

JOURNAL OF THE HOUSE

Fifty-second Legislative Assembly

* * * * *

Bismarck, April 3, 1991

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

The prayer was offered by the Rev. Roger Russell, McCabe United Methodist Church, Bismarck

The roll was called and all members were present.

A quorum was declared by the Speaker.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2231: Reps. Brown; Schindler; Nelson

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1021, HB 1022, and HB 1117, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1021: Reps. Dalrymple; Rydell; Wilkie

HB 1022: Reps. Berg, R.; Dorso; Starke

HB 1117: Reps. Grosz; Freier; Nichols

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

MR. PRESIDENT: The House has failed to pass: SB 2366.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2541.

MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

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

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

HB 1433: Sens. Schoenwald; O'Connell; Tennefos

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2113, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2113: Sens. Heinrich; Kelsh; Lips

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1009, HB 1017, HB 1060, HB 1072, HB 1083, HB 1095, HB 1098, HB 1110, HB 1112, HB 1177, HB 1193, HB 1194, HB 1215, HB 1219, HB 1242, HB 1247, HB 1255, HB 1256, HB 1292, HB 1296, HB 1310, HB 1317, HB 1321, HB 1329, HB 1338, HB 1375, HB 1380, HB 1414, HB 1420, HB 1431.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills and resolutions were engrossed and enrolled: HB 1461, HB 1475, HB 1477, HB 1488, HB 1526, HB 1538, HB 1561, HB 1595, HB 1604, HB 1606, HB 1613, HCR 3032, HCR 3035, HCR 3039, HCR 3042, HCR 3043.

HOUSE ENROLLING REPORT

The following bills and resolution were enrolled: HB 1008, HB 1471, HCR 3067.

HOUSE ENROLLING REPORT

The following resolution was enrolled: HCR 3071.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1051.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1053, HB 1073, and HB 1132 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1261 and HB 1596 and subsequently passed the same.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1002 as printed on HJ pages 1587-1593 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1002: Reps. Wentz, Gerntholz, Laughlin.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1018 as printed on HJ pages 1593-1594 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1018: Reps. Dalrymple, R. Berg, Wilkie.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Engrossed HB 1019 as printed on HJ pages 1594-1597 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1019: Reps. Wald, Payne, Brokaw.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1532.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2021, SB 2032, SB 2168, SB 2284, SB 2332, SB 2353, SB 2403, SB 2457, SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579, SCR 4001, SCR 4003, SCR 4033, SCR 4036, SCR 4048, SCR 4061, SCR 4072.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2324.

MOTION

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

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1002, HB 1018, and HB 1019, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1002: Reps. Wentz; Gerntholz; Laughlin
HB 1018: Reps. Dalrymple; Berg, R.; Wilkie
HB 1019: Reps. Wald; Payne; Brokaw

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a new Conference Committee on SB 2039: Reps. Timm, Carlisle, Huether.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1001, HB 1003, HB 1015, HB 1116, HB 1139, HB 1260, HB 1291, HB 1578, HB 1599.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2012, SB 2024, SB 2033, SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181, SB 2203, SB 2204, SB 2210, SB 2275, SB 2281, SB 2327, SB 2329, SB 2340, SB 2351, SB 2352, SB 2354, SB 2372, SB 2389, SB 2397, SB 2431, SB 2447, SB 2588, SB 2589, SB 2590, SB 2593, SCR 4057, SCR 4067.

SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, SB 2193, SB 2212, SB 2213, SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, SB 2266, SB 2270, SB 2274, SB 2279, SB 2333, SB 2378, SB 2416, SB 2472, SB 2492, SB 2493, SB 2494, SB 2498, SB 2506, SB 2508, SB 2526, SB 2520, SB 2530, SB 2539, SB 2556, SB 2559, SCR 4011.

MOTIONS

REP. KLOUBEC MOVED that SB 2058 and SB 2018, which are on the Sixth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Rep. Kloubec's motion, SB 2058 and SB 2018 were rereferred.

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

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

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

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

Page 1606, line 4, delete "imformation" and replace it with "information"

Page 1606, line 7, delete "Center" and replace it with "Centers"

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1001, HB 1003, HB 1015, HB 1116, HB 1139, HB 1260, HB 1291, HB 1578, HB 1599.

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

MR. PRESIDENT: The Speaker has signed: SB 2012, SB 2024, SB 2033, SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181, SB 2203, SB 2204, SB 2210, SB 2275, SB 2281, SB 2327, SB 2329, SB 2340, SB 2351, SB 2352, SB 2354, SB 2372, SB 2389, SB 2397, SB 2431, SB 2447, SB 2588, SB 2589, SB 2590, SB 2593, SCR 4057, SCR 4067.

