

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 16, 1995

The Senate convened at 1:00 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Dom Vetter, Victory Family Bible Church, Bismarck.

The roll was called and all members were present except Senators Bowman, Mushik, B. Stenehjelm, and Wogsland.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully reexamined the Journals of the Twenty-seventh, Forty-second, and Forty-ninth Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 406, line 40, replace "18" with "19"

Page 829, line 49, after "temporary" insert "respiratory"

Page 941, line 15, replace "has" with "as", remove "that", and after "you" insert "well"

SEN. SAND MOVED that the report be adopted, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4041, SCR 4044.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4014, SCR 4018.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1412.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HCR 3018.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1190, HB 1205, HB 1208, HB 1388, HB 1474, HCR 3002.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2460.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2020, SB 2028, SB 2035, SB 2044, SB 2066, SB 2306, SB 2336, SB 2383, SB 2399, SB 2416, SB 2508.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020

Page 1, line 9, replace "2,753,038" with "2,882,830"

Page 1, after line 11, insert:

"Capital improvements

350,000"

Page 1, line 14, replace "4,113,748" with "4,593,540"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 616 - SEED DEPARTMENT

HOUSE - This amendment makes the following changes:

	SENATE VERSION	RESTORE VACANT POSITIONS ¹	ADD CAPITAL IMPROVEMENTS	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$2,753,038	\$129,792		\$129,792	\$2,882,830
Operating expenses	994,810				994,810
Equipment	65,900				65,900
Grants	200,000				200,000
Contingency	100,000				100,000
Capital improvements			\$350,000 ²	350,000	350,000
Total special funds	\$4,113,748	\$129,792	\$350,000	\$479,792	\$4,593,540
FTE	32	3.5		3.5	35.5

¹ Restores 3.5 FTE vacant positions removed by the Senate.

² Provides funding from the Seed Department fund for a greenhouse addition. The executive budget and the Senate version included this funding in Senate Bill No. 2030.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2028

Page 2, after line 3, insert:

"SECTION 2. INTENT. It is the intent of the fifty-fourth legislative assembly that the state investment board, teachers' fund for retirement board, and public employees retirement board study methods to reorganize the public employees retirement system and the retirement and investment office to achieve cost reductions in the administration of the programs under the control of the respective boards. Representatives of the state investment board, teachers' fund for retirement board, and public employees retirement board shall report their findings to the interim employee benefits programs committee of the legislative council no later than April 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 190 - RETIREMENT AND INVESTMENT OFFICE

HOUSE - This amendment directs the State Investment Board, Teachers' Fund for Retirement Board, and the Public Employees Retirement System Board to study methods to reorganize the Public Employees Retirement System and the Retirement and Investment Office to achieve administrative cost reductions. The results of the study are to be presented to the interim employee benefits programs committee by April 1, 1996.

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

HOUSE - This amendment directs the State Investment Board, Teachers' Fund for Retirement Board, and the Public Employees Retirement System Board to study methods to reorganize the Public Employees Retirement System and the Retirement and Investment Office to achieve administrative cost reductions. The results of the study are to be presented to the interim employee benefits programs committee by April 1, 1996.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2035

Page 1, line 5, after "council" insert "and budget section"

Page 2, line 12, remove "or local government"

Page 2, line 14, after the period insert "Local government agencies within the demonstration project counties are encouraged to cooperate with the department."

Page 2, line 19, after "COUNCIL" insert "- BUDGET SECTION"

Page 2, line 20, replace "legislative council" with "budget section"

Page 2, line 25, replace "legislative council or an interim" with "budget section"

Page 2, line 26, remove "committee designated by the legislative council"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment changes the bill to encourage rather than require local governments in the demonstration counties to cooperate with the Department of Human Services in welfare reform and requires the department to report to the Budget Section any denial from the federal government for waivers regarding welfare reform.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2044

Page 1, line 15, replace "shall" with "may" and replace "at least" with "up to"

Page 1, line 17, replace "the department" with "a child" and replace "place a child" with "be placed"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2066

Page 2, line 7, replace "\$12,000" with "\$49,900"

Page 2, line 8, replace "legislative assembly" with "international trade coordinating council"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2306

Page 1, line 20, after the second "rate" insert "as established by the Bank of North Dakota"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2336

Page 2, line 2, replace "64.76" with "16.19"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2383

Page 1, line 13, remove "unanimous" and after the first "of" insert "a majority of"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2399

Page 1, line 21, after the period insert "Unless a party submits the dispute to the American arbitration association, the arbitrators must be selected in accordance with this section."

