

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 23, 1999

The House convened at 9:00 a.m., with Speaker Wald presiding.

The prayer was offered by Reverend Mark Listen, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Metcalf, Renner, Thorpe, and Wikenheiser.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

I am returning House Bill 1266 regarding the purchase of a building by the North Dakota Workers Compensation Bureau (NDWCB) and hereby veto the same. The bill gives the NDWCB the authority to purchase a building under certain conditions and provides the authority until July 31, 2003.

The return on investment for the NDWCB has averaged 11.3% since 1993. This is about equal to the purported cost savings suggested by the Bureau in its financial analysis for buying a building. Real cost savings from this legislation appears to be minimal.

The bill is premised on the uncertain notion that it will save money that might be used for higher benefits or reduced premiums. Yet, the bill does not require any such purported savings to be passed on to the employees or the employers of this state.

Finally, I believe this legislation does not set good policy for the entire State of North Dakota. NDWCB is a state agency funded by taxes from North Dakota employers. We should make decisions regarding the Bureau based upon sound policy for the entire state. If we are to shift public policy toward buying buildings, then we should do so in a broad examination of the policy itself, not for just one agency or on an ad hoc basis. We should consult with our financial planners and the private sector, consider the impact to other agencies, potential cost savings, the impact to local property taxes and the affect upon local governments that such a policy may have.

For these reasons, I must respectfully veto HB 1266.

**ANNOUNCEMENT**

In accordance with House Rule 355, HB 1266 will be placed on the Eleventh order of business on the calendar for reconsideration over the Governor's veto.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 19, 1999, I have signed the following: HB 1069, HB 1072, HB 1099, HB 1101, HB 1122, HB 1130, HB 1233, HB 1303, HB 1349, and HB 1418.

Also, on March 22, 1999, I have signed the following: HB 1028, HB 1126, and HB 1188.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2411, Engrossed SCR 4010, and Engrossed SCR 4022 be adopted, which motion prevailed.

Engrossed SB 2411, Engrossed SCR 4010, and Engrossed SCR 4022, as amended, were placed on the Fourteenth order of business on the calendar.

**SIXTH ORDER OF BUSINESS**

**SB 2355, as engrossed: REP. NICHOLAS (Agriculture Committee) MOVED** that the amendments on HJ pages 912-913 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

**MOTION**

**REP. DORSO MOVED** that House Rule 337 be suspended, and Engrossed SB 2355, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2355:** A BILL for an Act to amend and reenact sections 11-33-02, 42-04-02, and 58-03-11 of the North Dakota Century Code, relating to zoning districts and regulations affecting normal incidents of farming and ranching.

**MOTION**

**REP. DORSO MOVED** that in accordance with House Rule 236, time certain for debate on Engrossed SB 2355, as amended, would be set at thirty seconds from now, 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 48 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Dalrymple; DeKrey; Delzer; Devlin; Drovda; Froelich; Froseth; Galvin; Gorder; Grosz; Gunter; Haas; Herbel; Johnson, D.; Johnson, N.; Kempenich; Klein; Klemin; Kliniske; Koppelman; Lemieux; Lloyd; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Pollert; Rennerfeldt; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Berg; Bernstein; Boucher; Carlson; Clark; Cleary; Delmore; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Glassheim; Grande; Grumbo; Gulleon; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Koppang; Kroeber; Lundgren; Mahoney; Maragos; Martinson; Nichols; Niemeier; Nowatzki; Poolman; Porter; Price; Rose; Sandvig; Solberg; Stefonowicz; Thoreson, L.; Warner; Wentz; Winrich

**ABSENT AND NOT VOTING:** Metcalf; Renner; Thorpe

Engrossed SB 2355, as amended, was declared lost for lack of a Constitutional majority.

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**MOTION**

**REP. DORSO MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Wald presiding.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 22, 1999, I have signed the following: HB 1080, HB 1332, and HB 1347.

Also, on March 23, 1999, I have signed the following: HB 1045, HB 1143, HB 1200, and HB 1209.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2181: Reps. Kempenich, Koppang, Lemieux.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SCR 4023: Reps. L. Thoreson, Hawken, Kroeber.

