

JOURNAL OF THE HOUSE

Fifty-first Legislative Assembly

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Bismarck, March 1, 1989

The House convened at 12:30 p.m., with Speaker Kretschmar presiding.

The prayer was offered by Rev. Charlie Neill, First United Methodist Church, Bismarck.

The roll was called and all Representatives were present, except Representatives Lang, Nicholas, Peterson, and Tomac.

A quorum was declared by the Speaker.

CORRECTION and REVISION of the JOURNAL (Rep. V. Olson, Chairman)
MR. SPEAKER: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1186, line 18, after "DO" insert "NOT"

Page 1187, line 14, after "rereferred" insert "Engrossed"

Page 1189, line 44, insert "Engrossed" before "HB 1637"

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

CHAPLAINCY SCHEDULE
MARCH 1-3

DATE	CHURCH
1 Rev. Charlie Neill	First United Methodist, Bismarck
2 Rev. Dale Nabben	Peace Lutheran Church, Bismarck
3 Chaplain Alvin Hagerott	Medcenter One, Bismarck

POINT OF PERSONAL PRIVILEGE

REP. CLAYBURGH: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Thank you, Mr. Speaker and members of the Assembly.

This past Saturday, February 25, the Grand Forks Red River Roughrider hockey team capped off its successful season with a 2-1 victory over the Minot Magicians to capture the North Dakota State Class A Hockey Championship. The Roughriders, coached by Jay Johnson, finished the season out with an 18-5-1 record. This victory marks their third consecutive state high school championship and puts the Roughriders into the history books by being the first team since the Grand Forks Central Redskins to win more than two consecutive state titles. Congratulations to the Red River Roughriders.

Thank you, Mr. Speaker.

MOTION

REP. KLOUBEC MOVED that SB 2119, SB 2136, and SB 2251, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1034 as recommended by the Committee on Appropriations as printed on page 1118 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1034 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1034: A BILL for an Act to create and enact four new subsections to section 54-44.3-12 of the North Dakota Century Code, relating to duties of the director of the state's central personnel division; to provide for a uniform classification plan and legislative intent regarding certain adjustments; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 81 YEAS, 20 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Anderson, R.; Berg, G.; Berg, R.; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Gilmore; Goetz; Gorman; Graba; Halmarst; Hanson, L.; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kolbo; Larson, D.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Aas; Belter; Bernstein; Christman; Gunsch; Hanson, O.; Haugen; Howard; Kingsbury; Knell; Kouba; Larson, R.; Melby; Murphy; Schmidt; Shide; Smette; Thompson, K.; Tokach; Whalen

ABSENT AND NOT VOTING: Kloubec; Lang; Nicholas; Olson, A.; Tomac

HB 1034 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1002 as recommended by the Committee on Appropriations as printed on pages 1172-1182 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1002 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the superintendent of public instruction and the state board of vocational education of the state of North Dakota; to provide for a transfer of funds from the displaced homemaker fund and state school construction fund; to create and enact two new sections to chapter 15-21 of the North Dakota Century Code, relating to a revolving school district equipment and software fund and adult basic and secondary education; to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to proportionate state aid payments for elementary summer school programs; to provide two sections of legislative intent regarding special education and vocational education postsecondary grants; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervem; Smette; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Dorso; Gorman; Howard; Larson, D.; Melby; Murphy; Payne; Solberg; Sorensen; Soukup

ABSENT AND NOT VOTING: Lang; Tomac

HB 1002 passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Clark Williams

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1014 as recommended by the Committee on Appropriations as printed on pages 1182-1183 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1014 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the atmospheric resource board of the state of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 35 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aas; Anderson, B.; Anderson, R.; Berg, R.; Bernstein; Carlson; Clayburgh; Dalrymple; DeMers, J.; Enget; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Jensen; Kelly; Kingsbury; Kloubec; Knell; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Martin; Martinson; Mertens; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Peterson; Rydell; Schatz; Schindler; Schmidt; Schneider; Shaft; Shide; Smette; Solberg; Sorensen; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Speaker Kretschmar

NAYS: Aarsvold; Belter; Berg, G.; Brokaw; Christman; DeMers, P.; Dorso; Flaagan; Gerl; Gunsch; Hanson, L.; Hokana; Howard; Huether; Kaldor; Kolbo; Lang; Marks; Melby; Murphy; Nelson; Ness; Olson, A.; Olson, V.; O'Shea; Payne; Ring; Scherber; Shockman; Skjerven; Soukup; Starke; Thompson, K.; Wilkie; Williams, W.

ABSENT AND NOT VOTING: Tomac

HB 1014 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2003, SB 2005, SB 2505, SB 2523, SCR 4050.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1037 as recommended by the Committee on Appropriations as printed on pages 1183-1186 of the House Journal be adopted, and when so adopted, recommends the same DO PASS.

