

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 20, 1995

The House convened at 10:30 a.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 Aarsvold, Hagle, and Mahoney.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2194, SB 2220, SB 2223, SB 2267, SB 2278, SB 2304, SB 2315, SB 2334, SB 2354, SB 2360, SB 2418, SB 2433, SB 2461, SB 2489.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2336, SB 2416, SB 2521, SCR 4007.

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

MR. SPEAKER: The President has signed: HB 1058, HB 1183, HB 1239, HB 1417, HB 1425, HB 1440, HB 1450, HB 1451, HB 1458, HB 1484, HCR 3008, HCR 3020, HCR 3022, HCR 3045.

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

MR. SPEAKER: The President has signed: HB 1077, HB 1136, HB 1195, HB 1206, HB 1238, HB 1251, HB 1277, HB 1299, HB 1302, HB 1321, HB 1324, HB 1327, HB 1338, HB 1340, HB 1361, HB 1365, HB 1370, HB 1377, HB 1384, HB 1393, HB 1397.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolutions: SCR 4029, SCR 4030, SCR 4040.

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

MADAM PRESIDENT: The Speaker has signed: SCR 4029, SCR 4030, SCR 4040.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2203, SB 2213, SB 2215, SB 2216, SCR 4025, SCR 4058.

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

MADAM PRESIDENT: The House has failed to pass: SB 2140, SB 2193.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2021, SB 2075, SB 2101, SB 2115, SB 2181, SB 2204, SB 2425, SCR 4049.

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 2090, SB 2343.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:55 a.m., March 20, 1995: HCR 3008, HCR 3020, HCR 3022, HCR 3045.

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 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2160, SB 2263, SB 2283, SB 2344, SB 2460.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2143, SB 2149, SB 2159, SB 2207, SB 2247, SB 2338, and SB 2480 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2143: Sens. Christmann; Kringstad; Heitkamp
 SB 2149: Sens. Lee; Watne; Mathern
 SB 2159: Sens. Wanzek; Grindberg; Heinrich
 SB 2207: Sens. Tennefos; Christmann; Heitkamp
 SB 2247: Sens. B. Stenehjem; Schobinger; O'Connell
 SB 2338: Sens. Traynor; Watne; LaFountain
 SB 2480: Sens. Lee; Bowman; Yockim

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 2074, SB 2081, SB 2087, SB 2088, SB 2133, and SB 2142 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2037: Sens. B. Stenehjem; Lee; DeMers
 SB 2074: Sens. Freborg; Christmann; Yockim
 SB 2081: Sens. Tennefos; Christmann; Tomac
 SB 2087: Sens. Bowman; Lee; DeMers
 SB 2088: Sens. Christmann; Kringstad; Heitkamp
 SB 2133: Sens. Andrist; Sand; Langley
 SB 2142: Sens. Freborg; Christmann; Krauter

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1412.

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 1412.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill and resolutions: SB 2150, SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

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

MADAM PRESIDENT: The Speaker has signed: SB 2150, SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2160, SB 2263, SB 2283, SB 2344, SB 2460.

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

MADAM PRESIDENT: The Speaker has signed: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2160, SB 2263, SB 2283, SB 2344, SB 2460.

MOTION

REP. DORSO MOVED that Engrossed SB 2264, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2327, Engrossed SB 2351, SB 2520, Engrossed SB 2309, Engrossed SB 2349, Engrossed SB 2358,

Engrossed SB 2406, SB 2435, Engrossed SB 2455, Engrossed SB 2463, and Engrossed SB 2477 were adopted.

Engrossed SB 2358, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2327, Engrossed SB 2351, SB 2520, Engrossed SB 2309, Engrossed SB 2349, Engrossed SB 2406, SB 2435, Engrossed SB 2455, Engrossed SB 2463 and Engrossed SB 2477, as amended, were placed on the Fourteenth order of business on today's calendar.

MOTION

REP. DORSO MOVED that SB 2187, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2187 was rereferred.

POINT OF PERSONAL PRIVILEGE

REP. HOWARD: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REMARKS OF REPRESENTATIVE HOWARD

We would like to extend our congratulations to the Carrington Cardinals for winning the class B basketball championship this past weekend in Minot.

