

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, January 18, 2001

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Art Scanson, McCabe United Methodist, Bismarck.

The roll was called and all members were present except Senators Krauter, G. Nelson, and Polovitz.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2052: SEN. COOK (Education Committee) MOVED that the amendments on SJ pages 92-94 be adopted with **DO PASS**.

REQUEST

SEN. KELSH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2052, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2052, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nething; Schobinger; Solberg; Stenehjelm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Every; Heitkamp; Kelsh; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Robinson; Tallackson; Tomac

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

The motion to adopt the amendments to SB 2052 passed.

MOTION

SEN. CHRISTMANN MOVED that SB 2052 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2052: A BILL for an Act to amend and reenact section 15-40.1-09 and subsection 1 of section 15.1-06-04 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-27-35 of the North Dakota Century Code, relating to professional development days.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nething; Schobinger; Solberg; Stenehjelm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Every; Heitkamp; Kelsh; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Robinson; Tallackson; Tomac

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

Engrossed SB 2052 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2060: SEN. STENEHJEM (Finance and Taxation Committee) MOVED that the amendments on SJ page 94 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2090: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 94 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2116: SEN. BERCIER (Judiciary Committee) MOVED that the amendments on SJ pages 94-95 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to create and enact a new section to chapter 57-20 and section 57-28-09.1 of the North Dakota Century Code, relating to collection of real estate taxes and the form of a tax deed; to amend and reenact sections 23-35-07, 57-23-05, 57-28-07, and 57-45-11 of the North Dakota Century Code, relating to the proration of health district funds, filing of an application for abatement, notice of foreclosure of tax lien, and limitation of action against a tax deed; and to provide an effective date.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

Engrossed SB 2059 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to amend and reenact section 57-20-26 of the North Dakota Century Code, relating to notice of tax lien information requirements; and to provide an effective date.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

Engrossed SB 2062 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 50-24.5-01 of the North Dakota Century Code, relating to the definitions for the aid to vulnerable aged, blind, and disabled persons program; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjelm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

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

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 25 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Christenson; Christmann; Cook; Dever; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krebsbach; Lee; Lyson; Mathern, T.; Nelson, C.; Nething; Robinson; Tallackson; Tollefson; Tomac; Traynor; Wanzek; Watne

NAYS: Bowman; Erbele; Espesgaard; Every; Fischer; Flakoll; Klein; Kringstad; Kroepelin; Lindaas; Mathern, D.; Mutch; Nichols; O'Connell; Schobinger; Solberg; Stenehjelm; Thane; Trenbeath; Urlacher; Wardner

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

Engrossed SB 2118 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to create and enact chapter 30.1-10.1 of the North Dakota Century Code, relating to the disclaimer of property interests; to amend and reenact subsection 1 of section 47-24.1-18 of the North Dakota Century Code, relating to the disclaimer of custodian duties; and to repeal section 30.1-10-01 of the North Dakota Century Code, relating to the disclaimer of property interests.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjelm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

SB 2075 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2135 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to the uniform interstate enforcement of domestic violence protection orders act; to amend and reenact section 14-07.1-06 of the North Dakota Century Code, relating to penalties for violation of a protection order; to repeal section 14-07.1-02.2 of the North Dakota Century Code, relating to foreign domestic violence protection orders; to provide a penalty; and to provide for application.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Thane

NAYS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

SB 2076 lost.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact subsection 4 of section 15-40.1-06 of the North Dakota Century Code or in the alternative to amend and reenact subsection 1 of section 15.1-27-02 of the North Dakota Century Code, relating to late filing of reports to the department of public instruction.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

SB 2108 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact section 32-03.1-05 of the North Dakota Century Code, relating to liability for providing emergency medical aid.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz; Solberg

SB 2123 passed and the title was agreed to.

REQUEST

SEN. SOLBERG REQUESTED that the record reflect that he was present in the chamber and did vote YEA on SB 2123, which request was granted.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to amend and reenact section 65-05-20.1 of the North Dakota Century Code, relating to removing the expiration date of the workers' compensation scholarship fund; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

SB 2134 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact section 43-17-02.1 of the North Dakota Century Code, relating to prescriptive authority of physician assistants.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