REQUEST

REP. DORSO REQUESTED that the question of the adoption of the amendments to HB 1037 be divided to have the sections voted on separately in the following manner:

DIVISION A		
North Dakota state university	Computer technology transfer center	\$ 5,375,000

In addition, the state board of higher education may obtain and utilize federal funds to expand the computer center project to an agriculture technology transfer center at North Dakota state university. There is hereby appropriated to the state board of higher education from any federal or other funds that become available the sum of \$5,375,000, or so much thereof as may be necessary, for the construction of such a facility at North Dakota state university for the biennium beginning July 1, 1989, and ending June 30, 1991.

DIVISION B		
University of North Dakota	Complete acquisition of united hospital - north unit	1,720,000
	Abbott hall addition	3,300,000

DIVISION C		
North Dakota state college of science	Agricultural mechanics technology facility	2,916,000

DIVISION D		
Minot state university	Library facility	7,728,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides for the allocation, beginning on July 1, 1991, of 10 percent of an equivalent one percent sales, use, and motor vehicle excise tax to a capital construction fund. In addition, this amendment adds a section providing that the Industrial Commission may issue loan notes to the Bank of North Dakota to fund the following projects at the institutions of higher education:

North Dakota State University	Computer technology transfer center	\$ 5,375,000
University of North Dakota	Complete acquisition of United Hospital - North Unit	1,720,000
	Abbott Hall addition	3,300,000
North Dakota State College of Science	Agricultural mechanics technology facility	2,916,000
Minot State University	Library facility	<u>7,728,000</u>
Total		\$21,039,000

This amendment also provides for an appropriation of \$5,375,000 from federal funds to the Board of Higher Education to expand the computer center project to an agriculture technology transfer center at North Dakota State University, adds a section establishing a capital construction fund, and adds a section transferring \$6,545,000 from the general fund to the capital construction fund to make lease payments during the 1989-91 biennium. In addition, a section is added appropriating the \$6,545,000 in the capital

construction fund to the Industrial Commission, acting as the State Building Authority, to provide the following lease payments during the 1989-91 biennium:

1986 Series A bonds (Grafton State School, State Penitentiary Phase II, and State Hospital renovation)	\$3,498,000
State Industrial School - kitchen/ dining facility	350,000
International Peace Garden renovation	139,000
Dickinson Experiment Station	<u>2,558,000</u>
Total lease payments 1989-91	\$6,545,000

In addition, this amendment provides legislative intent that up to \$4,400,000 from nongeneral fund sources will become available to assist in the retirement of loan notes issued for construction projects.

DIVISION E

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to the capital construction fund to be used for lease payments associated with capital improvement projects financed under chapter 54-17.2 and other capital improvement projects, subject to legislative appropriation; to establish a capital construction account; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition projects at institutions of higher education; to provide for a transfer from the general fund to the capital construction fund; to provide an appropriation; to provide legislative intent regarding the retirement of loan notes; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Allocation of sales, use, and motor vehicle excise tax revenues to capital construction fund. Notwithstanding any other provision of law, the state treasurer shall deposit in the capital construction fund a portion of sales, use, and motor vehicle excise tax collections equal to ten percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3. Revenue deposited in the capital construction fund may be used only for lease payments associated with capital improvement projects financed under chapter 54-17.2, and other capital improvement projects, subject to legislative appropriation.

SECTION 2. Capital construction account. The state treasurer shall establish a capital construction fund in the state treasury for the purpose of making lease payments associated with capital construction projects financed by the industrial commission acting as a state building authority.

SECTION 3. GENERAL FUND TRANSFER - APPROPRIATION. The state treasurer shall transfer an amount, not to exceed a total of \$6,545,000, which is hereby appropriated, for the biennium beginning July 1, 1989, and ending June 30, 1991, from the general fund to the capital construction fund. The state treasurer shall make the transfer

or transfers as provided in this section at such times as may be requested by the industrial commission acting as a state building authority.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the capital construction fund in the state treasury, not otherwise appropriated, the sum of \$6,545,000, or so much thereof as may be necessary, to the industrial commission, acting as a state building authority, for the purpose of making lease payments during the biennium beginning July 1, 1989, and ending June 30, 1991, on projects authorized by the industrial commission acting as the state building authority.

