

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, March 19, 1997

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

The prayer was offered by Deacon David Vaughn, Spirit of Life Catholic Church, Mandan.

The roll was called and all members were present except Representatives Huether, Rennerfeldt, and Torgerson.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully examined the Journal of the Forty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 963, after line 49, insert the following:

## MOTION

**REP. FREIER MOVED** that the House waive the reading of the titles to Engrossed SB 2153 and Engrossed SB 2368, which motion prevailed.

Page 964, remove lines 20 through 22

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

## SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2149, Engrossed SB 2198, Engrossed SB 2221, Engrossed SB 2234, and Reengrossed SB 2344 be adopted, which motion prevailed.

Engrossed SB 2149, Engrossed SB 2198, Engrossed SB 2221, Engrossed SB 2234, and Reengrossed SB 2344, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

**REP. HAWKEN MOVED** that the House reconsider its action whereby Engrossed SB 2321 passed.

## REQUEST

**REP. CARLSON REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2321 passed, which request was granted.

## ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2321 passed, the roll was called and there were 62 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Stenehjerm; Sveen; Tollefson; Wald; Wardner; Weisz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Coats; Fairfield; Glassheim; Gorder; Gulleson; Hanson; Henegar; Kelsh, S.; Kerzman; Kliniske; Kroeplin; Mahoney; Maragos; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Svedjan; Thompson; Thoreson; Thorpe; Warner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Huether; Rennerfeldt; Torgerson

So the motion to reconsider the action whereby Engrossed SB 2321 passed, prevailed.

### SECOND READING OF SENATE BILL

**SB 2321:** A BILL for an Act to amend and reenact section 12-48-03.3 of the North Dakota Century Code, relating to interest on the roughrider industries' operating fund; and to provide a continuing appropriation.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 52 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Coats; Delmore; Fairfield; Glassheim; Gorder; Grumbo; Gulleon; Gunter; Hanson; Henegar; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsh, S.; Kerzman; Kliniske; Kretschmar; Kroeplin; Mahoney; Maragos; Martinson; Nichols; Niemeier; Nottestad; Oban; Rose; Sandvig; Schmidt; Svedjan; Thorpe; Warner; Wentz; Wilkie

**NAYS:** Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Hausauer; Hawken; Johnson, D.; Kelsch, R.; Kempenich; Kilzer; Klein; Koppelman; Kunkel; Lloyd; Mickelson; Monson; Murphy; Nelson; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Stenehjerm; Sveen; Thompson; Thoreson; Tollefson; Wald; Wardner; Weisz; Speaker Timm

**ABSENT AND NOT VOTING:** Huether; Nicholas; Rennerfeldt; Torgerson

Engrossed SB 2321 lost.

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### MOTION

**REP. BELTER MOVED** that SB 2353, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2353 was rereferred.

### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative John Hokana and Former Representative Roy Holand.

### SECOND READING OF SENATE BILL

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands and to provide for a coal development impact loan to Oliver County.

### 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 93 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Kretschmar

**ABSENT AND NOT VOTING:** Huether; Rennerfeldt; Torgerson

Engrossed SB 2013, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2032:** A BILL for an Act to create and enact a new section to chapter 15-35 of the North Dakota Century Code, relating to the inspection of schools by the state fire marshal or the state fire marshal's designee; and to amend and reenact sections 15-35-01.1 and 18-01-02 of the North Dakota Century Code, relating to required approval for school district construction projects and the duties of the state fire marshal.

**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 93 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** DeKrey

**ABSENT AND NOT VOTING:** Huether; Rennerfeldt; Torgerson

Engrossed SB 2032, as amended, passed and the title was agreed to.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative William Gackle.

**SECOND READING OF SENATE BILL**

**SB 2369:** A BILL for an Act to amend and reenact subsections 1 and 2 of section 12.1-06.1-01, subsection 3 of section 12.1-06.1-02, section 12.1-06.1-04, subsections 1, 2, 4, 5, and 7 of section 12.1-06.1-05, subsection 1 of section 12.1-06.1-06, and subsections 1 and 2 of section 12.1-06.1-07 of the North Dakota Century Code, relating to the illegal transportation or disposal of radioactive waste material or hazardous waste; and to provide a penalty.