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

MR. PRESIDENT: The Speaker has signed: SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, SB 2193, SB 2212, SB 2213, SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, SB 2266, SB 2270, SB 2274, SB 2279, SB 2333, SB 2378, SB 2416, SB 2472, SB 2492, SB 2493, SB 2494, SB 2498, SB 2506, SB 2508, SB 2526, SB 2520, SB 2530, SB 2539, SB 2556, SB 2559, SCR 4011.

VETO CERTIFICATION

The following bills were delivered to the Legislative Council for veto certification: HB 1365, HB 1091, HB 1371, HB 1447.

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

MR. PRESIDENT: The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2039: Reps. Timm; Carlisle; Huether

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2023, SB 2067, SB 2083, SB 2115, SB 2118, SB 2151, and SB 2211 and subsequently passed the same.

MOTION

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

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

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2249, SB 2422, SB 2425, and SB 2542 and subsequently passed the same.

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

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

HB 1002: Sens. Kelly; Satrom; Ingstad
 HB 1018: Sens. Kelly; Mushik; Thane
 HB 1019: Sens. Robinson; Yockim; Lips
 HB 1117: Sens. Dotzenrod; Tomac; Vosper

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2016 and SB 2572, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2016: Sens. Yockim; Satrom; Ingstad
 SB 2572: Sens. Heinrich; Kelsh; Lips

MOTIONS

REP. TIMM MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to HB 1117, and that the Conference Committee on HB 1117 be discharged, which motion prevailed.

SPEAKER R. ANDERSON ANNOUNCED that the Conference Committee on HB 1117 was discharged.

REP. TIMM MOVED that the House do concur in the Senate amendments to HB 1117, which motion prevailed.

HB 1117, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1117: A BILL for an Act to amend and reenact subsection 4 of section 57-43.1-01, sections 57-43.1-03 and 57-43.1-06, subsection 3 of section 57-43.1-14, subsection 2 of section 57-43.1-17, section 57-43.1-27, subsection 6 of section 57-43.2-01, sections 57-43.2-03, 57-43.2-05, and 57-43.2-07, subsection 2 of section 57-43.2-14, and section 57-43.2-25 of the North Dakota Century Code, relating to the definition of importer for use, the refund of special fuel or motor fuel tax, motor fuel dealer's bond, the collection of motor fuel tax, the sale of motor vehicle fuel to retail outlets, and the special fuel wholesaler's or dealer's license and bond; 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 98 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Carlson; Flaagan; Jacobson; Laughlin; Linderman; Ring

ABSENT AND NOT VOTING: DeMers; Hanson

Engrossed HB 1117 passed and the title was agreed to.

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

MR. SPEAKER: The President has appointed Senator Holmberg and Senator E. Hanson to replace Senator Graba and Senator Holmberg on the conference committee for SB 2023.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2025, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2025: Sens Kelsh; Langley; Vosper

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

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

SB 2039: Sens. Krauter; Tomac; Traynor

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2346 and subsequently passed the same.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2017: Reps. Wald, Myrdal, G. Berg.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2025: Reps. Rennerfeldt, Bateman, B. Anderson.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2020: Reps. Rydell, R. Berg, Starke.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do concur in the Senate amendments to HB 1028 as printed on HJ pages 1562-1563, which motion prevailed.

HB 1028, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to create and enact two new sections to chapter 26.1-22 of the North Dakota Century Code, relating to insuring state-owned property through the state fire and tornado fund; to amend and reenact section 26.1-22-01 of the North Dakota Century Code, relating to definitions; and to provide an appropriation.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Hanson; Meyer

HB 1028 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1266 as printed on HJ page 1468, which motion prevailed.

Engrossed HB 1266, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1266: A BILL for an Act to allow governmental units to enter energy efficiency performance-based contracts to provide guaranteed energy savings in buildings owned by governmental units.

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, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Brown; Enget; Erickson; Grosz; Linderman; Mahoney; Nichols; Schimke; Thorpe

ABSENT AND NOT VOTING: Byerly; Hanson; Meyer

Engrossed HB 1266 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do concur in the Senate amendments to HB 1325 as printed on HJ page 1563, which motion prevailed.

HB 1325, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to the rate of sales taxes on sales of natural gas; to amend and reenact subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to imposition of sales taxes; 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, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hausauer; Henegar; Hokana; Howard; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Williams; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bodine; Brokaw; Coats; Enget; Erickson; Flaagan; Huether; Jacobson; Kaldor; Kerzman; Laughlin; Linderman; Mahoney; Meyer; Nelson; Nichols; Skar; Snyder; Starke; Stofferahn; Wentz; Wilkie

ABSENT AND NOT VOTING: Hanson

HB 1325 passed and the title was agreed to.

