

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, March 6, 1995

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

The prayer was offered by the Rev. Steve Sathre, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Berg, Clayburgh, Gorder, Gunter, Kempenich, and Torgerson.

A quorum was declared by the Speaker.

LEGISLATIVE CHAPLAINCY SCHEDULE  
OF DATES FOR THE HOUSE OF REPRESENTATIVES

## MARCH

<u>Date</u>	<u>Church/Institution</u>
1 Fr. Marvin Klemmer	Ascension Parish, Bismarck
2 Rev. Dom Vetter	Victory Family Bible Church, Bismarck
3 Rev. Dave Biddle	Bismarck Missionary Alliance
6 Rev. Steve Sathre	Trinity Lutheran, Bismarck
7 Rev. Gordon Kroeker	Mennonite Brethren, Harvey
8 Fr. Phil Ackerman	Holy Spirit, Fargo
9 Chaplain Burnie Kunz	Medcenter One, Bismarck
10 Rev. James Vineyard	American Lutheran, Mandan
13 Rev. Dick Hagestuen	First Lutheran, Mandan
14 Rev. Ken Wilson	Church of the Nazarene, Jamestown
15 Rev. Ron Rich	Riverwood Baptist, Bismarck
16 Rev. Rolf Nestingen	Bethany Lutheran, Minot
17 Rev. James Hanson	Our Savior's Lutheran, Hillsboro
20 Rev. Justin Kvanli	Bethel Lutheran, Dazey
21 Rev. Sam Freshwater	Washington Heights Community Church, Bismarck
22 Envoy Dale Sherod	Salvation Army, Bismarck
23 Fr. Bruce Caldwell	St. George's Episcopal, Bismarck
24 Rev. Jim Pearson	Bethel Evangelical Free, Fargo
27 Fr. George Bodziachowski	St. Augustine, Fessenden
28 Rev. Ken Schlock	Jamestown Evangelical Church
29 Rev. Terry Kern	First Evangelical Free, Bismarck
30 Rev. Don Schmid	Bethel Baptist, Harvey
31 Fr. Austin Vetter	Cathedral of the Holy Spirit, Bismarck

## MOTION

REP. DORSO MOVED that HR 507, with reference to reporting of measures on proposed Constitutional amendments, be suspended, which motion prevailed.

## MOTION

REP. DORSO MOVED that Engrossed SB 2430, which is on the Fourteenth order, be referred to the Human Services Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2430 was rereferred.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2158, SB 2163, SB 2210, SB 2240, SB 2244, SB 2250, SB 2258, SB 2261, SB 2262, SB 2265, SB 2284, SB 2285.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2132, SB 2489.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1069, HB 1094.

## SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1069

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 14-03 of the North Dakota Century Code, relating to surnames; and" and after "14-03-10" insert "and subsection 3 of section 14-03-17"

Page 1, line 2, after "requirements" insert "and applications"

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Subsection 3 of section 14-03-17 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Each application for a marriage license must also contain a statement to the following effect:

## NOTICE TO APPLICANTS

- a. ~~Every person has the right to adopt any surname by which that person wishes to be known by using that surname consistently and without intent to defraud.~~
- b. ~~A person's surname does not automatically change upon marriage. Neither party to the marriage must change the party's surname. Parties to a marriage need not have the same surname.~~
- c. ~~One party or both parties to a marriage may elect to change the surname by which that party wishes to be known after the solemnization of the marriage by entering the new surname in the space below. The entry must consist of one of the following surnames:~~
  - (1) ~~The surname of the other spouse;~~
  - (2) ~~Any former surname of either spouse;~~
  - (3) ~~A name combining into a single surname all or a segment of the premarriage surname or any former surname of either spouse; or~~
  - (4) ~~A combination name separated by a hyphen, provided that each part of the combination surname is the premarriage surname or a former surname of either spouse.~~
- d. ~~Use of the option under subdivision c has the effect of providing a record of the surname change. The marriage certificate containing the new surname, if any, constitutes proof that the use of the new surname, or the retention of the former surname, is lawful.~~
- e. ~~Neither the use of nor the failure to use the option of selecting a new surname by means of this application, as provided in subdivision c, abrogates the right of either party to adopt a different surname through usage at a future date.~~

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{Optional — Enter new surname above}

regarding surname options which is consistent with section 3 of this Act.

SECTION 3. A new section to chapter 14-03 of the North Dakota Century Code is created and enacted as follows:

Surname options.