**SECOND READING OF SENATE BILL**

**SB 2327:** A BILL for an Act to create and enact a new subsection to section 30.1-28-03 and a new subsection to section 30.1-28-04 of the North Dakota Century Code, relating to authority of guardians to make health care decisions and compensation for services in guardianship proceedings; and to amend and reenact subsection 2 of section 30.1-28-04 of the North Dakota Century Code, relating to authority of guardians to make health care decisions.

**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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso;

Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Delzer; Devlin; Grande; Nichols

**ABSENT AND NOT VOTING:** Metcalf

Engrossed SB 2327, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2400:** A BILL for an Act to create and enact three new subsections to section 26.1-04-03, two new subsections to section 26.1-26.4-02, and four new sections to chapter 26.1-36 of the North Dakota Century Code, relating to fairness in health insurance practices, disclosure of health plan information, confidentiality of medical information maintained by health carriers, contract limitations, and health care grievance procedures; and to amend and reenact subsection 14 of section 26.1-04-03, subsection 9 of section 26.1-26.4-04, and section 26.1-47-02 of the North Dakota Century Code, relating to prohibited health insurance practices, health care utilization review procedures, and preferred provider arrangements.

### 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, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Solberg; Stefanowicz; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** DeKrey; Delzer; Devlin; Jensen; Monson; Severson; Svedjan; Weisz

**ABSENT AND NOT VOTING:** Metcalf

Engrossed SB 2400, as amended, passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that Engrossed SB 2276, as amended, be placed at the top of the calendar, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2276:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to disclosure of replacement crash parts used in motor vehicle repairs.

### 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 17 YEAS, 80 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Berg; Delmore; Gorder; Grosz; Hanson; Herbel; Jensen; Klein; Kliniske; Maragos; Martinson; Mickelson; Nicholas; Nowatzki; Price; Timm; Wentz

**NAYS:** Aarsvold; Belter; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grumbo; Gulleston; Gunter; Haas; Hawken; Henegar; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Meyer; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Pollert; Poolman; Porter; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Metcalf

Engrossed SB 2276, as amended, was declared lost.

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## SECOND READING OF SENATE BILL

**SB 2409:** A BILL for an Act to amend and reenact section 32-23-11 of the North Dakota Century Code, relating to parties in a declaratory action.

## 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; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Gulleston; Metcalf

Engrossed SB 2409, as amended, passed and the title was agreed to.

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## MOTION

**REP. S. KELSH MOVED** that the House reconsider its action whereby SB 2192 failed to pass.

## RULING BY THE SPEAKER

**SPEAKER WALD RULED** that the motion for reconsideration of SB 2192 was out of order as the bill had already been passed over to the Senate following yesterday's floor action.

## SECOND READING OF SENATE BILL

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to the secretary of state's general services operating fund; and to amend and reenact sections 41-09-42.1 and 54-09-05 of the North Dakota Century Code, relating to fees collected by the secretary of state and the salary of the secretary of state.

## 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 85 YEAS, 6 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson;

Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Hoffner; Kerzman; Lemieux; Rose; Sandvig

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; Johnson, D.; Metcalf; Nelson; Nicholas; Weisz

Engrossed SB 2002, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide for the appointment of legislative representatives to the national conference of insurance legislators; and to amend and reenact subsection 3 of section 26.1-01-07.1, sections 26.1-01-09, and 26.1-23-03 of the North Dakota Century Code, relating to the cash balance of the insurance regulatory trust fund, the salary of the insurance commissioner, and the unsatisfied judgment fund.

### 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 83 YEAS, 5 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Delmore; Fairfield; Lundgren; Rose

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; DeKrey; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert; Weisz

Engrossed SB 2010, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; DeKrey; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert; Weisz

SB 2018, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2058:** A BILL for an Act to amend and reenact section 12-60-16.9 of the North Dakota Century Code, relating to the fee for a criminal history record check.