MOTION

REP. KLOUBEC MOVED that HB 1517, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1552 as printed on HJ page 1563, which motion prevailed.

Engrossed HB 1552, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1552: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner; and to amend and reenact subdivision c of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to the powers and duties of the game and fish commissioner; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Berg, G.; Byerly; Carlisle; Carlson; Clayburgh; DeMers; Henegar; Howard; Jensen; Kroeber; Mutzenberger; Ring; Skjervan; Trautman; Wentz

ABSENT AND NOT VOTING: Hanson; Hausauer

Engrossed HB 1552 passed and the title was agreed to.

MOTIONS

REP. KLOUBEC MOVED that the House reconsider its action whereby the Divided Committee Reports on Reengrossed SB 2001 were accepted and were placed on the Sixth order of business on the calendar, which motion prevailed.

REP. KLOUBEC MOVED that the House be on the Fifth order of the business on the calendar, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2001, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) A MAJORITY of your committee (Reps. Thompson, Hausauer, Dalrymple, Gerntholz, Wald, R. Berg, Howard, Jensen, Myrdal, Payne, Rydell, Schmidt, Wentz) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 2, after "officials" insert "and the state firemen's association" and replace the comma with "and"

Page 1, line 3, after the first comma insert "subsection 2 of section 27-20-49, sections"

Page 1, line 4, remove "and" and after "57-01-04" insert ", and 57-39.2-26.1"

Page 1, line 8, after "commissioner" insert ", prosecution witness fees paid by the attorney general, and to the state aid distribution fund" and remove the second "and"

Page 1, line 9, after "intent" insert "; to provide an appropriation; and to declare an emergency"

Page 1, line 15, after "officials" insert "and the state firemen's association"

Page 1, line 16, after "officials" insert "and the state firemen's association"

Page 1, line 21, replace "1,184,856" with "1,111,580"

Page 2, line 1, replace "291,821" with "290,000"

Page 2, line 7, replace "25,000" with "10,000"

Page 2, line 8, replace "15,000" with "10,000"

Page 2, after line 8, insert:

"Status of women

20,000"

Page 2, line 10, replace "1,596,603" with "1,521,506"

Page 3, line 3, replace "2,008,662" with "2,084,412"

Page 3, line 7, replace "4,585,000" with "4,530,000"

Page 3, line 11, replace "17,875,681" with "17,896,431"

Page 3, line 12, replace "9,584,107" with "9,406,407"

Page 3, line 13, replace "8,291,574" with "8,490,024"

Page 3, line 21, replace "2,038,795" with "1,919,733"

Page 3, line 22, replace "3,151,156" with "3,270,218"

Page 4, line 17, replace "485,639" with "484,039"

Page 4, line 21, replace "583,158" with "581,558"

Page 4, line 23, replace "540,158" with "538,558"

Page 5, line 6, replace "2,343,112" with "2,280,561"

Page 5, line 7, replace "101,224" with "99,424"

Page 5, line 8, replace "1,496,224" with "1,368,722"

Page 5, after line 9, insert:

"Ag in the classroom
Waterbank program

25,000
50,000"

Page 5, line 13, replace "6,474,496" with "6,357,643"

Page 5, line 15, replace "3,730,768" with "3,613.915"

Page 5, after line 22, insert:

"Subdivision 12.

STATE FIREMEN'S ASSOCIATION

Grants, benefits, and claims	\$55,000
Total appropriation from the state fire and tornado fund	\$55,000"

Page 5, line 23, replace "38,906,529" with "39,305,491"

Page 5, line 24, replace "22,767,015" with "22,545,253"

Page 5, line 25, replace "61,673,544" with "61,850,744"

Page 6, line 3, replace "\$679,393" with "\$624,393"

Page 6, line 6, remove "and the state firemen's association grants of \$55,000"

Page 8, line 10, replace "\$1,470,906" with "\$1,351,844"

Page 8, after line 25, insert:

"SECTION 16. AMENDMENT. Subsection 2 of section 27-20-49 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- The supreme court shall pay reasonable compensation for services and related expenses of counsel appointed by the court for a party and reasonable compensation for a guardian ad litem. The attorney general shall pay the ~~expense of service of summons, notices, subpoenas,~~ travel expense of witnesses, ~~and other like expenses~~ incurred in the proceedings under this chapter. Expenses of the state include the cost of any necessary transportation for medical and other examinations and treatment of a child ordered by the court if the child is in the legal custody of a state agency in which case the cost must be borne by that state agency at the state mileage rate excluding meals and lodging."