SB 2141 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2157: A BILL for an Act to create and enact two new sections to chapter 65-04, relating to workers' compensation dispute resolution and penalties for employer's failure to secure coverage, submit payroll, or otherwise comply with chapter 65-04; to amend and reenact sections 65-02-23, 65-02-24, 65-04-04, 65-04-19, 65-04-20, 65-04-22, 65-04-24, 65-04-25, 65-04-26.1, 65-04-27.1, 65-08-01, 65-09-01, 65-09-02, and 65-10-01, relating to workers' compensation premium billing statements, determining date of default for premium, service of process on directors of nonresident corporations, procedure for notifying corporate officers of their liability for unpaid premium, reporting wages for extraterritorial coverage, appeals, and internal cross-references; to repeal sections 65-01-05, 65-04-05, 65-04-12, 65-04-14, 65-04-23, 65-09-03, and 65-09-04, relating to penalties for an employer's failure to secure workers' compensation coverage, submit payroll, or otherwise comply with chapter 65-04; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz

SB 2157 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to create and enact a new section to chapter 47-19 of the North Dakota Century Code, relating to the authority of North Dakota notaries to act in other states; to amend and reenact section 44-06-01 of the North Dakota Century Code, relating to the performance of notarial acts; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krauter; Nelson, G.; Polovitz; Robinson

SB 2179 passed, the title was agreed to, and the emergency clause was declared carried.

REQUEST

SEN. ROBINSON REQUESTED that the record reflect that he voted AYE on SB 2179 and that the tally did not record his vote, which request was granted.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2137, SB 2151.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2064, SB 2066, SB 2072, SB 2091, SB 2092, SB 2096, SB 2142.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1114.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1027, HB 1096, HB 1132, HB 1156, HB 1176.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SCR 4007.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on January 18, 2001: SCR 4007.

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 19, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2035: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2035 was placed on the Sixth order on the calendar.

Page 1, line 4, after "reenact" insert "subsection 4 of section 12.1-20-02," remove the second "and", and after the third comma insert "subsection 1 of section 12.1-31-01,"

Page 1, line 6, after "offenses" insert "and disorderly conduct"

Page 1, after line 8, insert:

"SECTION 1. AMENDMENT. Subsection 4 of section 12.1-20-02 of the North Dakota Century Code is amended and reenacted as follows:

4. "Sexual contact" means any touching, whether or not through the clothing or other covering, of the sexual or other intimate parts of the person, or the penile ejaculation or ejaculate or emission of urine or feces upon any part of the person, for the purpose of arousing or satisfying sexual or aggressive desires."

Page 2, line 1, after the underscored comma insert "solicits with the intent to engage in,"

Page 2, line 4, overstrike ", or is guilty of a class C felony if the adult is at least twenty-two years of"

Page 2, line 5, overstrike "age and the", remove "victim", and overstrike "is a minor fifteen years of age or older"

Page 2, line 6, overstrike "a person under the age of fifteen years" and insert immediately thereafter "with the intent"

Page 2, line 7, overstrike "or sexual contact" and insert immediately thereafter "with a minor under age fifteen or engages in or causes another to engage in a sexual act when the adult is at least twenty-two years of age and the victim is a minor fifteen years of age or older,"

Page 2, line 17, after "a" insert "person the adult believes to be a"

Page 2, line 18, after "a" insert "person the adult believes to be a"

Page 2, line 23, after the first "the" insert "adult reasonably believes the"

Page 4, after line 9, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 12.1-31-01 of the North Dakota Century Code is amended and reenacted as follows:

1. An individual is guilty of a class B misdemeanor if, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by the individual's behavior, the individual:
 - a. Engages in fighting, or in violent, tumultuous, or threatening behavior;
 - b. Makes unreasonable noise;
 - c. In a public place, uses abusive or obscene language, knowingly exposes that individual's penis, vulva, or anus, or makes an obscene gesture;
 - d. Obstructs vehicular or pedestrian traffic, or the use of a public facility;
 - e. Persistently follows a person in or about a public place or places;

- f. While loitering in a public place for the purpose of soliciting sexual contact, the individual solicits the contact;
- g. Creates a hazardous, physically offensive, or seriously alarming condition by any act that serves no legitimate purpose; or
- h. Engages in harassing conduct by means of intrusive or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another person."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2051: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2055: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2058: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2080: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Sixth order on the calendar.