We would also like to congratulate the Carrington Cardinals wrestling team who won the state class B wrestling championship two weeks ago.

The Grenora Gophers are an excellent team, and Hunter Berg is to be congratulated for winning the Mr. Basketball Award for 1995.

Mayville-Portland-Clifford-Galesburg has a very good team and should be commended for the two disheartening losses they had. On Friday night they lost to Carrington, by two free throws, and on Saturday night they lost by one free throw to Halliday.

Munich can also be very proud that their coach, Mr. Jack DeMaine, was named class B coach of the year.

The other teams - Oakes, Litchville-Marion-Montpelier, and Rhame - are all great teams.

These young people provided the state of North Dakota with some very exciting entertainment this past weekend, and we wish them all the luck in the future.

MOTION

REP. COATS MOVED that the remarks of Representative Howard be printed in the Journal, which motion prevailed.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Bert Miller.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses; and to provide an expiration date.

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 22 YEAS, 72 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Boucher; Carlisle; Clark; DeWitz; Froseth; Galvin; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, D.; Jacobs; Johnson; Kunkel; Maragos; Monson; Nicholas; Nottestad; Schmidt; Shide; Sveen

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlson; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dobrinski; Dorso; Drowdal; Freier; Gerntholz; Glassheim; Grumbo; Gulleon; Hanson; Henegar, K.; Holm; Howard; Huether; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Martinson; Mickelson; Mutzenberger; Nichols; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Aarsvold; Clayburgh; Hagle; Mahoney

Engrossed SB 2327, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact a new section to chapter 14-09, a new section to chapter 14-17, and a new subsection to section 14-17-24 of the North Dakota Century Code, relating to child support duties; to amend and reenact sections 14-09-09.16, 14-17-08, 14-17-15, 14-17-17, and 30.1-19-05 of the North Dakota Century Code, relating to child support duties and paternity determinations; to provide an effective date; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordor; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Aarsvold; Hagle; Mahoney; Wentz

Engrossed SB 2351, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to create and enact a new section to chapter 3-02 and three new sections to chapter 43-23 of the North Dakota Century Code, relating to duties required of a brokerage firm, common-law agency principles, misrepresentation of a real estate transaction, and appointed agents of a brokerage firm; and to amend and reenact section 43-23-06.1 of the North Dakota Century Code, relating to definitions for purposes of the state real estate commission.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: 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; Gulleeson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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: Aarsvold; Hagle; Mahoney

SB 2520, as amended, passed and the title was agreed to.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Lynn Aas and Former Governor and Representative Art Link.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to Engrossed SB 2349, Engrossed SB 2406, and Engrossed SB 2068, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to amend and reenact section 37-19.1-01 and subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to definitions under the veterans' preference laws.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: 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; Gulleeson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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: Aarsvold; Hagle; Mahoney

Engrossed SB 2309, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to create and enact two new subsections to section 10-06.1-17 and section 10-23-03.3 of the North Dakota Century

Code, relating to annual reports required of farm corporations and limited liability companies engaged in farming and reinstatement of corporations and foreign corporations following dissolution or revocation for failure to file an annual report; to amend and reenact sections 10-23-01, 10-23-02, 10-23-03, and 10-23-06 of the North Dakota Century Code, relating to annual reports of domestic and foreign corporations and license fees paid by corporations; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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: Aarsvold; Hagle; Mahoney

Engrossed SB 2349, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to create and enact a new section to chapter 43-47 of the North Dakota Century Code, relating to authority of the board of counselor examiners to issue specialty licenses for counselors; and to amend and reenact subsections 3 and 4 of section 43-47-01, section 43-47-04, subsections 1 and 6 of section 43-47-05, and subsections 1, 3, and 6 of section 43-47-06 of the North Dakota Century Code, relating to the counselors and licensed associate professional counselors.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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: Aarsvold; Hagle; Mahoney

Engrossed SB 2406, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2435: A BILL for an Act to provide for supplemental needs trusts for persons with disabilities, and to otherwise limit the disposition of trust assets or income when a beneficiary becomes eligible for public assistance; and to provide for application of this Act.