Page 9, line 7, remove the overstrike over "~~forty-nine~~" and remove "fifty-one"

Page 9, line 8, replace "two" with "nine", remove "seventy-two", and after "dollars" insert "through June 30, 1992, and fifty-one thousand two hundred seventy-two dollars thereafter"

Page 10, after line 22, insert:

"SECTION 26. AMENDMENT. Section 57-39.2-26.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to sixty 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 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

- Fifty percent of the revenues must be allocated in the ~~last~~ first month ~~of~~ subsequent to each quarterly period for state

revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.

2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01."

Page 11, after line 12, insert:

"SECTION 30. APPROPRIATION. There is hereby appropriated out of any moneys in the petroleum tank release compensation fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, for the purpose of administering the fund for the period beginning with the effective date of this Act and ending June 30, 1991.

SECTION 31. ATTORNEY GENERAL - CONTINGENT APPROPRIATION. If House Bill No. 1515 or House Bill No. 1579 of the fifty-second legislative assembly becomes effective, there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$275,000, or so much thereof as may be necessary, to the attorney general for the purpose of defraying the expenses relating to the state's defense in court of the provisions of this legislation for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 32. AGRICULTURE COMMISSIONER - COYOTE BOUNTY. The agriculture commissioner may administer a twenty-five dollar per coyote bounty program in cooperation with the predatory animal control program of the United States department of agriculture for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 33. STATE AUDITOR - PERFORMANCE REVIEWS. The state auditor shall conduct performance reviews of divisions or programs of the department of human services utilizing at least one full-time equivalent position. The state auditor shall present the resulting reports to the legislative council's interim budget committee on human services and other committees as selected by the legislative council during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 34. EMERGENCY. Section 30 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

The amendment provides that the state revenue sharing payments are delayed by one month so that the exact amount to be distributed is known on the payment due date.

DEPARTMENT 101 - GOVERNOR'S OFFICE

Salaries and wages are reduced by \$73,276 from the general fund and operating expenses are reduced by \$1,821 from the general fund relating to the elimination of one FTE economic development coordinator position added in the executive budget.

The Governor's transition in line item is reduced by \$15,000 from the general fund, from \$25,000 to \$10,000. The Governor's transition out line item is reduced by \$5,000 from the general fund, from \$15,000 to \$10,000.

Funding of \$20,000 from the general fund for the Status of Women Committee is added as a special line item because funding for the committee was removed from the Board for Vocational Education budget

The total change to the Governor's office budget is a general fund reduction of \$75,097, from \$1,596,603 to \$1,521,506.

DEPARTMENT 117 - STATE AUDITOR

This amendment provides funding of \$119,062 for one FTE audit director in the political subdivisions program from the general fund rather than from other funds as provided in the executive budget.

A section is added providing that the equivalent of at least one FTE position in the State Auditor's office conduct performance reviews of divisions or programs of the Department of Human Services. The resulting reports must be presented to the interim Budget Committee on Human Services and other committees as selected by the Legislative Council.

DEPARTMENT 125 - ATTORNEY GENERAL

A section is added amending Section 27-20-49 to provide that the Attorney General will not pay prosecution witness fees for expenses relating to the service of summons, notices, subpoenas, and other like expenses.

Funding of \$115,750 from the general fund removed in the Senate for prosecution witness fees is restored in the amount of \$75,750 from the general fund to the operating expenses line item. The \$40,000 reduction is as a result of the amendment to Section 27-20-49 referred to above.

The grants line item is reduced by \$55,000 of special funds from the fire and tornado fund for the State Firemen's Association grants which is being appropriated in a separate subdivision of Section 1 of this bill, due to the defeat of House Bill No. 1124, which would have allowed the appropriation in the Attorney General's budget.

The estimated income line item is reduced by \$122,700 of fees collected from state agencies and the general fund appropriation is increased by \$122,700 to provide general fund support for one FTE attorney, due to the defeat of House Bill No. 1214, which would have made the Securities Commissioner a special fund agency rather than a general fund agency.

A section is added providing a contingent appropriation of \$275,000 from the general fund if House Bill No. 1515 or 1579 becomes effective to provide funding for the state's defense of the provisions of this legislation.

The total change to the Attorney General's budget is a general fund increase of \$473,450, from \$8,291,574 to \$8,765,024, and a special fund decrease of \$177,700, from \$9,584,107 to \$9,406,407.

DEPARTMENT 401 - INSURANCE COMMISSIONER

A section is added providing a deficiency appropriation of \$20,000 from the petroleum tank release compensation fund for the administrative costs relating to the fund for the remainder of the 1989-91 biennium.