SECTION 5. PROJECT AUTHORIZATION - APPROPRIATION. The industrial commission, acting as the state building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of loan notes under North Dakota Century Code chapter 54-17.2, during the biennium beginning July 1, 1989, and ending June 30, 1991. The industrial commission may offer loan notes issued under this section for sale only to the Bank of North Dakota at a price that is as representative as possible of the current market interest rates for comparable loan notes purchased by the Bank of North Dakota. The proceeds of the loan notes and other available funds are hereby appropriated during the biennium beginning July 1, 1989, and ending June 30, 1991, for the following projects:

(See Divisions B, C, D, and E for schedule of proposed projects)

The industrial commission shall issue loan notes authorized under this section with the condition that lease rental payments need not begin until July 1, 1991. This authority of the industrial commission to issue loan notes ends on June 30, 1991, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that up to a total of \$4,400,000 from nongeneral fund sources will become available to assist in the retirement of the loan notes, issued for the project costs associated with construction of the projects authorized by this Act, in the following amounts:

North Dakota state university	Computer technology transfer center	\$1,343,000
North Dakota state college of science	Agricultural mechanics technology facility	300,000
University of North Dakota	Abbott hall addition	825,000
Minot state university	Library facility	<u>1,932,000</u>
Total		\$4,400,000

SECTION 7. EFFECTIVE DATE. Section 1 of this Act is effective for sales, use, and motor vehicle excise tax collections from taxable events occurring after June 30, 1991.

NAME OF AGENCY,
DEPARTMENT, OR
INSTITUTION

TYPE OF FACILITY

CONSTRUCTION/
ACQUISITION FUNDS

RULING BY THE SPEAKER

SPEAKER KRETSCHMAR RULED that House Rule 316 states that the Division of the Question must be supported by twelve or more Representatives, and that eleven or more Representatives joined in the request of Rep. Dorso to divide the amendments to HB 1037, therefore, the request was granted.

MOTION

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

REQUEST

REP. MERTENS REQUESTED a recorded roll call vote on the motion to adopt Divisions A, B, C, D, and E of the proposed amendments to HB 1037, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to HB 1037, the roll was called and there were 86 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Scherber; Schmidt; Schneider; Shaft; Shide; Shockman; Skjervén; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Enget; Gunsch; Howard; Kouba; Lang; Martin; Melby; Murphy; Myrdal; Nelson; Ness; Olson, A.; Schatz; Schindler; Solberg; Thompson, K.; Urlacher; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Tomac

Division A of the proposed amendments to HB 1037 passed.

ROLL CALL

The question then was on the motion to adopt Division B of the proposed amendments to HB 1037, the roll was called and there were 73 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, R.; Laughlin; Lindgren; Martinson; Mertens; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Payne; Peterson; Ring; Rydell; Scherber; Schneider; Shaft; Shide;

Shockman; Skjerven; Soukup; Stenehjelm; Stofferahn; Timm; Tollefson; Trautman; Ulmer; Vander Vorst; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Christman; Dorso; Enget; Gunsch; Howard; Knell; Kouba; Larson, D.; Marks; Martin; Melby; Murphy; Myrdal; Nelson; Ness; Olson, A.; O'Shea; Schatz; Schindler; Schmidt; Smette; Solberg; Sorensen; Starke; Thompson, K.; Thompson, V.; Tokach; Urlacher; Whalen; Wilkie

ABSENT AND NOT VOTING: Tomac

Division B of the proposed amendments to HB 1037 passed.

ROLL CALL

The question then was on the motion to adopt Division C of the proposed amendments to HB 1037, the roll was called and there were 66 YEAS, 39 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, R.; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, R.; Laughlin; Lindgren; Mertens; Nicholas; Nowatzki; Oban; Olson, V.; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shaft; Shockman; Skjerven; Soukup; Stenehjelm; Stofferahn; Timm; Tokach; Tollefson; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Christman; Dorso; Enget; Gilmore; Goetz; Gunsch; Haugen; Hausauer, A.; Hoffner; Howard; Knell; Kouba; Larson, D.; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Olsen, D.; Olson, A.; O'Shea; Schatz; Schmidt; Shide; Smette; Solberg; Sorensen; Starke; Thompson, K.; Thompson, V.; Urlacher; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Tomac

Division C of the proposed amendments to HB 1037 passed.

ROLL CALL

The question then was on the motion to adopt Division D of the proposed amendments to HB 1037, the roll was called and there were 72 YEAS, 33 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, R.; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Lang; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Mertens; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, V.; Payne; Peterson; Ring; Rydell; Scherber; Schindler; Schneider; Shaft; Shide; Shockman; Skjerven; Starke; Stenehjelm; Stofferahn; Timm; Tollefson; Trautman; Ulmer; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Dorso; Goetz; Gunsch; Haugen; Hausauer, A.; Hoffner; Howard; Knell; Kouba; Larson, D.; Martin; Melby; Murphy; Myrdal; Ness; Olson, A.; O'Shea; Schatz; Schmidt; Smette; Solberg; Sorensen; Soukup; Thompson, K.; Thompson, V.; Tokach; Urlacher; Vander Vorst; Wald; Whalen; Wilkie

ABSENT AND NOT VOTING: Tomac

Division D of the proposed amendments to HB 1037 passed.