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 5 YEAS, 90 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Gorman; Hanson; Kaldor; Kroeber; Lloyd

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

ABSENT AND NOT VOTING: Aarsvold; Hagle; Mahoney

SB 2435, as amended, was declared lost.

MOTION

REP. DORSO MOVED that Engrossed SB 2455, as amended, be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2463: A BILL for an Act to provide a directive concerning the impending flood disaster in the Devils Lake basin and a statement of the legislative assembly concerning water development in North Dakota; to provide an appropriation; to provide an expiration date; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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: Aarsvold; Hagle; Mahoney

Reengrossed SB 2463, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2477: A BILL for an Act to create and enact two new subsections to section 23-05-02 of the North Dakota Century Code, relating to the powers and duties of county boards of health.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dairymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; 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: Aarsvold; Hagle; Mahoney

Engrossed SB 2477, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Reengrossed SB 2031 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, SB 2031 was rereferred.

REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your **Delayed Bills Committee (Rep. Dorso, Chairman)** has examined and has cast a unanimous ballot in favor of introducing a concurrent resolution celebrating the 100th year of women serving in state legislatures.

The resolution will be HCR 3047.

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

SECOND READING OF SENATE BILL

SB 2237: A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 14-02.4-02 of the North Dakota Century Code, relating to when conduct or communication is included within the definition of discriminatory practice.

MOTION

REP. SKARPHOL 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 25 YEAS, 71 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Boucher; Christenson; Coats; Delmore; Gerntholz; Glassheim; Grumbo; Gulleston; Huether; Kaldor; Keiser; Kelsch; Kerzman; Kretschmar; Kroeber; Mahoney; Maragos; Mutzenberger; Nottestad; Oban; Sabby; Sandvig; Stenehjem; Sveen; Wentz

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gorder; Gorman; Grosz; Gunter; Hanson; Hausauer; Henegar, D.; Henegar, K.; Holm; Howard; Jacobs; Johnson; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Laughlin; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nichols; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Aarsvold; Hagle

SB 2237, as amended, was declared lost.

MOTION

REP. FREIER MOVED that the House reconsider its action whereby HCR 3036 failed to pass, which motion lost on a verification vote.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1054, HB 1141, HB 1184, HB 1189, and HB 1216.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1086, HB 1099, HB 1173, HB 1175, HB 1187, HB 1196, HB 1247, and HB 1263.

MOTION

REP. DORSO MOVED that the House stand in recess until 3:00 p.m. at which time the House will receive the Senate in Joint Session for the Rough Rider Award Ceremony, which motion prevailed.

THE HOUSE RECONVENED, with Speaker Martin presiding.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:15 p.m., March 20, 1995: HB 1058, HB 1077, HB 1136, HB 1183, HB 1195, HB 1206, HB 1238, HB 1239, HB 1251, HB 1277, HB 1299, HB 1302, HB 1321, HB 1324, HB 1327, HB 1338, HB 1340, HB 1361, HB 1365, HB 1370, HB 1377, HB 1384, HB 1393, HB 1397, HB 1417, HB 1425, HB 1440, HB 1450, HB 1451, HB 1458, HB 1484.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2309, SB 2349, SB 2406, SB 2477, SB 2520.

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 2351, SB 2463.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2237, SB 2327, SB 2435.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2296.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2104, SB 2134, SB 2176, SB 2212, SB 2404, SB 2405, SB 2452, SB 2500.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2242.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2024, SB 2135, SB 2230, SB 2280, SB 2290, SB 2295, SB 2297, SB 2302, SB 2356, SB 2362, SCR 4006, SCR 4013, SCR 4062.

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

MADAM PRESIDENT: The House has failed to pass: SB 2303, SB 2308.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332.

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

MR. SPEAKER: The President has signed: HB 1412.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1334.

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

MR. SPEAKER: The Senate has failed to pass: HB 1117, HB 1292.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1045, HB 1291, HB 1487.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2538.

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 4023.

ROUGH RIDER AWARD PRESENTATION CEREMONY

JOINT SESSION

MOTION

REP. KELSCH MOVED that a committee of three be appointed to escort Lt. Governor Rosemarie Myrdal to the rostrum, which motion prevailed.

