

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 15, 1999

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

The prayer was offered by Pastor David Birkeland, Rock Lake and Rolla United Methodist Churches, Rock Lake and Rolla, North Dakota.

The roll was called and all members were present except Representative Nicholas.

A quorum was declared by the Speaker.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1009, HB 1065, HB 1077, HB 1104, HB 1139, HB 1140, HB 1163, HB 1173, HB 1283, HB 1296, HB 1324, HB 1327, HB 1333, HB 1366, HB 1411, HCR 3011, HCR 3056.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 9:00 a.m., March 15, 1999: HB 1009, HB 1065, HB 1077, HB 1104, HB 1139, HB 1140, HB 1163, HB 1173, HB 1283, HB 1296, HB 1324, HB 1327, HB 1333, HB 1366, HB 1411.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:30 a.m., March 15, 1999: HCR 3011, HCR 3056.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

I am returning to you House Bill 1330, and respectfully veto the same, in order to do what is best for the employers and employees of our State. HB 1330 allows the North Dakota Worker's Compensation Bureau to re-open any decision based upon new information. This is a public policy with which I do not agree for the following reasons:

First, I believe it will invite litigation to interpret the bill, and litigation to challenge the bill's effect upon North Dakota's employees, a result that neither the Bureau, nor citizens of North Dakota want.

Secondly, the bill allows the right to re-open a case, only to the Bureau. It does not afford the employee the same right to re-open a case upon "new information." I believe that is fundamentally unfair.

Third, the bill is in direct response to a Supreme Court decision, Cridland v. NDWCB, 1997, ND 223, 571 N.W.2d 351, which says that Bureau decisions should be final, and it should not be allowed to re-litigate issues it has had an opportunity to litigate. In the Cridland case, the employee applied for and received North Dakota Workers Compensation benefits following a formal hearing. Subsequently, the Bureau chose to re-open the case and seek reimbursement of \$24,000 in benefits. The Supreme Court rejected the Bureau's claim. Its decision is well reasoned and reasonable. It allows the Bureau to continue its current practices, but confirmed that the Bureau does not get more than "one bite at the apple."

The bill's language is unclear. Section 2 provides that the Bureau may re-open a case "on the basis of new information." But, it provides no standards by which to guide decisions for review. In other areas of the law, litigants are allowed only to revisit a case upon "new information" if they show that it was not discoverable at the time of trial even with the exercise of reasonable diligence. We should hold North Dakota Workers Compensation to a similar standard.

The bill also does not provide finality for the parties. Every litigant, every employer, and employee deserves to have confidence in the decisions made by the Bureau, that those decisions are final. This bill does not afford that finality, but in fact opens cases for review upon standards that are undefined. It risks the limited resources of the employer, the employee, the Bureau, the Office of Administrative Hearings, and the Court, to have issues relitigated repeatedly. We should not endorse bills that provide more litigation and less certainty in Bureau claims.

Finally, the bill erodes the rights of North Dakota workers and their employers to have work related injuries handled in a judicious, prompt manner that affords the employee sure and certain relief for work related injuries. In considering this bill, I am reminded of our Supreme Court's admonition in Baldock v. NDWCB, that continued erosion of workers compensation benefits may reach a point where the fairness of the system no longer supports the underlying bargain of employer immunity.

I have reviewed carefully the testimony of proponents and opponents of the bill. I am convinced that it does not provide wise public policy for our employers and their employees. For these reasons, I respectfully veto the bill.

#### MOTION

**REP. DORSO MOVED** that HB 1330 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1330 be placed on the Eleventh order of business on the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

**REP. DORSO MOVED** that the amendments on the Sixth order of business to SCR 4033 be adopted, which motion prevailed.

SCR 4033, as amended, was placed on the Tenth order of business on the calendar.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1447 as printed on HJ page 810 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1447: Reps. DeKrey, Koppelman, Meyer.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2027: Reps. Klemin, Hawken, Mahoney.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2066: Reps. L. Thoreson, Haas, Grumbo.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2107: Reps. Grosz, Clark, Solberg.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2246: Reps. Mickelson, Clark, Winrich.

#### SECOND READING OF SENATE BILL

**SB 2068:** A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, and in the alternative to create and enact a new section to chapter 15.1 of the North Dakota Century Code, relating to the borrowing of money by school district technology consortia; to provide for a contingent 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 86 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehm; Boucher; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsch, S.; Kempnich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Belter; Bernstein; Brandenburg; Byerly; Delzer; Keiser; Lloyd; Mickelson; Rennerfeldt; Timm; Speaker Wald

**ABSENT AND NOT VOTING:** Nicholas

Engrossed SB 2068, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Dan Austin

**SECOND READING OF SENATE BILL**

**SB 2073:** A BILL for an Act to amend and reenact section 14-09-08.2 of the North Dakota Century Code, relating to child support for children after majority.

