

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 3, 1995

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

The prayer was offered by the Rev. Dave Biddle, Missionary Alliance Church, Bismarck.

The roll was called and all members were present except Representatives Hagle and D. Henegar.

A quorum was declared by the Speaker.

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 4056.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1044, HB 1109, HB 1202, HB 1262, HB 1333, HB 1348.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1100.

SENATE AMENDMENTS TO HOUSE BILL NO. 1100

Page 3, replace lines 24 through 28 with "The commission shall advise the director of the office of management and budget and the legislative council on matters relating to the physical and aesthetic features of the interior of all buildings on the capitol grounds. The commission must be called in and shall meet whenever major interior changes, including new construction, remodeling, or renovation of any kind are proposed or considered for the buildings or facilities on the capitol grounds. The commission must be consulted before the purchase or installation of furniture or fixtures in public areas of the capitol and other buildings"

Page 4, line 1, remove "facility"

Renumber accordingly

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

MADAM PRESIDENT: The House has passed unchanged: SB 2040, SB 2086, SB 2116, SB 2128, SB 2151, SCR 4003, SCR 4016, SCR 4020, SCR 4022.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2070, SB 2109, SB 2127, SB 2142, SB 2146, SB 2207, SB 2220, SB 2521.

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 2214, SB 2217, SB 2253, SB 2257, SB 2260, SB 2293.

MOTION

REP. DORSO MOVED that the House reconsider its action whereby the committee report was accepted and SB 2404 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

MOTION

REP. DORSO MOVED that SB 2404 be rereferred to the Industry, Business and

Labor Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2404 was rereferred.

MOTION

REP. DORSO MOVED that SB 2428 be returned to the House floor from the **Agriculture Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2428 was rereferred.

REQUEST

REP. DORSO REQUESTED that the amendments to SB 2480 be considered as a separate item, which request was granted.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2087, Engrossed SB 2093, Engrossed SB 2133, Engrossed SB 2278, SB 2338, and SB 2354 were adopted.

Engrossed SB 2087, Engrossed SB 2093, Engrossed SB 2133, Engrossed SB 2278, SB 2338, and SB 2354, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SB 2480: REP. SVEDJAN (Human Services Committee) MOVED that the amendments on HJ page 883 be adopted with **DO PASS**, which motion prevailed.

MOTION

REP. DORSO MOVED that SB 2480, as amended, be placed at the top of the Fourteenth order on today's calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2480: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 26.1-36-08 and a new paragraph to subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to copayments for treatment of substance abuse outside a preferred provider network.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2480, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The Senate has unanimously approved the motion of Sen. G. Nelson to suspend Joint Rule 203 regarding resolutions.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to amend and reenact subsections 3 and 4 of section 12.1-32-07 of the North Dakota Century Code, relating to community constraints and conditions as intermediate measures to avoid probation revocation; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2194, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2267: A BILL for an Act to amend and reenact section 54-55-01 of the North Dakota Century Code, relating to membership on the commission on uniform state laws; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2267, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to provide a penalty for hazing.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2315, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2334: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to suspension of an occupational or professional license for nonpayment of child support.

MOTION

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

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 56 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Bernstein; Boucher; Carlisle; Christenson; Clark; Clayburgh; Coats; DeKrey; Delmore; Dobrinski; Glassheim; Gorman; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Kaldor; Kelsch; Kerzman; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nichols; Nottestad; Oban; Poolman; Price; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Sveen; Wald; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Berg; Boehm; Brown; Byerly; Carlson; Christopherson; Dalrymple; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Grosz; Howard; Johnson; Keiser; Kempenich; Klein; Koppelman; Lloyd; Mickelson; Monson; Nicholas; Olson; Payne; Rennerfeldt; Retzer; Soukup; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2334, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2461: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to remedies to ensure prompt compliance by nursing facilities with requirements of the medical assistance program.

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, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dorso; Hagle; Henegar, D.; Timm

Engrossed SB 2461, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to create and enact chapter 14-12.2 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to amend and reenact sections 14-09-09.16 and 14-09-09.26 of the North Dakota Century Code, relating to child support enforcement procedures; and to repeal sections 14-09-09.19, 14-09-09.20, 14-09-09.21, 14-09-09.22, and chapter 14-12.1 of the North Dakota Century Code, relating to interstate income withholding and the Revised Uniform Reciprocal Enforcement of Support Act (1968).

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2069 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to amend and reenact subsections 1 and 7 of section 28-32-09 of the North Dakota Century Code, relating to subpoenas, discovery, and protective orders in administrative proceedings.