Page 2, line 6, remove the overstrike over "~~rules~~"

Page 2, line 7, remove the overstrike over "~~and~~"

Page 3, line 29, remove the overstrike over "~~rules~~" and remove "policies"

Page 3, line 30, remove the overstrike over "~~rules~~", remove "policies", and overstrike "and procedures"

Page 4, line 12, remove the overstrike over "~~rules~~" and remove "policies"

Page 4, line 17, remove the overstrike over "~~rules~~"

Page 4, line 18, remove "policies"

Page 4, line 22, remove the overstrike over "~~rules~~" and remove "policies"

Page 5, line 3, after "to" insert "postsecondary educational institutions under chapter 15-20.4 and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2102 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2107: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2122: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2124: Human Services Committee (Sen. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2154: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "subsection" with "subsections" and after "1" insert "and 3"

Page 1, line 5, after "14-02.5-24" insert ", subsection 2 of section 14-02.5-25" and replace "sections 14-02.5-28 and" with "section"

Page 1, line 7, after "exemptions" insert "; and to declare an emergency"

Page 1, line 9, replace "Subsection" with "Subsections" and after "1" insert "and 3"

Page 1, line 10, replace "is" with "are"

Page 1, after line 14, insert:

- "3. "Conciliation" means the informal negotiations among and aggrieved individual person, the respondent, and the department to resolve issues raised by a complaint or by the investigation of the complaint."

Page 5, line 18, after "public" insert "by the department"

Page 5, line 20, overstrike "concerned persons" and insert immediately thereafter "the parties to the conciliation"

Page 5, after line 31, insert:

"SECTION 9. AMENDMENT. Subsection 2 of section 14-02.5-25 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. If making the determination within the period is impracticable, the department shall give in writing to the complainant and the respondent the reasons for the delay. If the department determines that reasonable cause exists to believe that a discriminatory housing practice has occurred or is about to occur, the department shall, except as provided by section 14-02.5-27, immediately issue a charge on behalf of the aggrieved individual person."

Page 6, remove lines 7 through 12

Page 7, line 8, replace "and information" with "is an open record. Information"

Page 7, line 9, replace "are" with "is"

Page 7, after line 13, insert:

"SECTION 14. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2162: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Sixth order on the calendar.

Page 3, line 22, remove the overstrike over "~~not in excess of~~", after "fifty" insert "one hundred", and remove the overstrike over "~~dollars~~"

Page 3, line 29, remove the overstrike over "~~not in excess of~~", after "thirty five" insert "seventy", and remove the overstrike over "~~dollars~~"

Page 4, line 6, remove the overstrike over "~~not in excess of~~", after "thirty five" insert "seventy", and remove the overstrike over "~~dollars~~"

Page 4, line 8, after "fee" insert "not in excess of twenty-five dollars"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2172: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4003: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Kilzer, Fischer introduced:

SB 2249: A BILL for an Act to create and enact a new subsection to section 43-11-02 of the North Dakota Century Code, relating to an exemption for certain medical professionals from laws governing the practice of cosmetology.

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

Sens. Heitkamp, G. Nelson and Reps. Belter, Gullekson introduced:

SB 2250: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-26.1 of the North Dakota Century Code, relating to state aid distribution fund allocation among political subdivisions.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Robinson, Solberg, Wardner and Reps. Ekstrom, Lemieux, B. Thoreson introduced:

SB 2251: A BILL for an Act to create and enact two new sections to chapter 54-59 of the North Dakota Century Code, relating to the establishment, powers, and duties of an educational technology council; to amend and reenact sections 15-19-02 and 15-19-06, subsection 1 of section 15.1-02-07, subdivision h of subsection 2 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the administration of the division of independent study and the appointment of members of the educational telecommunications council; to repeal chapter 15.1-05 of the North Dakota Century Code, relating to the educational telecommunications council; and to provide for a transfer of funds.

Was read the first time and referred to the **Education Committee**.

Sens. Krauter, T. Mathern, Kringstad and Reps. Thorpe, Nottestad, Gullekson introduced:

SB 2252: A BILL for an Act to amend and reenact paragraph 5 of subdivision d of subsection 1 of section 57-38-01.2 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax deductions or credits for adoption expenses; and to provide an effective date.

Was read the first time and referred to the **Finance and Taxation Committee**.

Sens. Lyson, Stenehjem, Wardner introduced:

SB 2253: A BILL for an Act to amend and reenact section 40-09-06 of the North Dakota Century Code, relating to the salary of city commissioners.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Lyson, Cook, Watne and Reps. Carlisle, Porter introduced:

SB 2254: A BILL for an Act to amend and reenact sections 12.1-20-06 and 12.1-20-07 of the North Dakota Century Code, relating to sexual abuse of wards and sexual assault; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

Sen. Traynor introduced:

SB 2255: A BILL for an Act to amend and reenact sections 44-06-02, 44-06-04.1, and 44-06-12 and subsection 4 of section 44-06-13.1 of the North Dakota Century Code, relating to notary public address and name changes.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Traynor, Espesgaard and Reps. D. Johnson, Schmidt introduced:

SB 2256: A BILL for an Act to amend and reenact section 11 of chapter 535 of the 1999 Session Laws, relating to the issuance of bonds for construction of an outlet from Devils Lake.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Lyson, Cook, Watne and Rep. Porter introduced:

SB 2257: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm at a public gathering.