**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:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; 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, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; 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:** Boucher; Mickelson; Nicholas

SB 2073, as amended, passed and the title was agreed to.

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**MOTION**

**REP. SCHMIDT MOVED** that the House reconsider its action whereby Engrossed SB 2408 failed to pass, which motion failed on a verification vote.

**SECOND READING OF SENATE BILL**

**SB 2126:** A BILL for an Act to amend and reenact subsections 1 and 3 of section 23-07-17.1 of the North Dakota Century Code, relating to diseases for which inoculations are required before a child's admission to school.

**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 68 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Brekke; Cleary; Delmore; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemm; Kliniske; Koppang; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Mickelson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich

**NAYS:** Belter; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Drovdal; Galvin; Gorder; Grande; Grosz; Herbel; Kerzman; Koppelman; Lloyd; Martinson; Meyer; Monson; Renner; Sandvig; Thoreson, B.; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Nicholas

SB 2126, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2128:** A BILL for an Act to amend and reenact section 11-13-02.1 and subsection 2 of section 44-04-18 of the North Dakota Century Code, relating to fees charged for compiling statistical information.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; 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

**NAYS:** Clark; Dalrymple; Huether; Poolman

**ABSENT AND NOT VOTING:** Boucher; Nicholas

Engrossed SB 2128, as amended, passed and the title was agreed to.

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### MOTION

**REP. DORSO MOVED** that Engrossed SB 2199 be placed at the top of the calendar, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2199:** A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to participation in extracurricular activities by students receiving home education; to amend and reenact subsection 4 of section 15-34.1-06 of the North Dakota Century Code, relating to home education; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; 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; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** Boucher; Nicholas

Engrossed SB 2199, 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 2180:** A BILL for an Act to create and enact sections 26.1-01-03.3 and 26.1-30.1-01.1 of the North Dakota Century Code, relating to penalty for violation of the insurance code and unlawful grounds for declination of commercial insurance; to amend and reenact sections 26.1-01-03.1, 26.1-03-17, subsection 7 of section 26.1-04-03, sections 26.1-23-06, 26.1-33-02.1, subsection 6 of section 26.1-33-30, subsection 1 of section 26.1-36-03, subsection 11 of section 26.1-36-05, subsection 6 of section 26.1-36-14, subsection 1 of section 26.1-36-23.1, and section 26.1-45-05.1 of the North Dakota Century Code, relating to cease and desist orders, premium taxes, unfair discrimination, unsatisfied judgment fund, free-look periods of life insurance policies, life insurance, accident and health insurance, and long-term care insurance; 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:** Aarsvold; Belter; Berg; Bernstein; Boehm; 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; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Nicholas; Wikenheiser

Engrossed SB 2180, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 12.1-17 and a new section to chapter 23-07 of the North Dakota Century Code, relating to contact by bodily fluids or excrement and the reporting of test results for certain diseases; 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:** Aarsvold; Belter; Berg; Bernstein; Boehm; 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; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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:** Boucher; Grosz; Nicholas

Engrossed SB 2186, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2225:** A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota Century Code, relating to the unauthorized use of personal identifying information; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; 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, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; 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; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** Boucher; Lloyd; Nicholas; Weisz

Engrossed SB 2225, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT  
CALENDAR**

**SCR 4018:** A concurrent resolution urging Congress to address concentration and consolidation in the meat and grain industries so farmers and ranchers can compete fairly and profitably.

**SCR 4020:** A concurrent resolution urging Congress to assist farmers by removing or restricting the use of trade sanctions as they apply to agricultural products, by taking advantage of the export enhancement program, by removing the cap on marketing loans, and by reforming crop insurance so that farmers experiencing multiyear disasters could have access to adequate coverage.

**SCR 4025:** A concurrent resolution urging Congress to analyze the operating environment of the Farm Service Agency and ensure that attempts at efficiency recognize customer needs and expectations.

**SCR 4026:** A concurrent resolution urging Congress to enact the Dakota Water Resources Act.

**SCR 4034:** A concurrent resolution directing the Legislative Council to study the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development.

**SCR 4040:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a mechanism to allow farmers and ranchers to shelter a portion of their income in an agricultural real estate asset retirement-type fund.

The question being on the final adoption of the resolutions, which have been read.