SPEAKER MARTIN APPOINTED Representatives Olson, Wentz, and Laughlin to such committee and Lt. Governor Myrdal was escorted to the rostrum.

SPEAKER MARTIN INTRODUCED Lt. Governor Myrdal to the Assembly and turned the gavel over to her.

LT. GOVERNOR MYRDAL called the Joint Session to order.

MOTION

REP. HOLM MOVED that a committee of four be appointed to escort the Rough Rider Committee Members, Governor Edward T. Schafer, Secretary of State Al Jaeger, and James Sperry, Superintendent of the Historical Society to the rostrum, which motion prevailed.

LT. GOVERNOR MYRDAL APPOINTED Representatives Dorso and Oban and Senators Nelson and Wogsland to the Escort Committee and Governor Edward T. Schafer, Secretary of State Al Jaeger, and James Sperry, Superintendent of the Historical Society, were escorted to the rostrum.

MOTION

SEN. NELSON MOVED that a committee of twelve be appointed to escort former Representative Brynhild Haugland, the 1994 Rough Rider Award Recipient and her guest, Melissa Price, to the rostrum, which motion prevailed.

LT. GOVERNOR MYRDAL APPOINTED Representatives Klein, Maragos, Mickelson, Price, Timm, Tollefson, Walker, and Wentz and Senators Krebsbach, Redlin, Schobinger and Watne to the Escort Committee and former Representative Brynhild Haugland and her guest, Melissa Price, were escorted to the rostrum.

MOTION

REP. DORSO MOVED that the House be on the Ninth order of business, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Aarsvold, Austin, Bateman, Belter, Berg, Bernstein, Boehm, Boucher, Brown, Byerly, Carlisle, Carlson, Christenson, Christopherson, Clark, Clayburgh, Coats, Dalrymple, Delmore, Delzer, DeKrey, DeWitz, Dobrinski, Dorso, Drovdal, Freier, Froseth, Galvin, Gerntholz, Glassheim, Gorder, Gorman, Grosz, Grumbo, Gullerson, Gunter, Hagle, Hanson, Hausauer, D. Henegar, K. Henegar, Holm, Howard, Huether, Jacobs, Johnson, Kaldor, Keiser, Kelsch, Kempenich, Kerzman, Klein, Kliniske, Koppelman, Kretschmar, Kroeber, Kunkel, Laughlin, Lloyd, Mahoney, Maragos, Martin, 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 and Sens. Andrist, Bowman, Christmann, DeMers, Freborg, Goetz, Grindberg, Heinrich, Heitkamp, Holmberg, Kelsh, Kinnoin, Krauter, Krebsbach, Kringstad, Langley, LaFountain, Lee, Lindaas, Lips, Mathern, Mushik, Mutch, Naaden, Nalewaja, C. Nelson, G. Nelson, Nething, O'Connell, Redlin, Robinson, Sand, Scherber, Schobinger, Solberg, St. Aubyn, B. Stenehjem, W. Stenehjem, Streibel, Tallackson, Tennefos, Thane, Tomac, Traynor, Urlacher, Wanzek, Watne, Wogsland, Yockim introduced:

(Approved by the Delayed Bills Committee)

HCR 3047: A concurrent resolution celebrating the 100th year of women serving in state legislatures.

Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that HCR 3047 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Aarsvold, Austin, Bateman, Belter, Berg, Bernstein, Boehm, Boucher, Brown, Byerly, Carlisle, Carlson, Christenson, Christopherson, Clark, Clayburgh, Coats, Dalrymple, Delmore, Delzer, DeKrey, DeWitz, Dobrinski, Dorso, Drovdal, Freier, Froseth, Galvin, Gerntholz, Glassheim, Gorder, Gorman, Grosz, Grumbo, Gullerson, Gunter, Hagle, Hanson, Hausauer, D. Henegar, K. Henegar, Holm, Howard, Huether, Jacobs, Johnson, Kaldor, Keiser, Kelsch, Kempenich, Kerzman, Klein, Kliniske, Koppelman, Kretschmar, Kroeber, Kunkel, Laughlin, Lloyd, Mahoney, Maragos, Martin, 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 and Sens. Andrist, Bowman, Christmann, DeMers, Freborg, Goetz, Grindberg, Heinrich, Heitkamp, Holmberg, Kelsh, Kinnoin, Krauter, Krebsbach, Kringstad, Langley, LaFountain, Lee, Lindaas, Lips, Mathern, Mushik, Mutch, Naaden, Nalewaja, C. Nelson,

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

(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3047

A concurrent resolution celebrating the 100th year of women serving in state legislatures.

