. The tax imposed by this section shall must be collected by the dealer from the consumer on all sales.
4. Sales of fuel in the original package may be made to a licensed dealer, and he shall have the option of collecting who may collect the tax imposed by this chapter, but on sales in the original package to persons other than licensed dealers, the

dealer ~~shall~~ be is liable for the tax thereon.

SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the agriculturally derived fuel tax fund in the state treasury, not otherwise appropriated, the sum of \$540,000, or so much thereof as may be necessary, to the commissioner of agriculture for the purpose of administering and implementing the provisions of this Act for the biennium beginning July 1, 1983, and ending June 30, 1985."

On page 6 of the engrossed bill, delete lines 1 through 9
And renumber the lines, sections, subsections, and pages accordingly

REP. SINNER, Chairman

Engrossed SB 2095 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Education to which was referred Engrossed SB 2277 has had the same under consideration and recommends by a vote of 14 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

On page 1 of the engrossed bill, line 1, delete the word "section" and insert in lieu thereof the word "sections", and after the numerals "15-40.1-07" insert the words "and 15-41-06"

On page 1 of the engrossed bill, line 3, after the word "payments" and before the period insert the words "and coursework requirements for high school students"

On page 3 of the engrossed bill, after line 18, insert the following new section:

"**SECTION 2. AMENDMENT.** Section 15-41-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-41-06. High school courses - Requirements - Credits. Four units of high school work shall be considered the minimum number of any year from the ninth grade ~~to~~ through the twelfth grade, except that students in their fourth year of standard high school coursework may be enrolled in fewer than four units if the students require fewer than four units for graduation in that year and if they are enrolled in an equivalent number of academic or vocational

coursework hours at any one of the following: an institution under the control and administration of the state board of higher education, Jamestown college, Mary college, Bismarck junior college, Lake Region community college, the university of North Dakota-Williston, or a tribally controlled community college located in this state. In addition, students from the ages of sixteen through eighteen who are enrolled in approved alternative high school education programs may be enrolled in fewer than four units of standard high school coursework. All unit courses shall be taught a minimum of forty minutes a day for at least one hundred eighty days, subject to the provisions of section 15-47-33, except that all natural science courses shall exceed forty minutes to such an extent as may be determined by the superintendent of public instruction. In all high schools and in all schools maintaining any of the grades from the ninth to the twelfth and doing high school work, it shall be made possible for each grade to complete four units of work each year. The work which is done by pupils in any school which does not conform to the requirements contained in this section shall not be accredited by the superintendent of public instruction through state high school examinations or otherwise."

And renumber the lines and pages accordingly

REP. JACOBSON, Chairman

Engrossed SB 2277 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM SPEAKER: Your Committee on Appropriations to which was rereferred Engrossed SB 2354 has had the same under consideration and recommends by a vote of 15 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

In lieu of the amendments to Senate Bill No. 2354 as found on pages 1997 and 1998 of the House Journal, Senate Bill No. 2354 is amended as follows:

On page 1 of the engrossed bill, line 2, after the comma insert the words "or in the alternative if House Bill No. 1729 does not become effective, to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code,"

On page 1 of the engrossed bill, line 6, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1729 becomes effective, section"

- On page 1 of the engrossed bill, line 11, delete the word "fifty-three" and insert in lieu thereof the word "fifty-six".
- On page 1 of the engrossed bill, line 12, delete the words "nine hundred" and insert in lieu thereof the word "fifty-six".
- On page 1 of the engrossed bill, line 13, delete the word "fifty-five" and insert in lieu thereof the word "fifty-seven".
- On page 1 of the engrossed bill, line 14, delete the word "five" and insert in lieu thereof the word "one", and delete the word "eighteen" and insert in lieu thereof the word "seventy-seven".
- On page 1 of the engrossed bill, after line 16 insert the following new section:

"SECTION 2. AMENDMENT. If House Bill No. 1729 does not become effective, section 27-02-02 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-02-02. Salaries of judges of supreme court. Each judge of the supreme court shall receive an annual salary commencing July 1, 1981 1983, of forty-nine thousand nine hundred fifty-six thousand fifty-six dollars and commencing on July 1, 1982, an annual salary of fifty-three thousand nine hundred dollars except that the chief justice of the supreme court shall receive an additional one thousand five hundred dollars per annum."

- On page 1 of the engrossed bill, line 17, delete the word "Section" and insert in lieu thereof the words "If House Bill No. 1729 becomes effective, section"
- On page 1 of the engrossed bill, line 22, delete the word "fifty" and insert in lieu thereof the word "fifty-two".
- On page 1 of the engrossed bill, line 23, after the word "hundred" insert the word "twenty-four".
- On page 1 of the engrossed bill, line 24, delete the word "fifty-two" and insert in lieu thereof the word "fifty-three", and delete the word "one" and insert in lieu thereof the word "six", and delete the word "eighteen" and insert in lieu thereof the word "seventy-six".

On page 2 of the engrossed bill, after line 3 insert the following new section:

"SECTION 4. AMENDMENT. If House Bill No. 1729 does not become effective, section 27-05-03 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

27-05-03. Salaries and expenses of district judges. Each district judge of this state shall receive an annual salary commencing July 1, ~~1981~~ 1983, of ~~forty-six thousand nine hundred fifty-two thousand six hundred twenty-four~~ dollars and commencing on ~~July 1, 1982, of fifty thousand six hundred dollars~~ and his actual travel expenses, which shall include mileage and subsistence while engaged in the discharge of his official duties outside the county in which his chambers are located. Such salary and expenses shall be payable monthly in the manner provided by law.

Each district judge who has been appointed by the supreme court to act as presiding judge of a judicial district shall receive an additional one thousand two hundred dollars per annum."

And renumber the lines, sections, and pages accordingly
REP. MERTENS, Chairman

Engrossed SB 2354 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