ROLL CALL

The question then was on the motion to adopt Division E of the proposed amendments to HB 1037, the roll was called and there were 70 YEAS, 35 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, R.; Hokana; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Mertens; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, V.; Payne; Peterson; Ring; Scherber; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Wald; Watne; Wentz; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Berg, R.; Dorso; Enget; Gunsch; Haugen; Hausauer, A.; Hoffner; Howard; Knell; Kouba; Lang; Larson, D.; Marks; Martin; Martinson; Melby; Murphy; Myrdal; Ness; Oban; Olson, A.; O'Shea; Rydell; Schatz; Schindler; Schmidt; Solberg; Sorensen; Thompson, K.; Tokach; Urlacher; Vander Vorst; Whalen

ABSENT AND NOT VOTING: Tomac

Division E of the proposed amendments to HB 1037 passed.

ROLL CALL

The question then was on the adoption of the proposed amendments to HB 1037, including Divisions A, B, C, D, and E, with the title amended appropriately, and lines, sections, and pages renumbered accordingly.

The proposed amendments to HB 1037, including Divisions A, B, C, D, and E, were adopted on a voice vote.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1037 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to the capital construction fund to be used for lease payments associated with capital improvement projects financed under chapter 54-17.2 and other capital improvement projects, subject to legislative appropriation; to establish a capital construction account; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and acquisition projects at

institutions of higher education; to provide for a transfer from the general fund to the capital construction fund; to provide an appropriation; to provide legislative intent regarding the retirement of loan notes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 69 YEAS, 36 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Flaagan; Frey; Gates; Gerhardt; Gerl; Gertholz; Gilmore; Goetz; Gorman; Graba; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, R.; Hokana; Huether; Jensen; Kelly; Kingsbury; Kloubec; Kolbo; Larson, R.; Laughlin; Lindgren; Marks; Mertens; Nicholas; Nowatzki; Olsen, D.; Olson, V.; Payne; Peterson; Ring; Scherber; Schneider; Shaft; Shide; Shockman; Skjervem; Soukup; Starke; Stenehjem; Stofferahn; Thompson, V.; Timm; Tollefson; Trautman; Ulmer; Wald; Watne; Wentz; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Belter; Dorso; Enget; Gunsch; Haugen; Hausauer, A.; Hoffner; Howard; Knell; Kouba; Lang; Larson, D.; Martin; Martinson; Melby; Murphy; Myrdal; Nelson; Ness; Oban; Olson, A.; O'Shea; Rydell; Schatz; Schindler; Schmidt; Smette; Solberg; Sorensen; Thompson, K.; Tokach; Urlacher; Vander Vorst; Whalen; Wilkie

ABSENT AND NOT VOTING: Tomac

HB 1037 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to HB 1606 as recommended by the Committee on Appropriations as printed on pages 1186-1187 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that HB 1606 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1606: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to the profits of the Bank of North Dakota; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 62 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Berg, G.; Berg, R.; Brokaw; Frey; Gates; Gerhardt; Gerl; Graba; Halmrast; Hanson, L.; Hausauer, R.; Hoffner; Hokana; Jensen; Kelly; Kolbo; Laughlin; Marks; Mertens; Nelson; Ness; Nicholas; Nowatzki; O'Shea; Peterson; Ring; Scherber; Schindler;

Schneider; Shockman; Sorensen; Starke; Stenehjem; Stofferahn; Thompson, V.; Tollefson; Watne; Wentz; Williams, A.; Williams, W.

NAYS: Anderson, R.; Belter; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Hanson, O.; Haugen; Haugland; Hausauer, A.; Howard; Huether; Kaldor; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Martin; Martinson; Melby; Murphy; Myrdal; Oban; Olsen, D.; Olson, A.; Olson, V.; Payne; Rydell; Schatz; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Soukup; Thompson, K.; Timm; Tokach; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Whalen; Wilkie; Speaker Kretschmar

ABSENT AND NOT VOTING: Tomac

HB 1606 lost.

MOTION

REP. PETERSON MOVED that HB 1507, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Peterson's motion, HB 1507 was rereferred.