DEPARTMENT 406 - LABOR COMMISSIONER

This amendment reduces the proposed four percent annual salary increase for the Labor Commissioner by \$1,372, from \$1,972 to \$600 for the first year of the biennium and provides the remaining \$1,372 increase the second year of the biennium. The salaries and wages line item is reduced by \$1,600 from the general fund as a result of this change.

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

This amendment makes the following changes to the Agriculture Department's budget:

Funding for the Ag in the Classroom program (\$25,000) and the waterbank program (\$50,000) of other funds included in the operating expenses line item

in the executive budget are listed as separate line items, and therefore, removed from the operating expenses line item.

The two FTE positions added in the executive budget for the farmer/rancher demonstration project are contingent upon federal funds received through Job Service being available to pay the salary and fringe benefits of the two FTE positions.

Funding for one FTE noxious weed program administrator position and related expenses added in the executive budget from the general fund is removed as follows:

Salaries and wages (1 FTE)	\$(62,551)
Information services	(1,800)
Operating expenses	<u>(18,200)</u>
Total general fund reduction	<u>\$(82,551)</u>

Funding for noxious weed control in addition to the \$458,368 from the general fund included in this bill will be provided in Senate Bill No. 2451.

Increased funding for operating expenses included in the executive budget from the general fund for the predatory animal control program is reduced by \$74,302 as follows:

- Operating fees are reduced by \$72,912, from \$526,189 to \$453,277, relating to the removal of three cost-of-living increases for the 10 full-time animal damage control specialists.
- Lease rental equipment for aerial coyote hunting is reduced by \$1,390, from \$79,890 to \$78,500.

Funding of \$40,000 from the general fund is added to the operating expenses line item to provide funding to the Agriculture Department to initiate a bounty system for coyotes of \$25 per coyote. A section is added authorizing the Agriculture Commissioner to administer the program for the 1991-93 biennium.

The total change to the Agriculture Department's budget is a reduction of one FTE position, from 42 FTE to 41 FTE, and a general fund reduction of \$116,853, from \$3,730,768 to \$3,613,915.

Senate Bill No. 2001 in total is increased by \$177,200, a \$398,962 increase from the general fund and a \$221,762 decrease in other funds.

SB 2001, as reengrossed: Committee on Appropriations (Rep. Thompson, Chairman) A MINORITY of your committee (Reps. G. Berg, Brokaw, DeMers, Kaldor, Laughlin, Meyer, Nowatzki, Starke, Stofferahn, Wilkie) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS.

Page 1, line 2, after "officials" insert "and the state firemen's association" and replace the comma with "and"

Page 1, line 3, after the first comma insert "subsection 2 of section 27-20-49, sections"

Page 1, line 4, remove "and" and after "57-01-04" insert ", and 57-39.2-26.1"

Page 1, line 8, after "commissioner" insert ", prosecution witness fees paid by the attorney general, and to the state aid distribution fund" and remove the second "and"

Page 1, line 9, after "intent" insert "; to provide an appropriation; and to declare an emergency"

Page 1, line 15, after "officials" insert "and the state firemen's association"

Page 1, line 16, after "officials" insert "and the state firemen's association"

Page 2, line 7, replace "25,000" with "10,000"

Page 2, line 8, replace "15,000" with "10,000"

Page 2, after line 8, insert:

"Status of women 20,000"

Page 3, line 1, replace "10,072,743" with "10,354,567"

Page 3, line 2, replace "452,877" with "458,877"

Page 3, line 3, replace "2,008,662" with "2,138,412"

Page 3, line 5, replace "311,449" with "377,549"

Page 3, line 7, replace "4,585,000" with "4,530,000"

Page 3, line 11, replace "17,875,681" with "18,304,355"

Page 3, line 12, replace "9,584,107" with "9,406,407"

Page 3, line 13, replace "8,291,574" with "8,897,948"

Page 3, line 21, replace "2,038,795" with "1,919,733"

Page 3, line 22, replace "3,151,156" with "3,270,218"

Page 4, line 17, replace "485,639" with "484,039"

Page 4, line 21, replace "583,158" with "581,558"

Page 4, line 23, replace "540,158" with "538,558"

Page 5, line 8, replace "1,496,224" with "1,386,922"

Page 5, after line 9, insert:

"Ag in the classroom 25,000
Waterbank program 50,000"

Page 5, line 13, replace "6,474,496" with "6,440,194"

Page 5, line 15, replace "3,730,768" with "3,696,466"

Page 5, after line 22, insert:

"Subdivision 12.