Was read the first time and referred to the **Judiciary Committee**.

Sens. Andrist, Tomac, Wardner and Reps. Grande, Nelson, Skarphol introduced:

SB 2258: A BILL for an Act to create and enact a new section to chapter 43-01, a new section to chapter 43-02.2, a new section to chapter 43-03, a new section to chapter 43-05, a new section to chapter 43-06, a new section to chapter 43-09, a new section to chapter 43-10, a new section to chapter 43-11, a new section to chapter 43-12.1, a new section to chapter 43-13, a new section to chapter 43-15, a new section to chapter 43-15.1, a new section to chapter 43-17, a new section to chapter 43-18, a new section to chapter 43-18.2, a new section to chapter 43-19.1, a new section to chapter 43-20, a new section to chapter 43-23.3, a new section to chapter 43-25, a new section to chapter 43-26, a new section to chapter 43-28, a new section to chapter 43-29, a new section to chapter 43-30, a new section to chapter 43-32, a new section to chapter 43-33, a new section to chapter 43-34, a new section to chapter 43-35, a new section to chapter 43-36, a new section to chapter 43-37, a new section to chapter 43-38, a new section to chapter 43-39, a new section to chapter 43-40, a new section to chapter 43-41, a new section to chapter 43-42, a new section to chapter 43-43, a new section to chapter 43-44, a new section to chapter 43-45, a new section to chapter 43-47, a new section to chapter 43-48, and a new section to chapter 43-49 of the North Dakota Century Code, relating to fees established by certain occupational or professional boards; and to amend and reenact section 43-43-04 of the North Dakota Century Code, relating to the adoption of environmental health practitioner rules by the state health council.

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

Sens. Klein, Christmann, Heitkamp and Reps. Pollert, Weisz introduced:

SB 2259: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits of park districts.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Dever, C. Nelson, Wardner and Reps. Cleary, Haas, Kroeber introduced:

SB 2260: A BILL for an Act to amend and reenact sections 37-14-06 and 37-14-12 of the North Dakota Century Code, relating to loans from the veterans' aid fund and appeals from the department of veterans' affairs.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Kelsh, Christenson, O'Connell and Reps. Delmore, S. Kelsh, Onstad introduced:

SB 2261: A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to transfer to the common schools trust fund of funds remaining after payment of obligations on bonds issued under the student loan trust fund; to provide an effective date; to provide an expiration date; and to declare an emergency.

Was read the first time and referred to the **Judiciary Committee**.

FIRST READING OF HOUSE BILLS

HB 1027: A BILL for an Act to amend and reenact subsection 3 of section 28-32-02 of the North Dakota Century Code or in the alternative to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to agency procedures to notify interested parties of when rules adopted by the agency will be considered by the administrative rules committee; and to provide an effective date.

Was read the first time and referred to the **Judiciary Committee**.

HB 1096: A BILL for an Act to amend and reenact subdivision e of subsection 1 of section 19-02.1-14.1, subsection 4 of section 19-02.1-15, subdivision a of subsection 23 of section 19-03.1-01, subsection 6 of section 19-03.1-05, subsection 4 of section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, subsection 1 of section 19-03.1-22, and subsection 26 of section 43-15-01 of the North Dakota Century Code, relating to the practice of pharmacy.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1114: A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota, to the city of Jamestown; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1132: A BILL for an Act to amend and reenact section 35-03-04 of the North Dakota Century Code, relating to the recordation of a mortgage.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1156: A BILL for an Act to amend and reenact section 44-08-04.5 of the North Dakota Century Code, relating to the direct billing of employee lodging expenses.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1176: A BILL for an Act to amend and reenact sections 26.1-05-18, 26.1-05-19, 26.1-05-31, 26.1-10-02, subsections 1 and 6 of section 26.1-10-05, sections 26.1-24-10, 26.1-31.2-01, and 26.1-31.2-02 of the North Dakota Century Code, relating to authorized investment of funds of insurance companies and reinsurance credit for a domestic insurer.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

The Senate stood adjourned pursuant to Senator Christmann's motion.

WILLIAM R. HORTON, Secretary