**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 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Huether; Rennerfeldt; Torgerson

Engrossed SB 2369, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2380:** A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages in civil actions for

accidents involving a motor vehicle operated by a person while under the influence of alcohol or a controlled substance.

### 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 84 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Brown; Clark; Delzer; Grosz; Nelson; Renner; Thorpe; Wald; Wardner; Wilkie

**ABSENT AND NOT VOTING:** Huether; Rennerfeldt; Torgerson

Engrossed SB 2380, as amended, passed and the title was agreed to.

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### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Bruce Larson.

### SECOND READING OF SENATE BILL

**SB 2384:** A BILL for an Act to amend and reenact sections 40-47-01.1 and 40-48-18 of the North Dakota Century Code, relating to extraterritorial zoning and subdivision regulation authority of cities.

### 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 54 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Brandenburg; Byerly; Callahan; Carlson; Christenson; Christopherson; Clark; Delmore; Devlin; Dorso; Froseth; Galvin; Gerntholz; Glassheim; Grande; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jensen; Johnsen, C.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kroepelin; Kunkel; Maragos; Mickelson; Nelson; Nottestad; Oban; Poolman; Price; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thoreson; Tollefson; Wald; Wardner; Speaker Timm

**NAYS:** Aarsvold; Boehm; Boucher; Brown; Brusegaard; Carlisle; Coats; Dalrymple; DeKrey; Delzer; Drovda; Fairfield; Freier; Gorder; Grosz; Grumbo; Jacobs; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Kerzman; Kretschmar; Lloyd; Mahoney; Martinson; Monson; Murphy; Nichols; Niemeier; Olson; Renner; Schmidt; Thompson; Thorpe; Warner; Weisz; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Huether; Nicholas; Rennerfeldt; Torgerson

Engrossed SB 2384, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2311:** A BILL for an Act to provide for the establishment of a beginning entrepreneur loan guarantee program; and to provide an appropriation.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 44 YEAS, 49 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Boucher; Brandenburg; Callahan; Christenson; Clark; Coats; Delmore; Devlin; Fairfield; Froseth; Glassheim; Grumbo; Gulleon; Hanson; Hawken; Jensen; Johnsen, C.; Kelsch, R.; Kelsh, S.; Kerzman; Kliniske; Kretschmar; Kroeplin; Mahoney; Maragos; Martinson; Mickelson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Rose; Sandvig; Schmidt; Stenehjerm; Svedjan; Sveen; Warner; Wilkie

**NAYS:** Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Dalrymple; DeKrey; Dorso; Drovdal; Freier; Galvin; Gertholz; Gorder; Grande; Grosz; Gunter; Hausauer; Henegar; Jacobs; Johnson, D.; Keiser; Kempenich; Kilzer; Klein; Koppelman; Kunkel; Lloyd; Monson; Nelson; Olson; Price; Renner; Sabby; Skarphol; Soukup; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Delzer; Huether; Rennerfeldt; Torgerson

Engrossed SB 2311, as amended, lost.

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#### THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Gene Watne.

#### SECOND READING OF SENATE BILL

**SB 2040:** A BILL for an Act to amend and reenact section 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Boucher; Delzer; Huether; Olson; Rennerfeldt; Torgerson

Engrossed SB 2040 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2041:** A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-08 of the North Dakota Century Code, relating to group health policy and health service contract substance abuse coverage.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 69 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Callahan; Christenson; Delmore; Fairfield; Glassheim; Hanson; Kelsch, R.; Kelsh, S.; Kerzman; Kretschmar; Mahoney; Nichols; Niemeier; Nottestad; Oban; Rose; Sandvig; Schmidt; Svedjan; Thorpe; Warner; Wilkie

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gertholz; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.;

Johnson, D.; Keiser; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Sveen; Thompson; Thoreson; Tollefson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Delzer; Huether; Rennerfeldt; Stenehjem; Torgerson

Engrossed SB 2041 lost.

