

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, April 17, 2007

The House convened at 8:30 a.m., with Speaker Delzer presiding.

The prayer was offered by Rep. Eliot Glassheim from District 18, Grand Forks.

The roll was called and all members were present.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 13, 2007, I have signed the following: HB 1065, HB 1089, HB 1125, HB 1270, HB 1379, HB 1380, HB 1491, HB 1507, and HB 1513.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 16, 2007, I have signed the following: HB 1334.

MOTION

REP. MONSON MOVED that HB 1004 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELLEW MOVED that the conference committee report on Engrossed HB 1004 as printed on HJ pages 1594-1596 be adopted.

REQUEST

REP. KERZMAN REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1004, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1004, the roll was called and there were 14 YEAS, 80 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Amerman; Dahl; Ekstrom; Froelich; Glassheim; Gruchalla; Hunskor; Kaldor; Kerzman; Owens; Potter; Schmidt; Solberg; Svedjan

NAYS: Aarsvold; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froseth; Grande; Griffin; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

The conference committee report on Engrossed HB 1004 was rejected.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WIELAND MOVED that the conference committee report on SB 2243 as printed on HJ pages 1583-1584 be adopted, which motion prevailed on a voice vote.

SB 2243, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and to provide an appropriation to the department of corrections and rehabilitation to provide funding for community service supervision grants.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froelich; Froseth; Grande; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Amerman; Ekstrom; Glassheim; Griffin

ABSENT AND NOT VOTING: Hawken

SB 2243, as amended, passed and the title was agreed to.

MOTION

REP. BERG MOVED that the House reconsider its action whereby Engrossed SB 2352 passed, which motion prevailed on a verification vote.

MOTION

REP. BERG MOVED that the House reconsider its action whereby the committee report was accepted and Engrossed SB 2352 was placed on the Fourteenth order of business on the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BERG MOVED that the conference committee report on Engrossed SB 2352 as printed on HJ page 1522 be adopted, which motion failed on a voice vote.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1263 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1263: Reps. Klemin; Boehning; Delmore

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: Your signature is respectfully requested on: SB 2090, SB 2103.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

SB 2309: Sens. G. Lee; Flakoll; Taylor

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

HB 1460: Sens. Klein; Hacker; Potter

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1488.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed: HB 1394.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1107, HB 1290.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2313.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1004.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has not adopted the conference committee report on: SB 2352.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2243.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: Your signature is respectfully requested on: HB 1317, HB 1445, HB 1487.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2090, SB 2103.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1029, HB 1146, HB 1243, HB 1390.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2243.

ANNOUNCEMENT

SPEAKER DELZER ANNOUNCED that the House stand in recess until 1:00 p.m..

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DROVDAL MOVED that the conference committee report on Engrossed HB 1303 as printed on HJ pages 1596-1598 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1303, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1303: A BILL for an Act to create and enact subsections 9 and 10 to section 57-02-27.2 of the North Dakota Century Code, relating to use of modifiers and soil surveys in agricultural property assessment; to amend and reenact subsections 7 and 8 of section 57-02-27.2 of the North Dakota Century Code, relating to use of soil surveys, modifiers, and actual use of agricultural property for property tax assessment purposes; to provide for a report to the legislative council; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

NAYS: Boe; DeKrey; Froelich; Griffin; Heller; Kreidt; Kretschmar; Owens; Weisz; Zaiser

Reengrossed HB 1303 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PORTER MOVED that the conference committee report on Engrossed HB 1311 as printed on HJ page 1598 be adopted, which motion failed on a voice vote.

MOTION

REP. BERG MOVED that SB 2225 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. CARLSON MOVED that the conference committee report on Reengrossed SB 2225 as printed on HJ page 1583 be adopted, which motion prevailed on a voice vote.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1107, HB 1290, HB 1488.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has not adopted the conference committee report on: HB 1311.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1303.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2225.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

HB 1263: Sens. Hacker; Wanzek; Potter

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2017.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2094, SB 2284, SB 2323.

ANNOUNCEMENT

SPEAKER DELZER ANNOUNCED that the House stand in recess until 4:00 p.m..

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

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1596, line 44, remove "further"

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 17, 2007, I have signed the following: HB 1256.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. DEKREY MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2256, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2256: Reps. Klemin, Dahl, Griffin

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PIETSCH MOVED that the conference committee report on Engrossed SB 2109 as printed on HJ pages 1520-1521 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2109, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the

moratorium on licensing of basic care for medical assistance recipient beds and the moratorium on expansion of long-term care bed capacity; to provide for a legislative council study; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Karls

ABSENT AND NOT VOTING: Carlson; Charging; Svedjan

Engrossed SB 2109, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WALL MOVED that the conference committee report on Engrossed SB 2344 as printed on HJ pages 1598-1599 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2344, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact sections 15-10-17.4 and 15.1-35-08 of the North Dakota Century Code, relating to the provision of food and catering services by institutions of higher education and school districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Kasper; Keiser

ABSENT AND NOT VOTING: Carlson; Charging; Thorpe

Engrossed SB 2344, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1154, as engrossed: Your conference committee (Sens. Dever, Erbele, Pomeroy and Reps. Pietsch, Porter, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 982, adopt amendments as follows, and place HB 1154 on the Seventh order:

That the Senate recede from its amendments as printed on page 982 of the House Journal and page 650 of the Senate Journal and that Engrossed House Bill No. 1154 be amended as follows:

Page 1, line 18, after the second underscored boldfaced period insert:

"1."