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

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; DeKrey; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert; Weisz

Engrossed SB 2058, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2216:** A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to the shipment of alcoholic beverages; 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 84 YEAS, 4 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nichols; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Devlin; Johnson, N.; Niemeier

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; DeKrey; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert; Weisz

SB 2216, as amended, passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that Engrossed SB 2365 and SB 2398, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2242:** A BILL for an Act to provide for a beginning entrepreneur loan guarantee 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 80 YEAS, 8 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Carlisle; Clark; Cleary; Dalrymple; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly; Carlson; Delzer; Grande; Grosz; Gulleson; Keiser; Nichols

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; DeKrey; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert; Weisz

SB 2242, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2390:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the appointment of state's attorneys; to amend and reenact sections 11-08-05, 11-08-07, 11-08-08, 11-08-09, 11-08-10, 11-08-13, 11-08-15, 11-09-18, 11-09-19, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-04, subsection 3 of section 11-10.2-01, and section 11-15-01.1 of the North Dakota Century Code, relating to the election of the county sheriff and county state's attorney; and to provide for application.

**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 83 YEAS, 5 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Disrud; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Devlin; Dorso; Eckre; Lloyd; Poolman

**ABSENT AND NOT VOTING:** Brandenburg; Brusegaard; DeKrey; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert; Weisz

Engrossed SB 2390, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2425:** A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the establishment of a livestock production loan program and the issuance of revenue bonds or other evidences of indebtedness by the industrial commission of North Dakota.

**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 70 YEAS, 21 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Mueller; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Sveen; Thoreson, B.; Thorpe; Warner; Weisz; Wikenheiser; Winrich

**NAYS:** Belter; Byerly; Carlisle; Carlson; Clark; Delzer; Dorso; Drovdal; Eckre; Grande; Grosz; Klemin; Porter; Price; Rennerfeldt; Svedjan; Thoreson, L.; Timm; Tollefson; Wentz; Speaker Wald

**ABSENT AND NOT VOTING:** Brandenburg; Johnson, D.; Lemieux; Metcalf; Nelson; Nicholas; Pollert

SB 2425, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2220:** A BILL for an Act to authorize construction of a winter sports facility at the university of North Dakota; 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 87 YEAS, 0 NAYS, 0 EXCUSED, 11 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Meyer; Mickelson; Monson; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Aarsvold; Brandenburg; Delzer; Johnson, D.; Kelsh, S.; Lemieux; Metcalf; Mueller; Nelson; Nicholas; Pollert

Engrossed SB 2220, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### SECOND READING OF SENATE BILL

**SB 2279:** A BILL for an Act to create and enact two new sections to chapter 39-10.1 of the North Dakota Century Code, relating to bicycle helmets and restraining seats; and to amend and reenact section 39-10.1-01 of the North Dakota Century Code, relating to bicycles; 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 NOT PASS, the roll was called and there were 34 YEAS, 55 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bernstein; Brekke; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Galvin; Glassheim; Grumbo; Hanson; Hawken; Hoffner; Huether; Jensen; Kelsh, S.; Klemin; Koppang; Kroeber; Maragos; Niemeier; Nottestad; Nowatzki; Price; Rose; Sandvig; Severson; Stefonowicz; Sveen; Thoreson, L.; Warner; Wentz; Winrich

**NAYS:** Belter; Berg; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froelich; Froseth; Gorder; Grande; Grosz; Gulleeson; Gunter; Haas; Henegar; Herbel; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Lloyd; Lundgren; Mahoney; Martinson; Meyer; Mickelson; Monson; Nichols; Poolman; Porter; Renner; Rennerfeldt; Schmidt; Solberg; Svedjan; Thoreson, B.; Thorpe; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald



**ABSENT AND NOT VOTING:** Boucher; Brandenburg; Johnson, D.; Lemieux; Metcalf; Mueller; Nelson; Nicholas; Pollert

Engrossed SB 2279, as amended, was declared lost.

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**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2002, SB 2010, SB 2018, SB 2058, SB 2216, SB 2242, SB 2327, SB 2390, SB 2400, SB 2409, SB 2425.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has failed to pass: SB 2279.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2276.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed unchanged: SB 2220.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, March 24, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2074, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2074 was placed on the Sixth order on the calendar.

Page 2, after line 8, insert:

- "4. The education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, may impose a fee against a certificate holder to reimburse the education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, for all or part of the costs of administrative actions that result in disciplinary action against the certificate holder."

Page 2, line 9, replace "4" with "5"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2188, as engrossed: Natural Resources Committee (Rep. Grosz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2188 was placed on the Sixth order on the calendar.