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#### SECOND READING OF SENATE BILL

**SB 2197:** A BILL for an Act to amend and reenact sections 26.1-36-09.3 and 54-52.1-04.6 of the North Dakota Century Code, relating to insurance coverage for treatment of temporomandibular joint disorder and craniomandibular disorder.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 82 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Fairfield; Glassheim; Grumbo; Martinson; Sveen; Wardner

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Wald; Warner; Weisz; Wentz; Speaker Timm

**ABSENT AND NOT VOTING:** Delzer; Gorder; Huether; Nichols; Rennerfeldt; Stenehjem; Torgerson; Wilkie

Engrossed SB 2197 lost.

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#### SECOND READING OF SENATE BILL

**SB 2207:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to required coverages in health plans.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 80 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Callahan; Christenson; Glassheim; Kelsh, S.; Kerzman; Kilzer; Niemeier; Oban; Rose; Sandvig; Schmidt

**NAYS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Delzer; Fairfield; Huether; Rennerfeldt; Torgerson; Wald

Engrossed SB 2207 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**SCR 4026:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a statewide domestic violence task force to address domestic violence prevention issues and adopt a statewide domestic violence prevention strategy.

**SCR 4042:** A concurrent resolution directing the Legislative Council to study the use of "abuse," and "neglect," and "exploitation" in the North Dakota Century Code.

**SCR 4045:** A concurrent resolution directing the Legislative Council to study state funding of the office of clerk of district court, the issues and problems associated with the continued implementation of court unification, and the effective provision of judicial services to the citizens of this state.

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the interrelationship of the postjudgment issues of child support and visitation, including the accountability of both parents to honor divorce orders and the development of a parenting education program that addresses the impact of divorce on children.

**SCR 4049:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses.

**SCR 4053:** A concurrent resolution directing the Legislative Council to study the prevention of and dispositional alternatives to juvenile crime with a focus on services offered to American Indian children.

**ROLL CALL**

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Delzer; Fairfield; Huether; Rennerfeldt; Torgerson

Engrossed SCR 4026, Engrossed SCR 4042, SCR 4045, SCR 4048, SCR 4049, and SCR 4053 were declared adopted on a recorded roll call vote.

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**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 20, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2043, as engrossed:** Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2043 was placed on the Sixth order on the calendar.

Page 2, remove lines 10 through 24

Page 2, line 25, replace "4" with "3"

Page 2, line 28, replace "5" with "4"

Page 3, line 12, replace "6" with "5"

Page 3, line 14, replace "7" with "6"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2115, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2115 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "medically recognized diagnostic examination that includes a"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**SB 2122: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4040, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4040 was placed on the Tenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4046: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4046 was placed on the Tenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4047: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4047 was placed on the Tenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**SCR 4051: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4051 was placed on the Tenth order on the calendar.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2259, SCR 4039, SCR 4056.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2096, SB 2206.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2023, SB 2071, SB 2083, SB 2088, SB 2128, SB 2147, SB 2175, SB 2323, SB 2379.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2114, SB 2138, SB 2150, SB 2217, SB 2225, SB 2248, SB 2250, SB 2261, SB 2262, SB 2264, SB 2266, SB 2295, SB 2302, SB 2327, SB 2352, SB 2357, SB 2394, SCR 4014, SCR 4019, SCR 4020, SCR 4024, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4035, SCR 4044, SCR 4050, SCR 4055.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2145.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2349.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2001.



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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2021, SB 2028, SB 2275.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2056, SB 2260, SB 2281, SB 2301.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2009, SB 2070, SB 2101, SB 2132, SB 2153, SB 2208, SB 2210, SB 2238, SB 2333, SB 2368, SB 2396.

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

**MR. SPEAKER:** The President has signed: HB 1064, HB 1122, HB 1202, HB 1214, HB 1242, HB 1246, HB 1249, HB 1275, HB 1292, HB 1305, HB 1310, HB 1334, HB 1335, HB 1380, HB 1395, HB 1402, HB 1434, HB 1436, HB 1437, HCR 3017, HCR 3028.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2006, SB 2008, SB 2031, SB 2062, SB 2108, SB 2124, SB 2131, SB 2181, SB 2187, SB 2265, SB 2336, SB 2365, SCR 4002, SCR 4025, SCR 4030, SCR 4037, SCR 4038, SCR 4052, SCR 4054.