SIXTH ORDER OF BUSINESS

REP. PETERSON MOVED that the amendments to Engrossed HB 1637 as recommended by the Committee on Appropriations as printed on pages 1187-1189 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. R. ANDERSON MOVED that the rules be suspended and that Engrossed HB 1637 be deemed properly reengrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1637: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to bonus payments to high schools for cooperative education programs; to amend and reenact subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid weighting factors and the per-pupil payment, the school district equalization factor, and transportation aid to schools; and to provide for transition.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 10 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin;

Martinson; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shockman; Skjerven; Smette; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Anderson, R.; Enget; Huether; Laughlin; Melby; Murphy; Olsen, D.; Olson, A.; Shide; Solberg

ABSENT AND NOT VOTING: Payne; Tomac; Wald

HB 1637 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

REP. HAUGLAND MOVED that the amendments to HCR 3073 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1189-1190 of the House Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that HCR 3073 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3073: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a prescription drug reporting center.

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

HCR 3073 was declared adopted on a voice vote.

MOTIONS

REP. A. HAUSAUER MOVED that SB 2344 be returned to the House floor from the Committee on Finance and Taxation and be rereferred to the Committee on Education, which motion prevailed. Pursuant to Rep. A. Hausauer's motion, SB 2344 was rereferred.

REP. GATES MOVED that SB 2354 be returned to the House floor from the Committee on Education and be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Rep. Gates' motion, SB 2354 was rereferred.

REP. R. ANDERSON MOVED that HB 1626 be placed immediately after HB 1374 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1044: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to state transportation aid payments to school districts.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 17 YEAS, 86 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berg, R.; Hausauer, A.; Hoffner; Lang; Larson, D.; Larson, R.; Lindgren; Martinson; Ness; Oban; Rydell; Scherber; Schindler; Sorensen; Tokach; Ulmer; Vander Vorst

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Laughlin; Marks; Martin; Melby; Mertens; Murphy; Myrdal; Nelson; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Schatz; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Urlacher; Wald; Watne; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Brokaw; Tomac; Wentz

HB 1044 lost.

HB 1218: A BILL for an Act to amend and reenact section 15-34.2-03, subsections 2 and 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, 15-40.1-16, 15-40.1-17, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the educational support per pupil and transportation payments for the 1989-91 biennium; and to repeal section 15-40.1-16.1 of the North Dakota Century Code, relating to transportation aid for certain vocational education and special education programs.

ROLL CALL

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

YEAS: Carlson; Hoffner; Oban; Ulmer

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

ABSENT AND NOT VOTING: Tomac

HB 1218 lost.

MOTION

REP. GATES MOVED that the House waive the reading of the title to HB 1246, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to create and enact three new sections to chapter 15-40.1 and a new section to chapter 15-41 of the North Dakota Century Code, relating to incentive payments to nonaccredited schools and to school districts for employing teachers with master's degrees or the equivalent, transportation aid payments to school districts for teacher travel, and the number of credits required for graduation; to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-09, 15-40.1-16.1, 15-40.1-17, and subsection 1 of section 15-40.2-03 of the North Dakota Century Code, relating to the school district equalization factor, the educational support per pupil, the weighting factors for per-pupil payments to school districts and state transportation aid payments to school districts for pupil and teacher travel; and to provide for an appropriation to the superintendent of public instruction for the purpose of making grants to school districts to provide programs for gifted students.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 36 YEAS, 66 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Brokaw; Carlson; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gerhardt; Gilmore; Graba; Halmrast; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Kaldor; Kelly; Larson, D.; Larson, R.; Laughlin; Lindgren; Martinson; Myrdal; Oban; Ring; Scherber; Schneider; Shockman; Stofferahn; Thompson, V.; Ulmer; Wilkie; Williams, A.

NAYS: Aas; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Christman; Clayburgh; Dalrymple; Dorso; Gates; Gerntholz; Goetz; Gorman; Gunsch; Hanson, L.; Hanson, O.; Haugen; Haugland; Howard; Jensen; Kingsbury; Kloubec; Knell; Kolbo; Kouba; Lang; Marks; Martin; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Olsen, D.; Olson, A.; Olson, V.; O'Shea; Payne; Schatz; Schindler; Schmidt; Shaft; Shide; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Thompson, K.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Peterson; Rydell; Tomac

HB 1246 lost.

MOTIONS

REP. KINGSBURY MOVED that HB 1374, HB 1518, HB 1547, HB 1548, HB 1555, HB 1568, HB 1594, HB 1620, HB 1633, and HB 1646 be placed on the consent calendar, which motion prevailed.

REP. DORSO MOVED that HB 1374 and HB 1555 be removed from the consent the calendar, which motion prevailed.

REP. KOLBO MOVED that HB 1547 be removed from the consent calendar, which motion prevailed.