STATE FIREMEN'S ASSOCIATION	
Grants, benefits, and claims	\$55,000
Total appropriation from the state fire and tornado fund	\$55,000"

Page 5, line 23, replace "38,906,529" with "39,871,063"

Page 5, line 24, replace "22,767,015" with "22,545,253"

Page 5, line 25, replace "61,673,544" with "62,416,316"

Page 6, line 3, replace "\$679,393" with "\$624,393"

Page 6, line 6, remove "and the state firemen's association grants of \$55,000"

Page 8, line 10, replace "\$1,470,906" with "\$1,351,844"

Page 8, after line 25, insert:

"SECTION 16. AMENDMENT. Subsection 2 of section 27-20-49 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The supreme court shall pay reasonable compensation for services and related expenses of counsel appointed by the court for a party and reasonable compensation for a guardian ad litem. The attorney general shall pay the ~~expense of service of summons, notices, subpoenas~~ travel expense of witnesses, ~~and other like expenses~~ incurred in the proceedings under this chapter. Expenses of the state include the cost of any necessary transportation for medical and other examinations and treatment of a child ordered by the court if the child is in the legal custody of a state agency in which case the cost must be borne by that state agency at the state mileage rate excluding meals and lodging."

Page 9, line 7, remove the overstrike over "~~forty-nine~~" and remove "fifty-one"

Page 9, line 8, replace "two" with "nine", remove "seventy-two", and after "dollars" insert "through June 30, 1992, and fifty-one thousand two hundred seventy-two dollars thereafter"

Page 10, after line 22, insert:

"SECTION 26. AMENDMENT. Section 57-39.2-26.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. Allocation of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a portion of sales, use, and motor vehicle excise tax collections equal to sixty 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 must be deposited by the state treasurer in the state aid distribution fund. The state tax commissioner shall certify to the state treasurer the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:

1. Fifty percent of the revenues must be allocated in the ~~last~~ first month of subsequent to each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.
2. Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01."

Page 11, after line 12, insert:

"SECTION 30. APPROPRIATION. There is hereby appropriated out of any moneys in the petroleum tank release compensation fund in the state treasury, not otherwise appropriated, the sum of \$20,000, or so much thereof as may be necessary, for the purpose of administering the fund for the period beginning with the effective date of this Act and ending June 30, 1991.

SECTION 31. ATTORNEY GENERAL - CONTINGENT APPROPRIATION. If House Bill No. 1515 or House Bill No. 1579 of the fifty-second

legislative assembly becomes effective, there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$275,000, or so much thereof as may be necessary, to the attorney general for the purpose of defraying the expenses relating to the state's defense in court of the provisions of this legislation for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 32. AGRICULTURE COMMISSIONER - COYOTE BOUNTY. The agriculture commissioner may administer a twenty-five dollar per coyote bounty program in cooperation with the predatory animal control program of the United States department of agriculture for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 33. STATE AUDITOR - PERFORMANCE REVIEWS. The state auditor shall conduct performance reviews of divisions or programs of the department of human services utilizing at least one full-time equivalent position. The state auditor shall present the resulting reports to the legislative council's interim budget committee on human services and other committees as selected by the legislative council during the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 34. EMERGENCY. Section 30 of this Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

The amendment provides that the state revenue sharing payments are delayed by one month so that the exact amount to be distributed is known on the payment due date.

DEPARTMENT 101 - GOVERNOR'S OFFICE

The Governor's transition in line item is reduced by \$15,000 from the general fund, from \$25,000 to \$10,000. The Governor's transition out line item is reduced by \$5,000 from the general fund, from \$15,000 to \$10,000.

Funding of \$20,000 from the general fund for the Status of Women Committee is added as a special line item because funding for the committee was removed from the Board for Vocational Education budget.

DEPARTMENT 117 - STATE AUDITOR

This amendment provides funding of \$119,062 for one FTE audit director in the political subdivisions program from the general fund rather than from other funds as provided in the executive budget.

A section is added providing that the equivalent of at least one FTE position in the State Auditor's office conduct performance reviews of divisions or programs of the Department of Human Services. The resulting reports must be presented to the interim Budget Committee on Human Services and other committees as selected by the Legislative Council.

DEPARTMENT 125 - ATTORNEY GENERAL

A section is added amending Section 27-20-49 to provide that the Attorney General will not pay prosecution witness fees for expenses relating to the service of summons, notices, subpoenas, and other like expenses.

Funding of \$115,750 from the general fund removed in the Senate for prosecution witness fees is restored in the amount of \$75,750 from the general fund to the operating expenses line item. The \$40,000 reduction is as a result of the amendment to Section 27-20-49 referred to above.

Funding of \$407,924 from the general fund is added for three FTE narcotics agents and related expenses as listed below. One of the three agents added is to work specifically with the rural narcotics law enforcement task forces.