Page 1, line 21, replace "expired" with "expire" and remove "on June thirtieth"

Page 2, line 2, after the underscored period insert:

"2. The permit fee established by the department must be based on the cost of conducting routine and complaint inspections and enforcement actions and the cost of preparing and sending license renewals. Any fee collected under this section must be deposited in the department's operating fund in the state treasury and any expenditure from the fund is subject to appropriation by the legislative assembly. The department shall waive all or a portion of the permit fee for any tanning facility that is subject to local jurisdiction.

3. The department shall accept city or county enforcement of this chapter if the department determines the city or county requirements meet or exceed the requirements of this chapter and any rules adopted under this chapter."

Page 5, line 5, replace "an individual requires medical attention due to use of a" with "a customer of a tanning facility reports a sunburn injury to that facility resulting from the use of its tanning device, the owner shall provide the customer with written information on how to report the alleged injury to the state department of health. If a health care provider treats a patient for a sunburn injury and determines, in the exercise of professional judgment, that the injury occurred as a result of using a tanning device at a tanning facility, the health care provider shall report the circumstances of the injury to the state department of health. A health care provider making or not making a report in good faith pursuant to this section is immune from liability for making or not making a report."

Page 5, remove lines 6 through 9

ReNUMBER accordingly

Engrossed HB 1154 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PIETSCH MOVED that the conference committee report on Engrossed HB 1154 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1154, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1154: A BILL for an Act to create and enact chapter 23-39 of the North Dakota Century Code, relating to regulation of tanning facilities; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Boe; Boucher; Brandenburg; Carlisle; Clark; Conrad; Damschen; Delmore; Dietrich; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Kroeber; Martinson; Metcalf; Monson; Mueller; Myxter; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Potter; Price; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thorpe; Uglem; Wald; Wall; Weiler; Wieland; Williams

NAYS: Bellew; Boehning; Dahl; DeKrey; Dosch; Griffin; Headland; Heller; Kelsch, R.; Kreidt; Meier, L.; Meyer, S.; Nelson; Pollert; Porter; Ruby; Thoreson; Vig; Vigesaa; Weisz; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Carlson; Charging

Reengrossed HB 1154 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that SB 2094 be moved to the top of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2094: Your conference committee (Sens. Hacker, Andrist, Heitkamp and Reps. Dosch, Ruby, Zaiser) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1041, adopt amendments as follows, and place SB 2094 on the Seventh order:

That the House recede from its amendments as printed on page 1041 of the Senate Journal and page 1113 of the House Journal and that Senate Bill No. 2094 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "46-02-15" insert "and 46-02-20"

Page 1, line 2, after "printing" insert "and services provided by in-plant print shops"

Page 1, after line 9, insert:

"SECTION 2. AMENDMENT. Section 46-02-20 of the North Dakota Century Code is amended and reenacted as follows:

46-02-20. In-plant print shops. Central duplicating services of the office of management and budget or by departments, institutions, state offices, and printing services under the jurisdiction of the board of higher education, with the exception of the state ~~school~~ college of science, the university of North Dakota, ~~and the North Dakota state university of North Dakota Valley City, and Valley City state university,~~ may not provide the following services: printing or duplicating of all coated stock; continuous forms; snap-out forms; envelopes over twenty thousand; process color, except for jobs generated on computer printers which do not exceed eleven inches [27.94 centimeters] by seventeen inches [43.18 centimeters] and five hundred total image pages; and print or duplicate paper larger than eleven inches [27.94 centimeters] by seventeen inches [43.18 centimeters], excluding work done on plotters."

Re-number accordingly

SB 2094 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on SB 2094 be adopted, which motion prevailed on a voice vote.

SB 2094, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact sections 46-02-15 and 46-02-20 of the North Dakota Century Code, relating to resident bidder preference for public printing and services provided by in-plant print shops.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Gruchalla; Gullerson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

NAYS: Griffin; Meyer, S.; Pinkerton; Potter; Schneider; Wolf

ABSENT AND NOT VOTING: Carlson; Charging

SB 2094, as amended, passed and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2094, SB 2344.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2256: Reps. Klemin; Dahl; Griffin

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1154.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2109.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Wednesday, April 18, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1463, as engrossed: Your conference committee (Sens. J. Lee, Dever, Warner and Reps. Price, Porter, Kaldor) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1410

Engrossed HB 1463 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1466: Your conference committee (Sens. Nething, Erbele, Marcellais and Reps. Koppelman, Kretschmar, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1466-1467, adopt amendments as follows, and place HB 1466 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1466 and 1467 of the House Journal and page 1288 of the Senate Journal and that House Bill No. 1466 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to the prohibition of the performance of abortions; to amend and reenact section 14-10-17 of the North Dakota Century Code, relating to consent of a minor; to provide a penalty; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-31 of the North Dakota Century Code is created and enacted as follows:

Abortion - Affirmative defenses.