Page 1, line 8, after "council" insert "; to provide for development of a statewide water development program"

Page 1, line 13, replace "is committed to" with "will support to the extent funds are available from the resources trust fund"

Page 1, line 17, replace "is committed to" with "will support"

Page 2, line 2, after "repayment" insert "of the total principal, interest, and cost of issuance of the bonds"

Page 2, line 10, replace "will" with "or so much of the total cost-share that is required may" and replace "local" with "loan"

Page 2, line 13, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 2, line 18, after the underscored period insert "Before bonds may be issued for a Devils Lake outlet, construction of the outlet must be approved by the state water commission and the federal government must have agreed to participate in construction of the outlet."

Page 2, remove lines 19 through 21

Page 3, line 15, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 3, line 17, replace "Twenty-four" with "Thirty-one", after the first "million" insert "seven hundred thousand", and replace "eighteen" with "twenty-five"

Page 3, line 18, replace "four" with "nine", replace the first "five" with "thirty-nine", and replace the second "five" with "eight"

Page 4, line 6, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 4, line 28, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 5, line 17, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 6, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 24, replace "payments" with "repayments"

Page 6, line 25, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 26, replace "One hundred ninety-six" with "Two hundred twenty"

Page 6, line 27, replace "thirty-eight" with "fifty-six" and after "million" insert "four hundred thousand"

Page 6, line 28, replace "twenty-five" with "thirty-four" and replace "eight" with "three"

Page 7, line 20, remove "The legislative assembly finds that continued construction of the southwest"

Page 7, remove lines 21 through 29

Page 7, line 30, remove "3."

Page 8, line 8, replace "4" with "3"

Page 8, line 12, replace "5" with "4"

Page 8, line 16, after "floods" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 8, line 28, remove "and"

Page 8, after line 30, insert:

- "(5) A project cooperation agreement, which contains provisions acceptable to the state engineer and is approved by the governor, is entered by the state of Minnesota or one of its political subdivisions in which the flood control or reduction project is to be constructed;
- (6) A project cooperation agreement, which contains provisions acceptable to the state engineer and is approved by the governor, is entered by the state or one of its political subdivisions in which the flood control or reduction project is to be constructed;
- (7) The governing body of the city has approved a financing plan for all amounts of the nonfederal share of a flood control or reduction project in excess of the amounts to be paid by the state;

- (8) That no order for injunctive relief has been issued by a court of competent jurisdiction enjoining construction of the flood control or reduction project; and
- (9) That the flood control or reduction project is designed to be cost-effective and that any impact on residential neighborhoods is minimized in an amount reasonably practicable as determined by the state engineer and approved by the governor;"

Page 9, line 12, replace "6" with "5" and replace "In furtherance of the public purpose set forth in subsection 2, the" with "The"

Page 9, line 14, after "project" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 9, line 22, after the underscored period insert "If the Perkins County water system does not make payment to the state water commission, no benefits may accrue to the Perkins County water system."

Page 9, line 23, replace "7" with "6", replace "3" with "2", and replace "4" with "3"

Page 9, line 26, after the underscored period insert "(1)"

Page 9, after line 31, insert:

- "(2) The state water commission or the project sponsor must sign a project cooperation agreement with the United States army corps of engineers;
- (3) The outlet from Devils Lake to west Stump Lake must comply with any environmental impact statement or National Environmental Policy Act provisions required under federal law; and
- (4) Bonds may not be issued if an order for injunctive relief has been issued by a court of competent jurisdiction enjoining construction of an outlet from Devils Lake to the Sheyenne River or to west Stump Lake."

Page 10, line 11, replace "8" with "7"

Page 10, line 13, replace "9" with "8" and after "bonds" insert "authorized"

Page 10, line 14, replace "5" with "4", replace "7" with "6", and after "unless" insert "federal funds have been appropriated for"

Page 10, line 15, remove "has received federal funds"

Page 10, after line 15, insert:

- "9. Notwithstanding this section, if bonds are issued under this chapter, any bonds subsequently issued after the first issuance must meet the same conditions as the bonds initially issued.
- 10. Notwithstanding this section, the state water commission may not issue bonds under this chapter unless the local project sponsor has agreed to repay the local project sponsor's share of any bonds issued for the entire nonfederal share of the cost of a project."