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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Galvin; Hagle; Henegar, D.

Engrossed SB 2122 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

REP. OBAN: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

REMARKS OF REPRESENTATIVE OBAN

Mr. Speaker and members of the Assembly, yesterday afternoon the greatest deliberative body in the world, the United States Senate, failed to obtain the 67 votes necessary to pass a constitutional amendment requiring a balanced budget. Make no mistake, this was not a vote against balancing the budget. It was a vote to protect social security.

Polls show that the people support a balanced budget amendment. However, polls also show that people overwhelmingly oppose a balanced budget amendment that raids the social security trust fund.

Senator Conrad and Senator Dorgan support a balanced budget amendment, but they have said all along that they could not support an amendment that loots social security. Our senators believe this amendment would wipe out \$1.3 trillion in social security trust fund surpluses.

Both Senators recently voted for a balanced budget amendment that was exactly like the one the Senate defeated yesterday, except it protected social security.

Simply voting for the flawed balanced budget amendment yesterday would have been the easy vote. Standing up for what's right shows the caliber of the two men who represent us in the United States Senate. North Dakotans have come to expect this kind of incredible independence and courage from our two senators. They are willing to do the right thing despite intense political pressure.

Senator Conrad and Senator Dorgan have led the fight for deficit reduction in the past and will continue that fight in the future. Our senators should be admired for hanging tough in this difficult budget debate. They are truly "hometown heroes".

Now, let's have a balanced budget amendment, but let's do it honestly without robbing social security.

I encourage the Congress to get on with it!

SECOND READING OF SENATE BILL

SB 2224: A BILL for an Act to amend and reenact subsection 1 of section 23-12-13 of the North Dakota Century Code, relating to the order of priority of persons authorized to provide informed consent to health care for an incapacitated person.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2224 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to amend and reenact section 34-06.1-03 of the North Dakota Century Code, relating to the prohibition of discriminatory employment practices.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2252 passed and the title was agreed to.

MOTION

REP. FREIER MOVED that SB 2263 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2286: A BILL for an Act to amend and reenact section 39-04-44 of the North Dakota Century Code, relating to credits on the registration of motor vehicles withdrawn from fleet registration.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2286 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2291: A BILL for an Act to amend and reenact section 43-41-05 of the North Dakota Century Code, relating to requirements necessary to practice social work.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2291 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2292: A BILL for an Act to amend and reenact subsection 2 of 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2292 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact sections 6-08.1-03, 21-04-09, and 21-06-07 of the North Dakota Century Code, relating to confidentiality of financial institution customer information and the pledge of securities and the investment of surplus funds by political subdivisions.

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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2314 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to inclusion of school board and township representatives in deliberations on granting property tax exemptions or payments in lieu of taxes for new industries; and to provide an expiration date.

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 63 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Boehm; Boucher; Brown; Carlisle; Christenson; Coats; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grosz; Grumbo; Gulleson; Hanson; Henegar, K.; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Oban; Olson; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Stenehjem; Sveen; Thompson; Thoreson; Timm; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Berg; Bernstein; Byerly; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Dorso; Gorder; Gorman; Gunter; Hausauer; Holm; Howard; Keiser; Kretschmar; Mickelson; Nottestad; Payne; Poolman; Retzer; Shide; Skarphol; Soukup; Svedjan; Tollefson; Torgerson; Wald; Walker

ABSENT AND NOT VOTING: Hagle; Henegar, D.; Huether; Price

SB 2322 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2331: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to the penalty for driving while under the influence of alcohol while being accompanied by a minor.

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 93 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Brown; Delzer; Timm

ABSENT AND NOT VOTING: Hagle; Henegar, D.

SB 2331 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1070, HB 1102, HB 1105, HB 1106, HB 1127, HB 1128, HB 1188, HB 1219, HB 1285.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1070, HB 1102, HB 1105, HB 1106, HB 1127, HB 1128, HB 1188, HB 1219, HB 1285.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1126.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1126.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2107, SB 2108, SB 2117, SB 2138, SB 2139, SB 2145, SB 2148, SB 2156, SB 2157, SB 2167, SB 2175, SB 2178, SB 2196, SB 2205, SB 2208, SCR 4008.