Salaries and wages - 3 FTE	\$281,824
Information services	6,000
Operating expenses	54,000
Equipment	66,100
Total	<u>\$407,924</u>

The grants line item is reduced by \$55,000 of special funds from the fire and tornado fund for the State Firemen's Association grants which is being appropriated in a separate subdivision of Section 1 of this bill, due to the defeat of House Bill No. 1124, which would have allowed the appropriation in the Attorney General's budget.

The estimated income line item is reduced by \$122,700 of fees collected from state agencies and the general fund appropriation is increased by \$122,700 to provide general fund support for one FTE attorney, due to the defeat of House Bill No. 1214, which would have made the Securities Commissioner a special fund agency rather than a general fund agency.

A section is added providing a contingent appropriation of \$275,000 from the general fund to provide funding for the state's defense of the provisions of this legislation if House Bill No. 1515 or 1579 becomes effective.

The total change to the Attorney General's budget is a general fund increase of \$881,374, from \$8,291,574 to \$9,172,948, and a special fund decrease of \$177,700, from \$9,584,107 to \$9,406,407.

DEPARTMENT 401 - INSURANCE COMMISSIONER

A section is added providing a deficiency appropriation of \$20,000 from the petroleum tank release compensation fund for the administrative costs relating to the fund for the remainder of the 1989-91 biennium.

DEPARTMENT 406 - LABOR COMMISSIONER

This amendment reduces the proposed four percent annual salary increase for the Labor Commissioner by \$1,372, from \$1,972 to \$600 for the first year of the biennium and provides the remaining \$1,372 increase the second year of the biennium. The salaries and wages line item is reduced by \$1,600 from the general fund as a result of this change.

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

This amendment makes the following changes to the Agriculture Department's budget:

Funding for the Ag in the Classroom program (\$25,000) and the waterbank program (\$50,000) of other funds included in the operating expenses line item in the executive budget are listed as separate line items, and therefore, removed from the operating expenses line item.

The two FTE positions added in the executive budget for the farmer/rancher demonstration project are contingent upon federal funds received through Job Service being available to pay the salary and fringe benefits of the two FTE positions.

Increased funding for operating expenses included in the executive budget from the general fund for the predatory animal control program is reduced by \$74,302 as follows:

- Operating fees are reduced by \$72,912, from \$526,189 to \$453,277, relating to the removal of three cost-of-living increases for the 10 full-time animal damage control specialists.

- Lease rental equipment for aerial coyote hunting is reduced by \$1,390, from \$79,890 to \$78,500.

Funding of \$40,000 from the general fund is added to the operating expenses line item to provide funding to the Agriculture Department to initiate a bounty system for coyotes of \$25 per coyote. A section is added authorizing the Agriculture Commissioner to administer the program for the 1991-93 biennium.

The total change to the Agriculture Department's budget is a reduction of one FTE position, from 42 FTE to 41 FTE, and a general fund reduction of \$34,302, from \$3,730,768 to \$3,696,466.

Senate Bill No. 2001 in total is increased by \$742,772, a \$964,534 increase from the general fund and a \$221,762 decrease in other funds.

The reports of the majority and the minority were placed on the Sixth order of business on the calendar.

SIXTH ORDER OF BUSINESS

REP. THOMPSON MOVED that the amendments to Reengrossed SB 2001, as recommended by a Majority of the Committee on Appropriations be adopted, and when so adopted recommends the same DO PASS.

RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that if the Majority Report proposed amendments to Reengrossed SB 2001 are adopted, the proposed amendments of the Minority Report will not be voted upon. However, if the Majority Report proposed amendments are defeated, the Minority Report proposed amendments will be voted upon.

REQUEST

REP. STOFFERAHN REQUESTED a recorded roll call vote on the motion to adopt the proposed Majority Report amendments to Reengrossed SB 2001, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Majority Report amendments to Reengrossed SB 2001, the roll was called and there were 57 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Hanson

The motion to adopt the proposed Majority Report amendments to Reengrossed SB 2001 passed.

Reengrossed SB 2001, as amended, was placed on the Fourteenth order of business on the calendar.

MOTION

REP. TOLLEFSON MOVED that the House waive the reading of the title to SB 2001, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act making an appropriation for defraying the expenses of various elected state officials and the state firemen's association; to amend and reenact sections 4-01-21 and 26.1-01-09, subsection 2 of section 27-20-49, sections 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, 57-01-04, and 57-39.2-26.1 of the North Dakota Century Code, relating to the salaries of the commissioner of agriculture, commissioner of insurance, commissioner of labor, public service commissioners, governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general, and tax commissioner, prosecution witness fees paid by the attorney general, and to the state aid distribution fund; to provide a statement of legislative intent; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 99 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bodine; DeMers; Gabrielson; Mahoney

ABSENT AND NOT VOTING: Dorso; Hanson; Martinson

Reengrossed SB 2001 passed, the title was agreed to, and the emergency clause was declared carried.