Page 10, line 18, replace "5" with "4"

Page 10, line 20, replace "5" with "4"

Page 10, line 26, replace "5" with "4"

Page 10, line 28, replace "5" with "4"

Page 10, line 31, replace "5" with "4"

Page 11, line 2, replace "5" with "4"

Page 11, line 3, replace "under" with "as provided in" and replace "6" with "5"

Page 11, line 7, replace "under" with "as provided in" and replace "7" with "6"

Page 11, line 8, replace "the" with "a" and after "outlet" insert "to the Sheyenne River and to west Stump Lake"

Page 11, line 9, replace "7" with "6"

Page 11, line 12, replace "7" with "6"

Page 11, line 15, replace "7" with "6" and after "61-02.1-01" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 11, line 17, after "Lake" insert "to the Sheyenne River and to west Stump Lake"

Page 11, after line 23, insert:

"4. For any project that requires federal participation, the state water commission may issue bonds equal to the estimated project costs less any local participation. If the state water commission issues bonds for both the state and local cost-share, an agreement for the local repayment of the local cost-share must be a part of an agreement between the state water commission and the local project sponsor to issue bonds for the nonfederal share."

Page 11, line 25, replace "under" with "as provided in"

Page 12, line 2, replace "under" with "as provided in"

Page 12, line 4, replace "5" with "6"

Page 12, line 5, remove "from transfers to be made and appropriated by the legislative assembly from"

Page 12, remove lines 6 through 9

Page 12, line 10, remove "principal and interest on the bonds under a trust indenture, or"

Page 12, line 11, after "and" insert "from"

Page 12, line 18, replace "5" with "6"

Page 12, line 19, remove "from transfers to be made and appropriated by the legislative assembly from"

Page 12, remove lines 20 through 23

Page 12, line 24, remove "principal and interest on the bonds under a trust indenture,"

Page 12, line 30, replace "7" with "6"

Page 13, line 1, replace "5" with "6" and remove ", from"

Page 13, remove lines 2 through 6

Page 13, line 7, remove "and interest on the bonds pursuant to a trust indenture,"

Page 13, line 13, replace "under" with "as provided in"

Page 13, line 18, replace "under" with "as provided in"

Page 13, after line 24, insert:

**"SECTION 4. LINE OF CREDIT - APPROPRIATION.** The Bank of North Dakota shall extend a line of credit not to exceed \$84,800,000, which is hereby appropriated for the biennium beginning July 1, 1999, and ending June 30, 2001, to the

state water commission for the purpose of interim financing until bonds are issued under chapter 61-02.1."

Page 13, line 27, replace "under" with "as provided in"

Page 14, line 3, after "is" insert "voluntarily" and after "sale" insert ", subject to the rights of bondholders,"

Page 14, line 5, after "be" insert "voluntarily"

Page 14, line 16, replace "Forty-five" with "Thirty-five"

Page 14, line 19, replace "under" with "as provided in"

Page 14, line 20, after the period insert "Any funds from the settlement agreement deposited in the resources trust fund, and earnings on those funds, must be accounted for separately from any other funds in the resources trust fund."

Page 14, after line 25, insert:

**"SECTION 8. APPROPRIATION.** There is hereby appropriated out of any moneys in the resources trust fund, not otherwise appropriated, the sum of \$84,800,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of repaying the line of credit extended to the state water commission under section 4 of this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001. It is the intent of the legislative assembly that the funds appropriated in this section are from transfers to be made and appropriated by the legislative assembly from the resources trust fund as provided in section 6 of this Act."

Page 14, line 27, replace "under" with "as provided in"

Page 15, line 1, after "**COUNCIL**" insert "**AND STANDING COMMITTEES**"

Page 15, line 4, replace "and to" with a comma and after "council" insert ", and to the house of representatives and the senate standing committees on natural resources and appropriations"

Page 15, line 8, after the period insert "The report must include information on the funding sources used to repay any bonds issued under chapter 61-02.1."

**SECTION 11. STATEWIDE WATER DEVELOPMENT PROGRAM.** The state water commission shall develop a new comprehensive statewide water development program with priorities based upon expected funds available from the resources trust fund for water development projects."