WHEREAS, women were elected to serve in state Legislative Assemblies even before American women received the right to vote; and

WHEREAS, in January 1895, the first three women were sworn in to serve as state legislators; and

WHEREAS, women have served diligently and enthusiastically in this Legislative Assembly and have devoted their lives to their communities and to this state; and

WHEREAS, the knowledge, expertise, and wise leadership of women legislators have served this state well in the past and will enhance the quality of our legislation in the Twenty-first Century; and

WHEREAS, the Legislative Assembly recognizes the outstanding contributions and accomplishments made by former and current women legislators; and

WHEREAS, the Legislative Assembly recognizes the need to celebrate the role of women in the Legislative Assembly and in the development of the state and to encourage public knowledge and awareness of the roles they have played and continue to play; and

WHEREAS, the National Foundation for Women Legislators, Incorporated, which serves as the educational arm of the National Order of Women Legislators, the oldest professional association of women legislators in this country, is coordinating state, regional, and national celebrations to commemorate 100 years of women serving in state legislatures;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Assembly of North Dakota joins in the 100th year celebration of women in state legislatures and extends its appreciation to all the women who have served and are serving in the North Dakota Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to every woman legislator serving in the Legislative Assembly, to every woman legislator, still living, who has served in the North Dakota Legislative Assembly, and to the National Foundation for Women Legislators, Incorporated.

LT. GOVERNOR MYRDAL turned the program over to Secretary of State Alvin A. Jaeger.

Welcoming remarks and introduction of guests was given by Secretary of State, Alvin A. Jaeger.

A musical selection was presented by City Lights of Minot under the direction of Dr. Kenneth Bowles.

The colors were presented by Troop 11, Northern Lights Council, Boy Scouts of America.

The history of the Rough Rider Award was presented by James Sperry, Superintendent of the State Historical Society.

Former Representative Earl Strinden presented a personal tribute to former Representative Brynhild Haugland.

The Rough Rider Award was presented to former Representative Brynhild Haugland by Governor Edward T. and First Lady Nancy Schafer.

The benediction was offered by Pastor Lee Yarger.

A musical selection was presented by City Lights of Minot under the direction of Dr. Kenneth Bowles.

ANNOUNCEMENT

LT. GOVERNOR MYRDAL APPOINTED Representatives Dorso and Oban and Senators Nelson and Wogsland to escort former Representative Haugland and her guest, Melissa Price, Governor Edward T. and First Lady Nancy Schafer, Secretary of State Alvin A. Jaeger, and James E. Sperry, Superintendent of the State Historical Society, from the House Chambers.

LT. GOVERNOR MYRDAL DECLARED the Joint Session dissolved, thanked those who participated in the ceremony, and invited all to attend a reception for former Representative Haugland to be held in the Great Hall.

MOTION

REP. DORSO MOVED that the House be on the Eleventh order of business, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution celebrating the 100th year of women serving in state legislatures.

ROLL CALL

The question being on the adoption of the resolution, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeImore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; 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: Aarsvold; DeKrey; Dobrinski; Hagle; Henegar, D.

HCR 3047 was declared adopted on a roll call vote.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3047.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:30 a.m., Tuesday, March 21, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2029, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2029 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "14" with "21"

Page 1, line 5, replace "38" with "1" and replace "Bank of North Dakota" with "state employee defense costs"

Page 1, line 6, remove "profits transfers"

Page 2, replace lines 5 through 7 with:

"NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU	
Capital improvements	<u>\$42,000</u>
Total general fund appropriation	<u>\$42,000"</u>

Page 2, line 11, replace "general fund" with "special funds"

Page 2, line 16, replace "702,027" with "526,000"

Page 2, line 17, replace "2,000,000" with "2,081,527"

Page 2, line 18, replace "2,702,027" with "2,607,527"

Page 3, replace lines 3 through 10 with:

"SECTION 4. VETERANS' POSTWAR TRUST FUND. The total special funds appropriation line item in subdivision 4 of section 1 of this Act includes \$81,527, or so much of the sum as may be necessary, from the veterans' postwar trust fund.