REP. FREY MOVED that HB 1518, HB 1548, HB 1568, HB 1594, HB 1620, HB 1633, and HB 1646 be removed from the consent calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1374: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for the construction of a computer center at North Dakota state university; to authorize the state board of higher education to obtain federal funds for the construction of a computer center at North Dakota state university; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 31 YEAS, 70 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Gilmore; Goetz; Gorman; Haugen; Hausauer, A.; Huether; Kelly; Kloubec; Kolbo; Larson, R.; Lindgren; Martin; Myrdal; Nicholas; Oban; Payne; Rydell; Scherber; Schindler; Schmidt; Schneider; Sorensen; Soukup; Tokach; Wald

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kingsbury; Knell; Kouba; Lang; Larson, D.; Laughlin; Marks; Martinson; Melby; Mertens; Nelson; Ness; Nowatzki; Olson, A.; Olson, V.; O'Shea; Ring; Schatz; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tollefson; Trautman; Urlacher; Vander Vorst; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Murphy; Olsen, D.; Peterson; Tomac; Ulmer

HB 1374 lost.

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

REQUEST

REP. GRABA REQUESTED that the question on the final passage of Engrossed HB 1626 be divided to have the sections voted on separately, in the following manner, which request was granted as per House Rule 316, which states that the Division of the Question must be supported by twelve members.

DIVISION A

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much thereof as may be necessary, to the

commissioner of agriculture for the purpose of eradicating and controlling noxious weeds for the biennium beginning July 1, 1989, and ending June 30, 1991.

DIVISION B

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 63-01.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

County weed board - Additional mill levy authority. In addition to the mill levy authority provided in sections 63-01.1-06 and 63-01.1-06.3, the county weed board may, with the approval of a majority of the board of county commissioners, certify annually to the board of county commissioners a tax of one mill on the taxable valuation of all taxable property in the county to carry out the provisions of this chapter. The tax may be levied in excess of the mill levy limit prescribed by law for general purposes.

ROLL CALL

The question being on the motion to adopt Division A of Engrossed HB 1626, the roll was called and there were 56 YEAS, 47 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Christman; Clayburgh; Dalrymple; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Howard; Jensen; Kingsbury; Knell; Kolbo; Lang; Martin; Melby; Mertens; Murphy; Myrdal; Nicholas; Nowatzki; Olson, A.; Peterson; Schatz; Schindler; Schmidt; Shaft; Shide; Skjervren; Smette; Starke; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Speaker Kretschmar

NAYS: Berg, R.; Bernstein; Brokaw; Carlson; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerl; Graba; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kouba; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martinson; Nelson; Ness; Oban; Olson, V.; O'Shea; Payne; Ring; Rydell; Scherber; Schneider; Shockman; Solberg; Sorensen; Soukup; Stenehjem; Stofferahn; Ulmer; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Kloubec; Olsen, D.; Tomac

The motion to adopt Division A of Engrossed HB 1626 passed.

ROLL CALL

The question then was on the motion to adopt Division B of Engrossed HB 1626, the roll was called and there were 98 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Bernstein; Brokaw; Carlson; Christman; Clayburgh; Dalrymple; DeMers, J.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerl; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kelly; Kingsbury; Knell; Kolbo; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks;

Martin; Martinson; Melby; Mertens; Myrdal; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

NAYS: Berg, R.; DeMers, P.; Dorso; Murphy; Wilkie

ABSENT AND NOT VOTING: Kloubec; Olsen, D.; Tomac

The motion to adopt Division B of Engrossed HB 1626 passed.

MOTION

REP. KLOUBEC MOVED that the rules be suspended and that Engrossed HB 1626 be deemed properly reengrossed and be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

ROLL CALL

The question then was on the final passage of Reengrossed HB 1626, including Divisions A and B, with title amended appropriately and lines, sections, and pages renumbered accordingly, which has been read, the roll was called and there were 71 YEAS, 32 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Brokaw; Christman; Clayburgh; Dalrymple; Enget; Flaagan; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Gunsch; Halmrast; Hanson, O.; Haugen; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Jensen; Kaldor; Kingsbury; Knell; Kolbo; Kouba; Lang; Laughlin; Martin; Melby; Mertens; Myrdal; Nicholas; Nowatzki; Olson, A.; Olson, V.; Peterson; Rydell; Schatz; Schindler; Schmidt; Shaft; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Starke; Stenehjelm; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Speaker Kretschmar

NAYS: Berg, R.; Bernstein; Carlson; DeMers, J.; DeMers, P.; Dorso; Frey; Gates; Gerl; Graba; Hanson, L.; Hausauer, A.; Kelly; Larson, D.; Larson, R.; Lindgren; Marks; Martinson; Murphy; Nelson; Ness; Oban; O'Shea; Payne; Ring; Scherber; Schneider; Soukup; Ulmer; Wilkie; Williams, A.; Williams, W.

ABSENT AND NOT VOTING: Kloubec; Olsen, D.; Tomac

Reengrossed HB 1626, including Divisions A and B, passed and the title was agreed to.