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

**MR. SPEAKER:** The President has signed: HB 1042, HB 1045, HB 1160, HB 1169, HB 1260, HB 1286, HB 1294, HB 1343, HB 1345, HB 1405, HB 1428, HB 1471, HCR 3001, HCR 3018, HCR 3020, HCR 3029, HCR 3035, HCR 3039, HCR 3044, HCR 3052.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2037, SB 2213, and SB 2351 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2037:** Sens. B. Stenehjem; Mutch; Wogsland

**SB 2213:** Sens. W. Stenehjem; Thane; C. Nelson

**SB 2351:** Sens. Freborg; Fischer; Thompson

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

**MR. SPEAKER:** The President has signed: HB 1044, HB 1132, HB 1188, HB 1353, HB 1401, HB 1463.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2051, SB 2094, SB 2141, SB 2182, SB 2184, SB 2230.

**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 4057.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1101.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2112, SB 2116, SB 2136, and SB 2159 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2112:** Sens. Traynor; W. Stenehjem; C. Nelson

**SB 2116:** Sens. Sand; Klein; Thompson

**SB 2136:** Sens. Klein; Mutch; LaFountain

**SB 2159:** Sens. B. Stenehjem; Cook; O'Connell

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1040.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1068, HB 1103, HB 1330, HB 1340, HB 1362, HCR 3026.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1068**

Page 12, line 7, after "**taxes**" insert "**- Consumer prices to reflect tax changes**"

Page 12, after line 20, insert:

"The net effect of all changes in telecommunications carriers' ad valorem taxes and taxes imposed under this chapter, which are not passed directly to the telecommunications consumer, must be fully reflected in prices for telecommunications services within thirty days of the effective date of the tax changes."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1103**

Page 3, after line 26, insert:

- "12. For any other use in response to requests for individual motor vehicle records if the department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any person, and the department has provided in a clear and conspicuous manner on the forms an opportunity to prohibit disclosure.
13. For bulk distribution for surveys, marketing, or solicitations if the motor vehicle department has implemented methods and procedures to ensure that:
- a. Individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit those uses; and
  - b. The information disclosed may not be used for surveys, marketing, or solicitations directed at the individuals choosing to prohibit those uses."

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1330**

Page 1, line 12, replace "processor" with "administrator"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1340**

Page 1, line 3, remove "to provide a transfer;"

Page 2, remove lines 19 through 23

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1362**

Page 1, line 24, after the underscored semicolon insert "and"

Page 2, remove line 1

Page 2, line 2, replace "d" with "c"

Page 3, line 3, after the underscored period insert "The committee, by a two-thirds majority, may add a new agricultural organization to the North Dakota agricultural hall of fame committee. The committee, by a majority, may remove the name of an organization that no longer exists from the North Dakota agricultural hall of fame committee.

3."

Page 3, line 7, replace "3" with "4"

Page 3, line 13, replace "4" with "5"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3026**

Page 1, line 8, replace "equal to ninety percent of" with "for"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1141.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1141**

Page 1, line 2, after "plan" insert "; and to declare an emergency"

Page 1, after line 10, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**HOUSE ENROLLING REPORT**

The following bills were enrolled: HB 1032, HB 1081, HB 1086, HB 1139, HB 1140, HB 1176, HB 1194, HB 1287, HB 1320, HB 1381, and HB 1389.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 3:46 p.m., March 19, 1997: HCR 3001, HCR 3017, HCR 3020, HCR 3028, HCR 3029, HCR 3035, HCR 3039, HCR 3044, HCR 3052.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4057:** A concurrent resolution urging Congress to complete the Garrison Diversion project, to provide water for eastern North Dakota, and to meet the other water needs of the state.

Was read the first time and referred to the **Natural Resources Committee**.

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

**ROY GILBREATH, Chief Clerk**