SECTION 5. AMENDMENT. Section 21 of chapter 1 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 21. BONDING FUND - ATTORNEY GENERAL. The appropriation in subdivision 3 of section 1 of this Act includes up to \$250,000, or so much of the sum as may be necessary, from the state bonding fund to the attorney general for the purpose of providing state employee defense services pursuant to section 26.1-21-10.2. The emergency commission, notwithstanding section 54-16-04, is authorized during the biennium beginning July 1, 1993, and ending June 30, 1995, to approve the expenditure of the funds from the state bonding fund appropriated in subdivision 3 of section 1 of this Act to the extent necessary and based upon applications by the attorney general. ~~Funds expended by the attorney general for state employee defense must be reimbursed to the state bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty fourth legislative assembly."~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment removes the \$136,500 general fund appropriation provided to repay the bonding fund for 1993-95 biennium state employee defense costs. A section is added removing 1993 Session Laws provisions that require the state bonding fund to be reimbursed for 1993-95 state employee defense costs.

DEPARTMENT 243 - NDSU-BOTTINEAU

HOUSE - This amendment provides \$42,000 from the general fund for steamline repairs at NDSU-Bottineau.

DEPARTMENT 313 - VETERANS' HOME

HOUSE - This amendment changes the funding source for veterans' home workers' compensation payments of \$81,527 from the general fund to the veterans' postwar trust fund.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

HOUSE - The section amending 1993 Session Laws provisions relating to Bank of North Dakota profits transfers to the general fund is removed. House Bill No. 1017 (the Industrial Commission appropriation bill) includes provisions relating to Bank of North Dakota profits transfers.

REPORT OF STANDING COMMITTEE

SB 2103, as engrossed: 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). Engrossed SB 2103 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 23-29-06 and"

Page 1, line 2, after "management" insert "districts and solid waste management" and remove "and"

Page 1, line 5, after "surcharge" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 23-29-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-29-06. District solid waste management —Penalty.

1. All land in ~~this state~~ Benson, Cavalier, Eddy, Ramsey, Rolette, Towner, Grand Forks, Nelson, Pembina, and Walsh counties must be within a solid waste management district.
2. ~~The boundaries of each district must be established pursuant to chapter 54-40.1 and as delineated by executive order of the governor number 1978-12, affirmed by executive order number 1986-4.~~
- 3- The governing board of each solid waste management district must include a representative of each county within the district, one representative from cities within each county within the district, a representative of each city in the district which has a population of more than ten thousand, a representative of the licensed disposal facilities within the district, and a representative of the waste haulers within the district. Members representing political subdivisions must be appointed by the subdivisions involved. The members representing licensed disposal facilities and waste haulers must be selected by the members appointed by the political subdivisions from a list of candidates submitted by each of

those groups. The members of the board may be the members of the regional planning councils appointed under subdivision a of subsection 1 of section 54-40.1-03.

- 4- 3. The members of the district board annually shall select a chairman and vice chairman. Each member may receive compensation for service on the board and is entitled to reimbursement of expenses at the rate provided by law for state officials. Any compensation and reimbursement of expenses of the public entity representatives must be made by the governing bodies of the entities making the appointments to the district board and any compensation and reimbursement of expenses of the private entity representatives must be made by the private entity represented by the member.
- 5- 4. A political subdivision may opt ~~out of one to join another~~ solid waste management district ~~and join another~~ if the board of each ~~the~~ district ~~involved the~~ political subdivision ~~wishes to join~~ consents ~~to the change~~.
- 6- 5. Solid waste must be managed at solid waste management facilities identified in the district's solid waste management plan. ~~A person who violates this subsection is subject to a civil penalty not to exceed twenty five thousand dollars per day per violation.~~
- 7- By January 1, 1992, the department shall adopt rules establishing guidelines for the submission of comprehensive solid waste management plans as required under subsection 8.
- 8- 6. By January 1, 1993, each solid waste management district shall submit a comprehensive solid waste management plan to the department for approval. The plan must include the district's ability to properly manage and plan for adequate capacity, accessibility, and waste flow control. ~~The plan must take into consideration existing waste transportation patterns and the ability of existing landfills to handle solid waste.~~
- 9- By July 1, 1993, the department shall incorporate all of the district solid waste management plans into a comprehensive statewide solid waste management plan."