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

MR. SPEAKER: The President has signed: HB 1001, HB 1003, HB 1015, HB 1116, HB 1139, HB 1260, HB 1291, HB 1578, HB 1599.

SIXTH ORDER OF BUSINESS

SB 2509, as engrossed: REP. MARTIN (Committee on Political Subdivisions) MOVED that the amendments on HJ pages 1623-1624 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

Engrossed SB 2509, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2509: A BILL for an Act to provide for infrastructure construction, improvement, rehabilitation, operation, or management by private operators and to provide for development agreements between public authorities and private operators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg, R.; Bernstein; Boucher; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; DeMers; DeWitz; Dorso; Freier; Gabrielson; Gates; Gerntholz; Goffe; Gorman; Grumbo; Hausauer; Henegar; Hokana; Howard; Huether; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Myrdal; Nicholas; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Rydell; Scherber; Schindler; Schmidt; Schneider; Shide; Soukup; St. Aubyn; Starke; Svedjan; Thompson; Timm; Tollefson; Trautman; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Bodine; Boehm; Brokaw; Carlson; Cleary; Coats; Delzer; Enget; Erickson; Flaagan; Gilmore; Gorder; Grosz; Jacobson; Kaldor; Kerzman; Kroeber; Laughlin; Linderman; Meyer; Mutzenberger; Nelson; Nichols; Nowatzki; Oban; Ring; Ritter; Schimke; Skar; Skjervan; Snyder; Stofferahn; Thorpe; Urlacher; Wilkie; Williams

ABSENT AND NOT VOTING: Hanson

Engrossed SB 2509 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. WHALEN MOVED that the conference committee report on Engrossed HB 1127 as printed on HJ pages 1462-1463 be adopted, which motion prevailed.

Engrossed HB 1127, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1127: A BILL for an Act to amend and reenact subsections 1, 4, and 5 of section 14-02.4-02 of the North Dakota Century Code, relating to the application of age and other employment discrimination restrictions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 55 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Flaagan; Gerntholz; Gilmore; Goffe; Grumbo; Henegar; Hokana; Huether; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Mahoney; Martinson; Meyer; Mutzenberger; Nelson; Nicholas; Nowatzki; Oban; Peterson; Porter; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjervan; Snyder; Starke; Stofferahn; Wentz; Wilkie; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gorder; Gorman; Grosz; Hausauer; Howard; Kelsch; Kloubec; Kunkel; Larson; Linderman; Martin; Miller; Muhs; Myrdal; Nichols; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Schimke; Schindler; Schmidt; Shide; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Hanson

Engrossed HB 1127 was declared lost.

APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2003: Reps. Hausauer, Gates, Kaldor.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2113: Reps. Hausauer, Gates, Kaldor.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2572: Reps. Hausauer, Gates, Kaldor.

REQUEST

REP. WARDNER REQUESTED that the remarks of Rep. Wald be printed in the Journal, which request was granted.

REMARKS OF REPRESENTATIVE WALD

Yesterday afternoon, in a moment of frustration and disappointment, I made a comment over a local TV station for which I wish to apologize to my colleagues, the public, my constituents, my family, and Representative Kolbo.

If my comments were in poor taste, I submit the broadcasting company's judgment in using this unaware and unauthorized footage was in even poorer taste.

Mr. Speaker and members of the Assembly, I offer you my sincere apology.

REQUEST

REP. OBAN REQUESTED that the remarks of Rep. Kolbo be printed in the Journal, which request was granted.

REMARKS OF REPRESENTATIVE KOLBO

Thank you, Mr. Speaker and Ladies and Gentlemen, and Representative Wald. The abortion issue, is an issue, that for the citizens and the legislators of this state, is as controversial and emotional as we will ever find. I don't believe that there is one of us that this issue hits harder at, or creates more emotion than any single issue we deal with. We all know that in the heat of battle, we all, Frank Wald, Kevin Kolbo, or any member of this legislature at times, says things, that in retrospect, we wish we could have taken back or that would have come out just a little differently or that we had phrased differently. Rep. Wald, I accept your apology. Ladies and gentlemen, let's please move on to the business at hand.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2017: Reps. Wald; Myrdal; Berg, G.

SB 2020: Reps. Rydell; Berg, R.; Starke

SB 2025: Reps. Rennerfeldt; Bateman; Anderson, B.

MOTION

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House stand adjourned until 8:00 a.m., Thursday, April 4, 1991, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2578, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (13 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). SB 2578 was placed on the Fourteenth order on the calendar.

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

ROY GILBREATH, Chief Clerk