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

MADAM PRESIDENT: The Speaker has signed: SB 2107, SB 2108, SB 2117, SB 2138, SB 2139, SB 2145, SB 2148, SB 2156, SB 2157, SB 2167, SB 2175, SB 2178, SB 2196, SB 2205, SB 2208, SCR 4008.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:10 p.m., March 3, 1995: HB 1024, HB 1078, HB 1087, HB 1098, HB 1122, HB 1130, HB 1140, HB 1280, HB 1304, HB 1403.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:10 p.m., March 3, 1995: HB 1040, HB 1042, HB 1137, HB 1142, HB 1144, HB 1242, HB 1319, HB 1357, HB 1364, HB 1410, HB 1483.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1044, HB 1109, HB 1202, HB 1262, HB 1333, and HB 1348.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 6, 1995, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 9:05 a.m., March 2, 1995.

This is to inform you that on March 1, 1995, I signed the following: HB 1079, HB 1096, HB 1143, HB 1158, HB 1197, HB 1438, and HB 1480.

REPORT OF STANDING COMMITTEE

SB 2088: Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 6 and"

Page 1, line 2, after "shotgun" insert "and a definition of a handgun"

Page 1, line 4, replace "Subsection" with "Subsections 6 and"

Page 1, line 5, replace "is" with "are"

Page 1, after line 6, insert:

"6. "Handgun" means any firearm having that is not designed to be fired from the shoulder, which has a barrel less than sixteen inches [40.64 centimeters] long that is not designed to be fired from the shoulder with a rifled bore, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile."

Page 1, line 7, remove the overstrike over the comma and remove "or"

Page 1, line 8, remove the overstrike over "and intended to be fired" and after "using" insert "with one hand below or behind and one hand in front of the breach,"

Page 1, line 10, after "smooth" insert "or a rifled"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2095, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2095 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2121, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2121 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2149, as reengrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2149 was placed on the Sixth order on the calendar.

Page 1, line 19, remove the overstrike over "churches,"

Page 1, line 20, remove the overstrike over "schools, hospitals, hotels, halls, theaters, amphitheaters, and"

Page 2, line 1, remove the overstrike over "ether"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2170: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2170 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2171: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2171 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2173: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)

recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2173 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2174: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2200 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2247: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2247 was placed on the Sixth order on the calendar.

Page 1, line 18, after "person" insert "negligently"

Page 1, line 20, after "involving" insert "serious personal injury or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2289: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). SB 2289 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2339, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO NOT PASS (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2339 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2360, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2360 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "refers to reinsurance" and insert immediately thereafter "includes only those obligations ceded or assumed" and after the period insert "An "assumption agreement" is one that transfers all of the direct insurer's obligations under policies of insurance to another insurer and relieves the transferring insurer of any obligations under the policies."

Page 1, line 18, overstrike "This chapter does not prevent a company, whether"

Page 1, overstrike line 19

Page 1, line 20, overstrike "any single risk" and remove "when the company continues to remain directly liable for its"

Page 2, line 1, remove line 1

Page 2, line 2, remove "policyholders" and overstrike the period

Page 3, line 8, remove ", or any"

Page 3, remove line 9

Page 3, line 10, remove "structure or management of the parties," and remove ", unfair, or"

Page 3, line 11, remove "unreasonable"

Page 3, line 16, after "persons" insert "of a foreign insurance company"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2373: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2415, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2415 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2433, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2433 was placed on the Sixth order on the calendar.

Page 4, line 4, replace "an individual" with "a person"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2457: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2457 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2481: Transportation Committee (Rep. Belter, Chairman) recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2481 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2509, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman) recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2509 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2514, as engrossed: Transportation Committee (Rep. Belter, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2514 was placed on the Fourteenth order on the calendar.

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 4027, SCR 4047, SCR 4055, SCR 4060, SCR 4061.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4027: A concurrent resolution directing the Legislative Council to study the operation of and services provided by the Information Services Division, the use and proliferation of personal computers throughout state government, and the feasibility and desirability of contracting for data processing services.

Was read the first time and referred to the Government and Veterans Affairs Committee.

SCR 4047: A concurrent resolution directing the Legislative Council to study refugee resettlements in the state and define and identify the net

fiscal effects of refugees and other limited English proficient or language minority students on school districts and the providers of social services.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

SCR 4055: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an administrative process for the enforcement of child support obligations.

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

SCR 4056: A concurrent resolution directing the Legislative Council to study North Dakota's wetlands laws.

Was read the first time and referred to the **Agriculture Committee**.

SCR 4060: A concurrent resolution directing the Legislative Council to study the laws related to sex offenders, including consideration of options for involuntary treatment of civilly committed or criminally incarcerated sex offenders.

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

SCR 4061: A concurrent resolution directing the Legislative Council to study the statutes of this state to determine if there are obsolete, redundant, or inaccurate laws that should be eliminated.

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

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

ROY GILBREATH, Chief Clerk