Page 3, line 28, remove "23-29-06.1,"

Page 3, line 29, remove "23-29-06,"

Page 4, line 1, remove the comma

Page 4, after line 2, insert:

"SECTION 4. REPEAL. Section 23-29-06.1 of the North Dakota Century Code and section 23-29-06 of the 1993 Supplement to the North Dakota Century Code are repealed.

SECTION 5. EFFECTIVE DATE. Section 4 of this Act becomes effective on August 1, 1997."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2161: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after "benefits" insert "and increases of renewal premiums"

Page 1, line 11, replace "defaulting or surrendering policyholder" with "applicant for the policy" and remove "holder"

Page 1, after line 14, insert:

"SECTION 2. A new section to chapter 26.1-45 of the North Dakota Century Code is created and enacted as follows:

Renewal premium increases - Limitation. An insurer may not charge a renewal premium rate for a long-term care policy which exceeds, by more than fifteen percent, any premium charged for the policy during the preceding twelve months. The insurer may charge a renewal premium exceeding a fifteen percent increase upon a showing that a larger increase is necessary because of utilization of policy benefits greatly in excess of the expected rate."

Page 1, line 19, remove "premium rate stabilization,"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SCR 4023, as engrossed: Joint Constitutional Revision Committee (Rep. Brown, Chairman) recommends DO PASS (6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4023 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 amended, subsequently passed, and the emergency clause carried: HB 1032, HB 1050, HB 1134.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1032

Page 1, line 3, remove "and"

Page 1, line 5, after "proceedings" insert "; to provide an effective date; and to declare an emergency"

Page 1, after line 20, insert:

3. "Donor" means a woman whose body produced an egg for the purposes of assisted conception, but does not include a woman whose body produces an egg used for the purpose of conceiving a child for that woman.

4. "Gestational carrier" means a woman who enters into an agreement to have an embryo implanted in her and bear the resulting child for intended parents, where the embryo is conceived by using the egg and sperm of the intended parents."

Page 2, line 1, replace "3" with "5"

Page 2, line 4, replace "4" with "6" and after "child" insert "or, if pregnancy resulted from assisted conception, the woman who is the donor but not the woman who is the gestational carrier"

Page 2, line 5, replace "5" with "7"

Page 2, line 9, replace "6" with "8"

Page 2, line 23, after "paternity" insert ", signed by both parents,"

Page 4, line 7, replace "Prior to discharge from the hospital, the" with "The"

Page 6, line 13, replace "due" with ":

a. Due"

Page 6, line 15, after "established" insert "; or

b. Upon a showing that continued enforcement of a judgment based on an acknowledgment of paternity made under this chapter would be manifestly unjust and unconscionable to all parties; that the party seeking relief was prevented by fraud or fraudulent concealment from discovering the claim for relief; and that the claim is commenced within one year after the claim was discovered or might, in the exercise of diligence, have been discovered"

Page 7, line 18, after "5." insert "A voluntary acknowledgment of paternity executed under this Act.

6."

Page 7, after line 18, insert:

"SECTION 4. EFFECTIVE DATE. Sections 1 and 2 of this Act become effective April 1, 1995, if the fifty-fourth legislative assembly adjourns sine die on or before March 31, 1995, but otherwise become effective July 1, 1995.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1050

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

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1134

Page 1, line 1, after "Act" insert "to provide limitations on production incentives for ethanol plants;"

Page 2, after line 5, insert:

"SECTION 2. Duration and limitation of ethanol plant production incentives. Notwithstanding any other provision of law, an ethanol plant may not receive production incentives except as permitted under this section.