Page 3, line 8, replace "to the extent those rules do not conflict with North Dakota law" with ". If the rules of the American arbitration association conflict with North Dakota law, North Dakota law governs"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2416

Page 1, line 3, after "purchaser" insert "; and to provide an effective date"

Page 1, line 17, replace "must" with "may"

Page 1, line 18, after "guide" insert "and must be based on average retail value"

Page 1, after line 21, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on January 1, 1996."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2508

Page 1, line 12, replace "licensed" with "an advanced practice registered" and remove "practitioner"

Page 1, line 15, replace "licensed" with "an advanced practice registered"

Page 1, line 16, remove "practitioner"

Page 1, line 18, replace "licensed" with "an advanced practice registered" and remove "practitioner"

Page 1, line 20, replace "nurse practitioner's" with "advanced practice registered nurse's"

Page 2, line 2, after "or" insert "an advanced practice registered" and remove "practitioner"

Page 2, line 16, replace "nurse practitioner's" with "an advanced practice registered nurse's"

Page 2, line 20, replace "nurse practitioner's" with "an advanced practice registered nurse's"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1064, HB 1207, HB 1221, HB 1300, and HB 1386 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1064: Reps. Belter; Keiser; Mahoney
HB 1207: Reps. Soukup; Carlson; Grumbo
HB 1221: Reps. Keiser; Poolman; Schmidt
HB 1300: Reps. Poolman; Jacobs; Delmore
HB 1386: Reps. Grosz; Austin; Sitz

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2070, SB 2089, SB 2093, SB 2109, SB 2118, SB 2127, SB 2130, SB 2132, SB 2146.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2111, SB 2154, SB 2180, SB 2251, SB 2268, SB 2330, SB 2410, SB 2429, SB 2447, SB 2448, SB 2451, SB 2454, SB 2456, SB 2457, SB 2458, SB 2462, SB 2472, SB 2481, SB 2484, SB 2490.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SCR 4041, SCR 4044.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 12:45 p.m., March 16, 1995: SCR 4041, SCR 4044.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 12:45 p.m., March 16, 1995: SB 2070, SB 2089, SB 2093, SB 2109, SB 2118, SB 2127, SB 2130, SB 2132, SB 2146.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 12:45 p.m., March 16, 1995: SB 2111, SB 2154, SB 2180, SB 2251, SB 2268, SB 2330, SB 2410, SB 2429, SB 2447, SB 2448, SB 2451, SB 2454, SB 2456, SB 2457, SB 2458, SB 2462, SB 2472, SB 2481, SB 2484, SB 2490.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 15, 1995, I signed the following: SB 2034, SB 2079, SB 2095, SB 2121, SB 2137, SB 2170, SB 2171, SB 2172, SB 2173, SB 2174, SB 2229, SB 2234, SB 2248, SB 2289, SB 2316, SB 2341, SB 2347, SB 2357, SB 2381, SB 2397, SB 2411, SB 2415, SB 2444, and SB 2450.

CONSIDERATION OF AMENDMENTS

SB 2538: SEN. MATHERN (Human Services Committee) MOVED that the amendments on SJ page 956 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1036, as engrossed: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ pages 956-957 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1344, as engrossed: SEN. MATHERN (Political Subdivisions Committee) MOVED that the amendments on SJ page 957 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1376: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ pages 957-959 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. GOETZ MOVED that HB 1376, as amended, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1376 was rereferred.

CONSIDERATION OF AMENDMENTS

HCR 3017: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 959 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. GOETZ MOVED that HCR 3017 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution urging Congress and the President to consider carefully the consequences of federal legislation impacting states and political subdivisions.

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

HCR 3017, as amended, was declared adopted on a voice vote, and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1246, as engrossed: SEN. DEMERS (Political Subdivisions Committee) MOVED that the amendments on SJ page 957 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to amend and reenact section 21-06-07 of the North Dakota Century Code, relating to investment of funds by political subdivisions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holnberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden;

Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

Engrossed HB 1246, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Reengrossed HB 1050 be moved to the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1050: A BILL for an Act to create and enact two new sections to chapter 23-01, two new sections to chapter 23-17.5, a new chapter to title 26.1, two new sections to chapter 26.1-36, a new chapter to title 32, and two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to the health council, cost and quality review program, modifying preexisting conditions limitations, providing for guaranteed renewal of health insurance products, modified community rating, insurance reimbursement to advanced registered nurse practitioners, establishing a standard benefits package, establishing limits on damages and contingency fees and providing for alternative dispute resolution for medical malpractice claims, and expanding medical assistance; to amend and reenact sections 23-01-02, 23-17.5-01, 23-17.5-02, 23-17.5-03, 23-17.5-04, 23-17.5-07, 23-17.5-08, 23-17.5-10, 23-17.5-11, subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, subsection 2 of section 26.1-08-06, subsection 9 of section 26.1-17-01, subsection 1 of section 26.1-36-04, subdivision e of subsection 2 of section 26.1-36-04, sections 26.1-36-05, 26.1-36-22, subsections 11 and 23 of section 26.1-36.3-01, and subsection 1 of section 26.1-36.3-04 of the North Dakota Century Code, relating to membership of the health council, supervision of health care provider cooperatives, maximum lifetime benefits of a qualified health coverage plan, guaranteed renewal of health insurance products, modified community rating, insurance reimbursement to advanced registered nurse practitioners, and expansion of medical assistance coverage; to repeal section 26.1-17-12.1 of the North Dakota Century Code, relating to insurance reimbursement for nurses; to provide a penalty; to provide an appropriation; to provide for application and retroactive application; to provide for a legislative council study; and to declare an emergency.

MOTION

SEN. W. STENEHJEM MOVED that Reengrossed HB 1050 be amended as follows:

Page 31, line 8, replace "August" with "January"

Reumber accordingly

REQUEST

SEN. W. STENEHJEM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1050, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed HB 1050, the roll was called and there were 36 YEAS, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips;

Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Sand; Scherber; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Watne; Yockim

NAYS: Christmann; Freborg; Goetz; Kelsh; Nelson, G.; Robinson; Schobinger; Solberg; Wanzek

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

The proposed amendments to Reengrossed HB 1050 were adopted.

MOTION

SEN. YOCKIM MOVED that Reengrossed HB 1050 be further amended as follows:

Page 2, line 19, replace "nine" with "the commissioner of insurance, the state health officer, the executive director of the department of human services, and seven" and replace "Four" with "Three"

Page 3, line 9, replace "five" with "four"

Renumber accordingly

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Reengrossed HB 1050, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Reengrossed HB 1050, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

The proposed further amendments to Reengrossed HB 1050 failed.

REQUEST

SEN. MATHERN REQUESTED that Reengrossed HB 1050 be further amended, and that the Senate divide the proposed further amendments as follows, which request was granted.

DIVISION A

Page 4, line 29, after the underscored period insert "On January fifteenth of each odd-numbered year, the department shall submit a report to the health council and to the legislative assembly on the health care cost and quality review program. The report must summarize the projects and studies conducted under the program. The report must include information regarding improvements in the outcome of health care treatment, improvements in health status, improvements in the utilization of health care resources, improvements in preventive care, and an analysis of the reduction in expenditures or the utilization of resources resulting from projects conducted under this program."

DIVISION B

Page 41, line 21, replace "; and" with an underscored period

Page 41, line 22, replace "that does not exceed an amount" with ", as determined by the department, which does not exceed one and eighty-five hundredths times the federal poverty level."

Page 41, remove line 23

Page 42, remove lines 1 through 7

Page 42, line 25, replace "\$3,000,451" with "\$16,175,440"

DIVISION C

Page 42, line 11, after "rates" insert "or to increase eligible income levels"

Page 42, line 13, replace "shall increase the reimbursement rates" with "the income eligibility criteria under this chapter and shall apportion equally any available funds to increase reimbursement rates and increase income eligibility levels"

Re-number accordingly

REQUEST

SEN. MATHERN REQUESTED a recorded roll call vote on Divisions A, B, and C of the proposed further amendments to Reengrossed HB 1050, which request was granted.

ROLL CALL

The question being on the final adoption of Division A of the proposed further amendments to Reengrossed HB 1050, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

Division A of the proposed further amendments to Reengrossed HB 1050 lost.

ROLL CALL

The question being on the final adoption of Division B of the proposed further amendments to Reengrossed HB 1050, the roll was called and there were 14 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Mathern; Nelson, C.; Redlin; Robinson; Scherber; Tallackson; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

Division B of the proposed further amendments to Reengrossed HB 1050 lost.

ROLL CALL

The question being on the final adoption of Division C of the proposed further amendments to Reengrossed HB 1050, the roll was called and there were 18 YEAS, 27 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Malewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

Division C of the proposed further amendments to Reengrossed HB 1050 lost.

So Divisions A, B, and C of the proposed further amendments to Reengrossed HB 1050 failed.