1. As used in this section:

- a. "Abortion" means the use or prescription of any substance, device, instrument, medicine, or drug to intentionally terminate the pregnancy of an individual known to be pregnant. The term does not include an act made with the intent to increase the probability of a live birth; preserve the life or health of a child after live birth; or remove a dead, unborn child who died as a result of a spontaneous miscarriage, an

accidental trauma, or a criminal assault upon the pregnant female or her unborn child.

- b. "Physician" means an individual licensed to practice medicine under chapter 43-17.
 - c. "Professional judgment" means a medical judgment that would be made by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.
2. It is a class C felony for a person, other than the pregnant female upon whom the abortion was performed, to perform an abortion.
3. The following are affirmative defenses under this section:
- a. That the abortion was necessary in professional judgment and was intended to prevent the death of the pregnant female.
 - b. That the abortion was to terminate a pregnancy that resulted from gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest, as those offenses are defined in chapter 12.1-20.
 - c. That the individual was acting within the scope of that individual's regulated profession and under the direction of or at the direction of a physician.

SECTION 2. AMENDMENT. Section 14-10-17 of the North Dakota Century Code is amended and reenacted as follows:

14-10-17. Minors - Treatment for sexually transmitted disease - Drug abuse - Alcoholism - Pregnancy-related care.

- 1. Any person of the age of fourteen years or older may contract for and receive examination, care, or treatment for sexually transmitted disease, alcoholism, ~~or~~ drug abuse, or pregnancy-related care without permission, authority, or consent of a parent or guardian.
- 2. For purposes of this section, "pregnancy-related care" means pregnancy testing, prenatal care, and pain management related to pregnancy. This section does not authorize a minor to consent to abortion or otherwise supersede the requirements of chapter 14-02.1. Notwithstanding subsection 1, a physician or other health care professional may not be compelled against the physician's or health care professional's best judgment to provide pregnancy-related care under this section.
- 3. If a minor requests pregnancy-related care under this section, the physician or health care professional shall encourage the minor to involve her parents or guardian. A physician or other health care professional who provides pregnancy-related care to a minor under this section may inform the minor's parent or guardian of any pregnancy-related care given or needed if:
 - a. In the judgment of the physician or other health care professional:
 - (1) Failure to inform the parent or guardian would seriously jeopardize the health of the minor or her unborn child; or
 - (2) Informing the parent or guardian would benefit the health of the minor or her unborn child; and
 - b. Before the disclosure, the physician or health care professional informs the minor of the intent to disclose and the reasons for the disclosure.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on the date the legislative council approves by motion the recommendation of the attorney general to the legislative council that it is reasonably probable that Section 1 of this Act would be upheld as constitutional."

Renumber accordingly

HB 1466 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2284, as engrossed: Your conference committee (Sens. Nething, Olafson, Fiebigger and Reps. DeKrey, Klemin, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 831-832, adopt amendments as follows, and place SB 2284 on the Seventh order:

That the House recede from its amendments as printed on pages 831 and 832 of the Senate Journal and page 933 of the House Journal and that Engrossed Senate Bill No. 2284 be amended as follows:

Page 1, line 8, remove the overstrike over "~~not to exceed~~", after "~~seven~~" insert "fifteen", remove the overstrike over "~~thousand~~", and remove the overstrike over "~~dollars~~,"

Page 1, line 9, overstrike ", to"

Page 1, overstrike line 10

Page 1, line 11, overstrike "dependent of the debtor"

Page 1, line 12, replace "eighteen" with "fifteen", remove "four", overstrike "hundred", and remove "fifty"

Renumber accordingly

Engrossed SB 2284 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2313, as engrossed: Your conference committee (Sens. Flakoll, Freborg, Taylor and Reps. Monson, Hawken, Gulleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1199, adopt amendments as follows, and place SB 2313 on the Seventh order:

That the House recede from its amendments as printed on page 1199 of the Senate Journal and page 1229 of the House Journal and that Engrossed Senate Bill No. 2313 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for the purchase and distribution of automated external defibrillators to schools."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Automated external defibrillators - Purchase and distribution. The superintendent of public instruction shall purchase automated external defibrillators and distribute the defibrillators to school districts in this state for placement in schools or at the site of school-related activities."

Renumber accordingly

Engrossed SB 2313 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2323: Your conference committee (Sens. Erbele, Wanzek, Heckaman and Reps. D. Johnson, Klein, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1070-1071 and place SB 2323 on the Seventh order.

SB 2323 was placed on the Seventh order of business on the calendar.

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

Buell J. Reich, Chief Clerk