1. An ethanol plant that was in operation before July 1, 1995, may not receive production incentives in the form of direct payments from the state for more than five fiscal years of operation after June 30, 1995. An ethanol plant that begins operation after June 30, 1995, may not receive production incentives in the form of direct payments from the state for more than ten fiscal years of operation. After December 31, 2007, the state may not provide production incentives in the form of direct payments to any ethanol plant.
2. An ethanol plant that produced fewer than fifteen million gallons [56,781,000 liters] of ethanol in the previous fiscal year may receive up to one million dollars in production incentives from the state for production in a fiscal year.

An ethanol plant that produced fifteen million gallons [56,781,000 liters] or more of ethanol in the previous fiscal year may receive up to five hundred thousand dollars in production incentives from the state for production in a fiscal year."

Page 2, line 9, replace "1997" with "2000"

Page 2, line 15, replace "1996" with "1999" and replace "2" with "3"

Page 2, line 17, replace "2" with "3"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1027, HB 1031, HB 1036, HB 1083, HB 1116, HB 1172, HB 1246, HB 1309, HCR 3017.

SENATE AMENDMENTS TO HOUSE BILL NO. 1027

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

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

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

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

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

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

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

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

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

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

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

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

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

Page 19, remove the overstrike over lines 4 and 5

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1031

Page 1, line 2, remove "or revocation"

Page 1, line 5, remove "or revocation"

Page 1, line 10, remove "or revocation"

Page 1, line 15, remove "or revoke"

Page 1, line 17, remove "or revoke"

Page 1, line 19, remove "or revoked"

Page 1, line 21, after the underscored period insert "Except for statistical purposes, an entry on the driving record or abstract of a suspension under this section after the suspension ceases may not be available to the public other than by order of a court of competent jurisdiction. A suspension under this section is not subject to the financial responsibility reporting requirements."

Page 2, line 19, remove "or revoked"

Page 2, line 21, replace "39-06-06" with "39-06.1-11"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1036

Page 1, line 4, after the first semicolon insert "and" and remove "; and to declare an"

Page 1, line 5, remove "emergency"

Page 2, line 4, replace "1995" with "1997"

Page 2, remove lines 5 and 6

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1083

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

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1116

Page 1, line 2, remove "sections 23-13-03.2, 23-13-03.3," and after "and" insert "section"

Page 1, line 4, remove "unauthorized filling,"

Page 1, remove lines 5 through 6

Page 3, remove lines 1 through 29

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1172

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

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1246

Page 1, line 10, overstrike "bonds" and insert immediately thereafter ":

a. Bonds"

Page 1, line 11, after "notes" insert an underscored comma

Page 1, line 15, replace ", if the agency" with an underscored period

Page 1, line 16, replace "security does not exceed five years in maturity in securities" with:

"b. Securities"

Page 1, line 17, remove ". The agreements to repurchase must"

Page 1, line 18, remove "be"

Page 1, line 20, replace ", in certificates" with "."

c. Certificates"

Page 2, line 1, replace ", or in obligations" with "."

d. Obligations"

Page 2, remove lines 8 and 9

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1309

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

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

Page 2, remove lines 2 through 5

Page 2, line 6, remove "3."

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

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

Page 2, remove lines 27 through 29

Page 3, remove lines 1 through 4

Re-number accordingly

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3017

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging Congress and the President to consider carefully the consequences of federal legislation impacting states and political subdivisions.

WHEREAS, the 10th Amendment to the Constitution of the United States established the roles of the federal government and state governments; and

WHEREAS, the traditional role of the federal government as the unified voice of the several states is subverted when Congress and the President enact laws that unnecessarily mandate the activities of state and local governments; and

WHEREAS, states and political subdivisions are struggling under the burden of federal legislative and regulatory requirements that increase the fiscal pressures on state and local governments and reduce the ability of state and local governments to meet the needs of their constituents and serve as laboratories of democracy;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-fourth Legislative Assembly urges the Congress and the President of the United States to consider the substantial legislative and regulatory burden that has been imposed by the federal government upon states and political subdivisions and to carefully consider the consequences of legislation and regulations impacting states and political subdivisions; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to members of the North Dakota Congressional Delegation and the President of the United States."

Renumber accordingly

FIRST READING OF SENATE BILL

SB 2538: 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 medical assistance.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of North Dakota, relating to the appointment and terms of members of the state board of higher education.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

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

ROY GILBREATH, Chief Clerk