MOTION

SEN. YOCKIM MOVED that Reengrossed HB 1050 be further amended as follows:

Page 32, line 1, after the underscored period insert "Both plans must include coverage for the treatment of substance abuse and mental disorders which meets or exceeds the minimum requirements of sections 26.1-36-08 and 26.1-36-09."

Page 43, line 22, replace "consider studying the" with "conduct a study to monitor the impact"

Page 43, line 23, remove "feasibility and desirability"

Page 43, line 25, remove ", if conducted,", remove "include a", and remove "of"

ReNUMBER accordingly

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Reengrossed HB 1050, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Reengrossed HB 1050, the roll was called and there were 24 YEAS, 21 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, W.; Tallackson; Tomac; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Grindberg; Lee; Mutch; Naaden; Malewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

The proposed further amendments to Reengrossed HB 1050 were adopted.

MOTION

SEN. DEMERS MOVED that Reengrossed HB 1050 be further amended as follows:

Page 1, line 17, remove "and"

Page 1, line 18, after '26.1-36.3-04' insert ", and subdivision a of subsection 3 of section 26.1-36.3-06"

Page 1, line 21, after the second comma insert "preexisting conditions limitations,"

Page 38, after line 18, insert:

"SECTION 29. AMENDMENT. Subdivision a of subsection 3 of section 26.1-36.3-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

a. A health benefit plan may not deny, exclude, or limit benefits for a covered individual for losses incurred more than ~~twelve~~ six months following the effective date of the individual's coverage due to a preexisting condition. A health benefit plan may not define a preexisting condition more restrictively than:

(1) A a condition for which medical advice, diagnosis, care, or treatment was recommended or received during the six months immediately preceding the effective date of coverage; ~~or~~

(2) A ~~pregnancy existing on the effective date of coverage.~~

Page 43, line 13, replace "29" with "30"

Page 43, line 15, replace "29" with "30"

Renumber accordingly

REQUEST

SEN. DEMERS REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Reengrossed HB 1050, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Reengrossed HB 1050, the roll was called and there were 19 YEAS, 26 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Traynor; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

The proposed further amendments to Reengrossed HB 1050 failed.

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 43 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Maaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Schobinger; Yockim

ABSENT AND NOT VOTING: Bowman; Mushik; Stenehjem, B.; Wogsland

Reengrossed HB 1050, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 10:30 a.m., Friday, March 17, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4038: Joint Constitutional Revision Committee (Sen. Andrist, Chairman) recommends **DO NOT PASS** (5 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SCR 4038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4042: Joint Constitutional Revision Committee (Sen. Andrist, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (8 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4042 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1027: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1027 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "state" with "North Dakota"

Page 3, line 4, remove the overstrike over "~~North Dakota~~" and remove "state"

Page 3, line 6, replace "state" with "North Dakota"

Page 3, line 12, overstrike "state" and after "~~school~~" insert "North Dakota"

Page 3, line 16, replace "division" with "department" and replace "juvenile services" with "corrections and rehabilitation"

Page 3, line 17, replace "division" with "department", overstrike "state", and after "~~school~~" insert "North Dakota"

Page 3, line 18, replace "division" with "department"

Page 3, line 19, overstrike "state" and after "~~school~~" insert "North Dakota"

Page 4, line 6, after "~~school~~" insert "North Dakota"

Page 4, line 20, remove the overstrike over "~~North Dakota~~" and remove "state"

Page 5, line 5, overstrike "state" and after "~~school~~" insert "North Dakota"

Page 18, line 26, after the period insert "When necessary, the commitment order may provide that the child initially be placed in a secure facility."

Page 19, line 3, remove the overstrike over "~~except commitment to~~", after "~~school~~" insert "a secure facility", and remove the overstrike over "~~if after making the~~"

Page 19, remove the overstrike over lines 4 and 5

Page 19, line 6, remove the overstrike over "~~make a disposition otherwise authorized by section 27-20-31~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1055, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1055 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1083, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1083 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "Monthly on" and overstrike "~~agreed~~" and insert immediately thereafter "Agreed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1145: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1145 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1146: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1146 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1172, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1172 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "~~when~~" with "in", after the first "~~the~~" insert "brokering of loans to assist a", remove "~~engages~~", and replace the second "~~the~~" with "obtaining"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1194: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1194 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1227, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1227 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1235: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1235 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1254, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1254 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1273: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1273 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1291, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first semicolon insert "to provide an appropriation;"

Page 3, line 18, replace "thirty" with "twelve"

Page 3, after line 20, insert:

"SECTION 4. CONTINGENT APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$11,541, or so much of the sum as may be necessary, to the tax commissioner for the purpose of implementing this Act, for the biennium beginning July 1, 1995, and ending June 30, 1997. This appropriation is contingent on the certification of the governor to the tax commissioner that federal law has become effective which substantially reduces federal income tax liability or federal taxable income as the basis for determination of state income tax liability as provided in section 3 of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1309, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1309 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and accomplice liability"

Page 2, line 1, remove "Any immediate, adult family member of a child, including a parent,"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "3."