1. Every person has the right to adopt any surname by which that person wishes to be known by using that surname consistently and without intent to defraud.
2. A person's surname does not automatically change upon marriage. Neither party to the marriage must change the party's surname. Parties to a marriage need not have the same surname.
3. One party or both parties to a marriage may elect to change the surname by which that party wishes to be known after the solemnization of the marriage by entering the new surname in the space provided on the marriage license application. The entry on the application must consist of one of the following surnames:
  - a. The surname of the other spouse;
  - b. Any former surname of either spouse;
  - c. A name combining into a single surname all or a segment of the premarriage surname or any former surname of either spouse; or
  - d. A combination name separated by a hyphen, provided that each part of the combination surname is the premarriage surname or former surname of either spouse.
4. Use of the option under subsection 3 has the effect of providing a record of the surname change. The marriage certificate containing the new surname, if any, constitutes proof that the use of the new surname, or the retention of the former surname, is lawful.
5. Neither the use of nor the failure to use the option of selecting a new surname by means of a marriage license application, as provided in subsection 3, abrogates the right of either party to adopt a different surname through usage at a future date.
6. Compliance with the surname provisions of this section is sufficient to meet the satisfactory evidence requirements of section 39-06-07.1."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1094

Page 1, line 18, replace "eighty-one" with "seventy-five"

Page 3, line 14, replace "eighty-one" with "seventy-five"

Renumber accordingly

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2214, SB 2217, SB 2253, SB 2257, SB 2260, SB 2293.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2214, SB 2217, SB 2253, SB 2257, SB 2260, SB 2293.

**SIXTH ORDER OF BUSINESS**

The amendments on the Sixth order of business to Engrossed SB 2088, Engrossed SB 2149, SB 2247, Engrossed SB 2360, and Engrossed SB 2433 were adopted.

Engrossed SB 2088, Engrossed SB 2149, SB 2247, Engrossed SB 2360, and Engrossed SB 2433, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**SECOND READING OF SENATE BILL**

**SB 2087:** A BILL for an Act to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the penalty for failure to care for a vulnerable elderly adult.

**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 89 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Boehm; Lloyd

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gorder; Gunter; Kempenich; Kliniske; Torgerson

Engrossed SB 2087, as amended, passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that SB 2444 and SB 2450 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2444:** A BILL for an Act to amend and reenact section 15-28-02 of the North Dakota Century Code, relating to definitions of rural and urban areas for purposes of school board membership elections; and to declare an emergency.

**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, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman;

Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gorder; Gunter; Kempenich; Maragos; Torgerson

Engrossed SB 2444 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2450:** A BILL for an Act to create and enact a new section to chapter 61-24.3 of the North Dakota Century Code, relating to the southwest pipeline project.

#### 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, 7 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gorder; Gunter; Kempenich; Maragos; Torgerson

SB 2450 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2093:** A BILL for an Act to amend and reenact section 27-20-51 of the North Dakota Century Code, relating to disclosure of juvenile court records; 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 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gorder; Gunter; Kempenich; Maragos; Torgerson

Engrossed SB 2093, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 1:10 p.m., March 6, 1995.

This is to inform you that on March 6, 1995, I signed the following: HB 1024, HB 1087, HB 1098, HB 1122, HB 1130, HB 1140, HB 1280, HB 1403, HB 1040, HB 1042, HB 1142, HB 1144, HB 1242, HB 1319, and HB 1357.

**SECOND READING OF SENATE BILL**

**SB 2133:** A BILL for an Act to amend and reenact subsection 1 of section 43-09-09.2 of the North Dakota Century Code, relating to advertising of electrical services.

**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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar, D.; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Berg; Bernstein; Clayburgh; Gorder; Gunter; Torgerson

Engrossed SB 2133, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2278:** A BILL for an Act to provide for the care and treatment of persons with intractable pain by the use of controlled substances.

**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 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar, D.; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Berg; Bernstein; Clayburgh; Gunter; Torgerson

Engrossed SB 2278, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2338:** A BILL for an Act to amend and reenact section 1-04-01 of the North Dakota Century Code, relating to validation of recorded instruments.

#### 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; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar, D.; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gunter; Torgerson

SB 2338, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2354:** A BILL for an Act to amend and reenact section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign contribution statements filed by persons promoting passage or defeat of initiated or referred measures.

#### 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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar, D.; 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; Wald; Walker; Wardner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gunter; Torgerson; Speaker Martin

SB 2354, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2034:** A BILL for an Act to amend and reenact section 50-24.4-15 of the North Dakota Century Code, relating to a department of human services property cost payment system for nursing home providers.