SCR 4018, Engrossed SCR 4020, Engrossed SCR 4025, SCR 4026, SCR 4034, and SCR 4040 were declared adopted on a voice vote.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2210, SB 2248, SB 2310.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2039, SB 2040, SB 2084, SB 2116, SB 2134, SB 2204, SB 2223, SB 2312, SB 2435, SB 2438, SCR 4014, SCR 4024, SCR 4030, SCR 4043, SCR 4047, SCR 4049, SCR 4050, SCR 4053.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2121.

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

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2408.

**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 16, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2234: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2234 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2335: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2341: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). SB 2341 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2391: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (7 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). SB 2391 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2403: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** (9 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SB 2403 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2434: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2434 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4016: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4019: Transportation Committee (Rep. Keiser, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4019 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4023: Government and Veterans Affairs Committee (Rep. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SCR 4023 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "allow" with "require" and replace the second "the" with "a specific"

Page 1, line 15, replace "may" with "shall"

Page 1, line 17, after the period insert "The procedure must provide that the district executive committee of the political party of the member whose position becomes vacant select a person to fill the vacancy until the next general election, at which time the office must be filled by election for the remainder of the term. If the former member was elected as an independent candidate or if the executive committee does not make an appointment within ten days after receiving the notice of the vacancy from the secretary of state, the governor shall appoint a resident of the district to serve until the next general election, at which time the office must be filled by election for the remainder of the term."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4031: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4035: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). SCR 4035 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4037: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO NOT PASS** (10 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SCR 4037 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4038: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4038 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4039: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4039 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4042: Education Committee (Rep. R. Kelsch, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4042 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4048, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (10 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed SCR 4048 was placed on the Tenth order on the calendar.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1447 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1447:** Reps. DeKrey; Koppelman; Meyer

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

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

**SB 2027:** Reps. Klemin; Hawken; Mahoney  
**SB 2066:** Reps. L. Thoreson; Haas; Grumbo  
**SB 2107:** Reps. Grosz; Clark; Solberg  
**SB 2246:** Reps. Mickelson; Clark; Winrich

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2159, SB 2161, and SB 2185 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2159:** Sens. B. Stenehjem; Cook; Thompson  
**SB 2161:** Sens. Cook; B. Stenehjem; O'Connell  
**SB 2185:** Sens. Watne; W. Stenehjem; C. Nelson

**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 1071.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1071**

Page 1, line 3, remove the first "and"

Page 1, line 6, after "system" insert "; and to declare an emergency"



Page 3, after line 11, insert:

"**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1211, HB 1310, HCR 3075.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1211**

Page 1, line 1, after "reenact" insert "section 16.1-09-02 and"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 16.1-09-02 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-09-02. Statement of interests to be filed.** Every candidate for elective office shall file a statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, ~~or~~ petition of nomination, or certificate of write-in candidacy. Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, ~~or~~ a petition of nomination, or a certificate of write-in candidacy, pursuant to chapter 16.1-11, 16.1-12, or 40-21, as is appropriate; ~~provided, that any.~~ A person who has filed a statement as the result of candidacy in a primary election need not refile ~~prior to~~ before running in the following general election. A write-in candidate who is not required to file a certificate of write-in candidacy shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1310**

Page 1, line 21, after "water" insert "detained by the highway at the crossing" and replace "crossings have" with "crossing has"

Page 2, line 17, after "water" insert "detained by the highway at the crossing" and replace "crossings have" with "crossing has"

Page 3, line 6, after "water" insert "detained by the highway at the crossing" and replace "crossings have" with "crossing has"

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3075**

Page 1, after line 2, insert:

"**WHEREAS,** the Fifty-sixth Legislative Assembly adopted House Bill No. 1202 to address the fact that many insurance companies deny victims of domestic violence payment of property and casualty insurance claims arising out of domestic violence; and"

Page 1, line 11, after "issue" insert ", including a study of the effectiveness of House Bill No. 1202,"

Page 1, line 13, after "treatment" insert "or recovery from insurance"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1069, HB 1072, HB 1200, HB 1233, HB 1423, HCR 3002, HCR 3003, HCR 3021, HCR 3040, HCR 3055, HCR 3079.

**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 2420.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bill: SB 2420.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2420.

**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 2196, SB 2215, SB 2305, SB 2306, SB 2314, SCR 4005, SCR 4015, SCR 4032, SCR 4041, SCR 4046.

**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 2054, SB 2119, SB 2132, SB 2136, SB 2177, SB 2213, SB 2240, SB 2255, SB 2326.

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

**LANCE HAGEN, Chief Clerk**