Page 2, line 7, overstrike "may" and insert immediately thereafter "shall"

Page 2, line 13, remove "1." and overstrike "this chapter" and insert immediately thereafter "subsection 1 of section 50-25.1-03"

Page 2, remove lines 27 through 29

Page 3, remove lines 1 through 4

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1320, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1320 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1334, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1334 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "or injury"

Page 1, line 4, remove "or injury"

Page 1, line 7, remove ", shoots, tortures, torments, beats, kicks,"

Page 1, line 8, remove "strikes, mutilates, disables, or otherwise injures"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1366, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1366 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1374: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1374 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1487, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1487 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to lease requirements in and conditions of mobile home parks.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. In this Act, unless the context otherwise requires:

1. "Landlord" means the owner, lessor, sublessor, or operator, or any combination, of a mobile home park.
2. "Mobile home" means a structure that is built on a permanent chassis that is ordinarily designed for human living quarters, whether temporary or permanent, that is used as a residence or place of business, and that is either attached to utility services or at least twenty-seven feet [8.23 meters] in length.

3. "Mobile home park" means any parcel of land containing at least three mobile home spaces.
4. "Mobile home space" means a parcel of land for rent which has been designed to accommodate a mobile home and provide the required sewer and utility connections.
5. "Premises" means a mobile home park and existing facilities and appurtenances therein, including furniture and utilities where applicable, and grounds, areas, and existing facilities held out for the use of tenants generally or whose use is promised to the tenant.
6. "Rental agreement" means a lease embodying the terms and conditions concerning the use and occupancy of a mobile home space or a mobile home and a mobile home space.
7. "Tenant" means a person entitled under a rental agreement to occupy a mobile home space to the exclusion of others.

SECTION 2. Mobile home park rental agreement. The landlord and tenant shall sign a rental agreement. The rental agreement must be negotiated in good faith by both parties and may not provide for the waiver of any rights given to either party by this Act. The rental agreement must contain a copy of all current rules of the mobile home park and a list of all fees that a tenant may be required to pay as a consequence of residing in the mobile home park.

SECTION 3. Landlord's maintenance obligations. As a condition of receiving rent, the landlord shall make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition; keep all common areas of the premises in a clean and safe condition; maintain in a good and safe working order and condition all facilities supplied or required to be supplied by the landlord; provide for removal of garbage, rubbish, and other waste incidental to the occupancy of the mobile home space and arrange for their removal; and furnish outlets for electrical, water, and sewer services.

SECTION 4. Tenant's maintenance obligations. A tenant shall exercise diligence to maintain that part of the premises the tenant has rented in as good condition as when the tenant took possession; comply with all obligations primarily imposed upon tenants by applicable provisions of city, county, and state codes materially affecting health and safety; keep that part of the premises the tenant occupies and uses as clean and safe as the condition of the premises permit; and dispose from the tenant's mobile home space all rubbish, garbage, and other waste in a clean and safe manner. A tenant may not deliberately or negligently destroy, deface, damage, impair, or remove any part of the premises, or disturb neighbors' peaceful enjoyment of the premises.

SECTION 5. Landlord's rules covering occupancy. A landlord may adopt written rules concerning the tenant's use and occupancy of the premises. The rules are enforceable against the tenant only if the tenant has notice of the rules. Notice is provided by including the rules in the lease or by furnishing to all mobile home tenants thirty days before they become effective a copy of the rules. The rules must promote the convenience, safety, or welfare of the tenants in the premises, preserve the landlord's property from abuse, or make a fair distribution of services and facilities held out for the tenants generally. The rules must be reasonable and fair in relation to their purpose and application and must be unambiguous."

REPORT OF STANDING COMMITTEE

HB 1500, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1500 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3019: Education Committee (Sen. Freborg, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3019 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3043: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Tenth order on the calendar.

The Senate stood adjourned pursuant to Senator Goetz's motion.

William C. Parker, Secretary