#### 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; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Guleson; Hagle; Hanson; Hausauer; Henegar, D.; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Berg; Clayburgh; Gunter; Torgerson

Engrossed SB 2034 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2079:** A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to the regulatory reform review commission; to provide an expiration date; and to declare an emergency.

#### 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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Guleson; Hanson; Hausauer; Henegar, D.; 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; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Berg; Clayburgh; Gunter; Hagle; Torgerson

Engrossed SB 2079 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

SB 2232: A BILL for an Act to repeal chapter 38-18.1 of the North Dakota Century Code, relating to termination of unused mineral interests.

#### MOTION

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

#### 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 34 YEAS, 60 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Austin; Bernstein; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Dorso; Freier; Gerntholz; Hausauer; Henegar, D.; Holm; Howard; Huether; Keiser; Kliniske; Kretschmar; Maragos; Martinson; Mickelson; Monson; Payne; Poolman; Price; Sabby; Shide; Soukup; Thoreson; Timm; Tollefson; Wald; Wardner

NAYS: Aarsvold; Bateman; Belter; Boehm; Boucher; Brown; Christenson; Coats; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Drovdal; Froseth; Galvin; Glassheim; Gordner; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar, K.; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Klein; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Rennerfeldt; Retzer; Rydell; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Walker; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Berg; Clayburgh; Gunter; Torgerson

SB 2232 was declared lost.

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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, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 7, 1995, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

SB 2137, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2137 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2143: Natural Resources Committee (Rep. Olson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2143 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 to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to nonresident youth hunting licenses; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

## BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 20.1-03-07.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required.** A Except as provided in section 2 of this Act, a nonresident may not hunt waterfowl unless he that person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license shall entitle entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each and in specified waterfowl hunting zones. A license authorizing two 7-day hunting periods may allow hunting in a different zone during each period. The governor, in his the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

**SECTION 2.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

Nonresident youth hunting licenses. A nonresident youth who is less than sixteen years of age may purchase a resident small game hunting license and may hunt small game and waterfowl except swans and wild turkeys; provided, that the nonresident youth's state, or province or territory of Canada, of residence provides a reciprocal licensing agreement for North Dakota residents who are less than sixteen years of age. To be eligible to purchase a license under this section, a nonresident youth may not have arrived at the age of sixteen before September first of the year for which the license is issued and must possess a certificate of completion for a certified hunter education course. The nonresident youth may only hunt under the supervision of an adult family member or legal guardian who is licensed to hunt small game or waterfowl in this state and is subject to the same regulations as that youth's adult family member or legal guardian. This section does not apply to the hunting of big game or to a license issued by lottery."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2229: Judiciary Committee (Rep. Kretschmar, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2234, as engrossed: Political Subdivisions Committee (Rep. Soukup, Chairman)** recommends **DO PASS** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2234 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2304, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2304 was placed on the Sixth order on the calendar.

Page 1, line 5, after "shall" insert "direct the legislative ethics committee to" and after "study" insert "during the 1995-96 interim"

Page 1, line 9, remove "The legislative council"

Page 1, remove lines 10 through 12

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2316:** Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2316 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2343:** Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2343 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2429, as engrossed:** Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2429 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2484, as engrossed:** Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2484 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4032:** Education Committee (Rep. Rydell, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4032 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4039:** Education Committee (Rep. Rydell, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4039 was placed on the Tenth order on the calendar.

**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 2040, SB 2086, SB 2116, SB 2128, SB 2151, SCR 4003, SCR 4016, SCR 4020, SCR 4022.

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

**MR. SPEAKER:** The President has signed: HB 1070, HB 1102, HB 1105, HB 1106, HB 1126, HB 1127, HB 1128, HB 1188, HB 1219, HB 1285.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 3:10 p.m., March 6, 1995: HB 1070, HB 1102, HB 1105, HB 1106, HB 1126, HB 1127, HB 1128, HB 1188, HB 1219, HB 1285.

**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 4049, SCR 4058.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

**SCR 4049:** A concurrent resolution directing the Legislative Council to study issues relating to child support.

Was read the first time and referred to the Human Services Committee.

**SCR 4058:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing out-of-home mental health services to severely emotionally disabled children without requiring the relinquishment of custody by parents.

Was read the first time and referred to the Human Services Committee.

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

ROY GILBREATH, Chief Clerk