SECOND READING OF HOUSE BILLS

HB 1518: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to bonus payments to school districts for cooperative education programs.

ROLL CALL

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

YEAS: None

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

ABSENT AND NOT VOTING: Olsen, D.; Tomac

HB 1518 lost.

HB 1547: A BILL for an Act to provide an appropriation for the construction of a library at Minot state university.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 10 YEAS, 93 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Carlson; Clayburgh; Huether; Kolbo; Laughlin; Myrdal; Oban; Ring; Shaft; Timm

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Dorso; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Howard; Jensen; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Larson, R.; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Olson, A.; Olson, V.; O'Shea; Payne; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Olsen, D.; Tomac

HB 1547 lost.

HB 1548: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness for the construction of a library at Minot state university; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 2 YEAS, 100 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Kolbo; Ring

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

ABSENT AND NOT VOTING: Gerl; Kouba; Olsen, D.; Tomac

HB 1548 lost.

HB 1555: A BILL for an Act to authorize the state board of higher education to obtain and utilize federal funds to expand the computer center project at North Dakota state university to an agriculture technology transfer center; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 25 YEAS, 77 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Clayburgh; Dalrymple; Dorso; Gorman; Hanson, O.; Haugen; Hausauer, A.; Jensen; Kolbo; Larson, R.; Lindgren; Myrda; Oban; Payne; Schneider; Shaft; Sorensen; Soukup; Starke; Thompson, K.; Thompson, V.; Wilkie

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Berg, G.; Brokaw; Carlson; Christman; DeMers, J.; DeMers, P.; Enget; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Graba; Gunsch; Halmrast; Hanson, L.; Haugland; Hausauer, R.; Hoffner; Hokana; Howard; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Knell; Kouba; Lang; Larson, D.; Laughlin; Marks; Martin; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Olson, A.; Olson, V.; O'Shea; Peterson; Ring; Rydell; Schatz; Scherber; Schindler; Schmidt; Shide; Shockman; Skjerven; Smette; Solberg; Stenehjem; Stofferahn; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Flaagan; Gerl; Olsen, D.; Tomac

HB 1555 lost.

MOTIONS

REP. KINGSBURY MOVED that HB 1568, HB 1594, HB 1620, HB 1633, and HB 1646 be placed on the consent calendar, which motion prevailed.

REP. CLAYBURGH MOVED that HB 1568 be removed from the consent calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1594: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for the construction of an addition to Abbott hall and the acquisition of united hospital - north unit at the university of North Dakota.

HB 1620: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for the construction of an agricultural mechanics technology facility at North Dakota state college of science.

HB 1633: A BILL for an Act providing an appropriation for defraying the expenses of the construction of an agricultural mechanics technology facility at North Dakota state college of science.

HB 1646: A BILL for an Act to provide for allocation of a portion of sales, use, and motor vehicle excise tax collections to the capital construction fund to be used in connection with capital improvement projects, to require the budget section of the legislative council to prepare a priority listing of capital construction projects prior to each legislative assembly, to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness to make funds available for construction of facilities and buildings at state institutions, and to authorize the board of higher education to obtain federal funds; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bills, which have been read, the roll was called and there were 1 YEA, 101 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Myrdal

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

ABSENT AND NOT VOTING: Gerl; Kneil; Olsen, D.; Tomac

So the bills lost.

SECOND READING OF HOUSE BILL

HB 1568: A BILL for an Act providing an appropriation for defraying the expenses of an addition to Abbott hall and the acquisition of united hospital - north unit at the university of North Dakota.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 10 YEAS, 92 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Carlson; Clayburgh; Dorso; Howard; Jensen; Kolbo; Myrdal; Payne; Ring; Shaft

NAYS: Aarsvold; Aas; Anderson, B.; Anderson, R.; Belter; Berg, G.; Berg, R.; Bernstein; Brokaw; Christman; Dalrymple; DeMers, J.; DeMers, P.; Enget; Flaagan; Frey; Gates; Gerhardt; Gerntholz; Gilmore; Goetz; Gorman; Graba; Gunsch; Halmrast; Hanson, L.; Hanson, O.; Haugen; Haugland; Hausauer, A.; Hausauer, R.; Hoffner; Hokana; Huether; Kaldor; Kelly; Kingsbury; Kloubec; Kouba; Lang; Larson, D.; Larson, R.; Laughlin; Lindgren; Marks; Martin; Martinson; Melby; Mertens; Murphy; Nelson; Ness; Nicholas; Nowatzki; Oban; Olson, A.; Olson, V.; O'Shea; Peterson; Rydell; Schatz; Scherber; Schindler; Schmidt; Schneider; Shide; Shockman; Skjerven; Smette; Solberg; Sorensen; Soukup; Starke; Stenehjem; Stofferahn; Thompson, K.; Thompson, V.; Timm; Tokach; Tollefson; Trautman; Ulmer; Urlacher; Vander Vorst; Wald; Watne; Wentz; Whalen; Wilkie; Williams, A.; Williams, W.; Speaker Kretschmar