Page 15, line 10, replace "under" with "as provided in" and after "ineffective" insert "provided, however, that the commission may continue to exercise all other powers granted to it under this Act and to comply with any covenants entered into pursuant to this Act"

Renumber accordingly

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

**SB 2254: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SB 2254 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the performance of partial-birth abortions; and to provide a penalty."

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

##### **SECTION 1. Definitions.** As used in this Act:

1. "Living child" means any member of the human species, born or unborn, who has a heartbeat or discernible spontaneous movement.

2. "Partially born" means the child's intact body, with the entire head attached, is delivered so that any of the following has occurred:
  - a. The child's entire head, in the case of a cephalic presentation, or any portion of the child's torso above the navel, in the case of a breech presentation, is delivered past the mother's vaginal opening; or
  - b. The child's entire head, in the case of a cephalic presentation, or any portion of the child's torso above the navel, in the case of a breech presentation, is delivered outside the mother's abdominal wall.
3. "Sharp curettage or suction curettage abortion" means an abortion in which the developing child and products of conception are evacuated from the uterus with a sharp curettage or through a suction cannula with an attached vacuum apparatus.

#### **SECTION 2. Prohibition - Penalty - Exception.**

1. Any person who intentionally or knowingly causes the death of a child while that child is partially born is guilty of a class AA felony. A mother whose living child dies while partially born may not be prosecuted for a violation of this Act or for conspiracy to violate this Act.
2. This Act does not apply to a sharp curettage or suction curettage abortion or to any offense committed under chapter 12.1-17.1 or chapter 14-02.1.

**SECTION 3. Hearing.** Section 2 does not prohibit a physician from taking measures to save the life of a mother whose life is endangered by a physical disorder, illness, or injury, if every reasonable precaution is also taken, in this case, to save the child's life. A physician charged with an offense under section 2 may seek a hearing before the state board of medical examiners on whether the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, illness, or injury, and whether the physician took every reasonable precaution to save the child's life. The findings of the board are admissible at the trial of the defendant. Upon the motion of the defendant, the court shall delay the beginning of the trial for not more than thirty days to permit the hearing to be conducted."

Renumber accordingly

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

**SB 2316, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **DO NOT PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2316 was placed on the Fourteenth order on the calendar.

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

**SB 2361: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO NOT PASS** (17 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Fourteenth order on the calendar.

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

**SB 2381, as engrossed: Education Committee (Rep. R. Kelsch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2381 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to provide an" with a period

Page 1, remove line 3

Page 1, remove lines 21 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

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

**SB 2419, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2419 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "Except when a specific fund is otherwise" with "All"

Page 1, line 9, remove "designated by law, all"

Page 1, line 10, replace "general fund" with "state treasury"

Page 1, line 11, after "assembly" insert ", except when:

1. A specific fund or special account is otherwise designated by law; or
2. The options open to the attorney general leave no choice as to the disposition of the proceeds if the state is to recover funds in a multistate settlement"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4003: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4003 was placed on the Tenth order on the calendar.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1300, HB 1359, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3071.

#### 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 1082.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1082

Page 1, line 1, after "to" insert "create and enact a new section to chapter 57-36 of the North Dakota Century Code, relating to imported cigarettes; to"

Page 1, after line 18, insert:

**"SECTION 2.** A new section to chapter 57-36 of the North Dakota Century Code is created and enacted as follows:

**Sale of imported cigarettes - When prohibited.** A dealer, distributor, or other person may not sell or distribute in this state any tobacco product previously exported from the United States."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1025, HB 1146.

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1025

Page 1, line 1, replace the second "and" with a comma and after "28-32-02.4" insert ", and 40-08-06"

Page 1, line 3, after "circumstances" insert "and to the terms of office of city council members"

Page 2, after line 5, insert:

**"SECTION 3. AMENDMENT.** Section 40-08-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-08-06. Term of office of council members - Staggered terms provided for in cities where other than ten council members elected.** Council members shall hold office for four years and until their successors are elected and qualified. Terms of council members must be arranged so that ~~only~~ one-half of the council members in any city, as nearly as is practicable, are elected in any one election. When a city first adopts the council form of government or changes the number of council members, or when a city that has adopted the commission system of government returns to the city council form of government as provided by section 40-04-08, the alternation of the terms of the council members must be perfected as follows: of the council members elected in each ward, the one receiving the greater number of votes shall serve until the fourth Tuesday in June following the second succeeding biennial election and the one receiving the

lesser number of votes shall serve until the fourth Tuesday in June following the biennial election succeeding the council member's election; if the city is not divided into wards, the one-half of the council members elected in the entire city receiving the greater number of votes shall serve until the fourth Tuesday in June following the second succeeding biennial election and the one-half of the council members elected in the entire city receiving the lesser number of votes shall serve until the fourth Tuesday in June following the biennial election succeeding their election. ~~Whenever, for any cause, more than one half of the total number of council members in any ward, or more than one half of the total number of council members in the city, if the city is not divided into wards, are to be elected in any one election, the length of the terms of the council members elected at the election must be determined as provided in this section.~~

Page 2, line 6, replace "This" with "Sections 1 and 2 of this" and replace "is" with "are"

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1146**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 22 of section 11-11-14 of the North Dakota Century Code, relating to powers of boards of county commissioners.

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

**SECTION 1. AMENDMENT.** Subsection 22 of section 11-11-14 of the North Dakota Century Code is amended and reenacted as follows:

22. To regulate ~~or prohibit the running at large of animals~~ the confinement and control of dogs, cats, and other household pets, provided the regulations do not conflict with rules adopted by the state board of animal health."

Renumber accordingly

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1075:** Sens. Fischer; Thane; DeMers

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2088, SB 2127, SB 2154, SB 2170, SB 2189, SB 2319, and SB 2320 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2088:** Sens. Wanzek; Freborg; Kelsh

**SB 2127:** Sens. Schobinger; Cook; O'Connell

**SB 2154:** Sens. Wanzek; Cook; O'Connell

**SB 2170:** Sens. Fischer; Thane; Mutzenberger

**SB 2189:** Sens. W. Stenehjem; Traynor; C. Nelson

**SB 2319:** Sens. W. Stenehjem; Lyson; C. Nelson

**SB 2320:** Sens. Kilzer; Lee; DeMers

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SCR 4036 and the President has appointed as a conference committee to act with a like committee from the House on:

**SCR 4036:** Sens. Thane; Lee; DeMers

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1071, HB 1128, HB 1136, HB 1141, HB 1157, HB 1211, HB 1223, HB 1237, HB 1242, HB 1259, HB 1284, HB 1331, HB 1357, HB 1362, HB 1370, HB 1452, HB 1454, HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1071, HB 1128, HB 1136, HB 1141, HB 1157, HB 1211, HB 1223, HB 1237, HB 1242,



HB 1259, HB 1284, HB 1331, HB 1357, HB 1362, HB 1370, HB 1452, HB 1454, HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: SB 2005, SB 2007, SB 2045, SB 2080, SB 2321, SB 2403, SCR 4016, SCR 4037.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed: SB 2005, SB 2007, SB 2045, SB 2080, SB 2321, SB 2403, SCR 4016, SCR 4037.

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

**MR. SPEAKER:** The President has signed: HB 1095, HB 1154, HB 1155, HB 1161, HB 1169, HB 1185, HB 1260, HB 1315, HB 1356, HB 1372, HB 1388, HB 1417, HB 1439, HB 1450, HCR 3027.

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

**MR. SPEAKER:** The President has signed: HB 1071, HB 1128, HB 1136, HB 1141, HB 1157, HB 1211, HB 1223, HB 1237, HB 1242, HB 1259, HB 1284, HB 1331, HB 1357, HB 1362, HB 1370, HB 1452, HB 1454, HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4028.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing on March 23, 1999: HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval on March 23, 1999: HB 1071, HB 1128, HB 1136, HB 1141, HB 1157, HB 1211, HB 1223, HB 1237, HB 1242, HB 1259, HB 1284, HB 1331, HB 1357, HB 1362, HB 1370, HB 1452.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to SB 2181 and SCR 4023 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2181:** Reps. Kempenich; Koppang; Lemieux

**SCR 4023:** Reps. L. Thoreson; Hawken; Kroeber

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

**LANCE HAGEN, Chief Clerk**