ABSENT AND NOT VOTING: Gerl; Knell; Olsen, D.; Tomac

HB 1568 lost.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1006, HB 1008, HB 1010, HB 1023, HB 1024, HB 1032, HB 1033, HB 1040, HB 1063, HB 1077, HB 1200, HB 1337, HB 1401, HB 1415, HB 1421, HB 1472, HB 1578, HB 1604, HB 1618, HCR 3060, HCR 3061, HCR 3064, HCR 3065, HCR 3066, HCR 3067, HCR 3068, HCR 3070, HCR 3072, HCR 3074, HCR 3075, HCR 3078, HCR 3079.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1001, HB 1004, HB 1007, HB 1011, HB 1012, HB 1013, HB 1022, HB 1586.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2032, SB 2195, SB 2394.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2211.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2041, SB 2065, SB 2088,
SB 2104, SB 2181, SB 2184, SB 2258, SB 2325.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2069, SB 2115, SB 2186,
SB 2196, SB 2197, SB 2202, SB 2217, SB 2221, SB 2225.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2066.

HOUSE ENGROSSING REPORT

The following bills were reengrossed: HB 1034, HB 1637.

HOUSE ENGROSSING REPORT

The following bills and resolution were engrossed: HB 1014, HB 1002,
HB 1037, HCR 3073.

MOTIONS

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

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the House stand adjourned until 1:00 p.m., Thursday, March 2, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2056 has had the same under consideration and recommends by a vote of 13 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2056 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2164 has had the same under consideration and recommends by a vote of 16 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2164 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2183 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2183 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Natural Resources (Rep. A. Olson, Chairman) to which was referred Engrossed SB 2226 has had the same under consideration and recommends by a vote of 13 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 1, remove "The sale and leasing of these lands must be done in accordance with"

Page 2, remove lines 2 through 4

Renumber accordingly

Engrossed SB 2226 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2340 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2340 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Judiciary (Rep. Wentz, Chairman) to which was referred SB 2515 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2515 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. SPEAKER: Your Committee on Human Services and Veterans Affairs (Rep. Haugland, Chairman) to which was referred Engrossed SCR 4018 has had the same under consideration and recommends by a vote of 15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 18, after "care" insert ", including mental health and educational services,"

Renumber accordingly

Engrossed SCR 4018 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the state board of higher education and the various institutions of higher learning under the supervision of the state board of higher education; to provide authority to issue evidences of indebtedness; to provide an exemption to the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide for appropriation reductions; and to provide legislative intent regarding student financial assistance grants, construction of Minot state university library, higher education planning, board of higher education staff support, membership in the university center for atmospheric research, and the plant improvement contingency fund.

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

SB 2005: A BILL for an Act making an appropriation for defraying the expenses of the cooperative extension division and the research stations of North Dakota state university of agriculture and applied science; to provide a statement of legislative intent; to provide for a transfer from the lignite research fund; to provide a contingent appropriation; to provide for appropriation reductions; to provide for the investment of the agronomy seed farm reserve income fund; and to amend and reenact sections 4-05-01, 4-05-02, 4-05-03, 4-05-03.1, 4-05-03.3, 4-05-04, 4-05-05, 4-05-06, 4-05-08.1, 4-05-08.4, 4-05-08.6, 4-05-09.1, 4-05-10, 4-05-11, 4-28-03, 4-35-02, subsection 2 of section 15-10-01, sections 15-12-05, 15-12-08, 15-12-10, 15-12-17,

subdivision c of subsection 16 of section 19-18-02, subdivision c of subsection 6 of section 19-20.1-02, sections 23-20-04, 48-02-02, 61-24-20, 61-24-21, subsection 1 of section 63-01.1-05.1, subsection 2 of section 63-01.1-06, and subsection 3 of section 63-01.1-06.5 of the North Dakota Century Code, relating to the names of the experiment stations.

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

SB 2505: A BILL for an Act to provide for rights of organization and representation of public employees, collective bargaining negotiations between public employers and public employees, establishment of a public employment relations board, and public employment relations; and to provide an effective date.

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

SB 2523: A BILL for an Act to appropriate revenue from operation of the aerospace science training facility at the university of North Dakota to repay a loan from the Bank of North Dakota taken to construct the facility; and to declare an emergency.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4050: A concurrent resolution directing the Legislative Council to study methods for funding law enforcement training facilities and programs.

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

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

ROY GILBREATH, Chief Clerk