

**JOURNAL OF THE SENATE**

**Fifty-eighth Legislative Assembly**

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**Bismarck, January 17, 2003**

The Senate convened at 12:15 p.m., with President Dalrymple presiding.

The prayer was offered by Deacon James Nistler, Sacred Heart, Wilton.

The roll was called and all members were present except Senators Heitkamp, Nething, and Stenehjem.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2062: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments on SJ page 88 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the confidentiality of records containing computer passwords and security information; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Stenehjem

Engrossed SB 2038 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to amend and reenact section 14-02.4-19 of the North Dakota Century Code, relating to the time limitations for filing human rights complaints in district court.

**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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Stenehjem

Engrossed SB 2067 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2029:** A BILL for an Act to amend and reenact section 54-03-28 of the North Dakota Century Code, relating to requirements for a legislative measure mandating health insurance coverage; 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 29 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Polovitz; Schobinger; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Bercier; Christenson; Dever; Every; Fairfield; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Robinson; Seymour; Tallackson; Taylor

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Stenehjem

SB 2029 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

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**SECOND READING OF SENATE BILL**

**SB 2105:** A BILL for an Act to amend and reenact subsection 1 of section 39-05-09.2 of the North Dakota Century Code, relating to grounds for suspension or revocation of a motor vehicle certificate of title.

**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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Stenehjem

SB 2105 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2139:** A BILL for an Act to amend and reenact subsection 3 of section 43-29-07.2 of the North Dakota Century Code, relating to temporary permits to practice veterinary medicine.

**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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Heitkamp; Nething; Stenehjem

SB 2139 passed and the title was agreed to.

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**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 2034, SB 2158, SB 2159, SB 2040, SB 2075, SB 2100, SB 2101, SB 2102, SB 2119, SB 2152, SB 2156.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1059, HB 1127, HB 1183, HB 1068, HB 1070, HB 1080, HB 1081, HB 1085, HB 1107, HB 1125, HB 1126.

**MOTION**

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

**MOTION**

**SEN. KLEIN 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 1:15 p.m., Monday, January 20, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2042: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to provide for use of school district and higher education videoconferencing"

Page 1, line 2, remove "facilities and services; and"

Page 2, line 22, overstrike the first comma and insert immediately thereafter "and", overstrike the second comma and insert immediately thereafter "entities", remove the overstrike over "~~nonprofit~~", and replace "other" with "entities that are affiliated with an institution of higher education which are"

Page 2, line 29, replace "others" with "the entities identified in subdivision j of subsection 1"

Page 3, remove lines 3 through 8

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2058: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "two" with "three"

Page 15, line 5, overstrike "governmental unit that does not"

Page 15, line 6, overstrike "participate in the" and overstrike "employees retirement system under this chapter" and insert immediately thereafter "employee"

Page 17, line 9, overstrike "member's present monthly" and after "salary" insert "the member would have received but for the period of service or, if that amount is not reasonably certain, the member's average rate of compensation during the twelve-month period immediately preceding the member's period of service or, if shorter, the period of employment immediately preceding that period."

Page 17, line 21, overstrike "governmental unit that does not"

Page 17, line 22, overstrike "participate in the" and overstrike "employees retirement system under this chapter" and insert immediately thereafter "employee"

Page 18, line 18, replace "on" with "or"

Page 19, line 26, overstrike "member's present monthly" and after "salary" insert "the member would have received but for the period of service or, if that amount is not reasonably certain, the member's average rate of compensation during the twelve-month period"

immediately preceding the member's period of service or, if shorter, the period of employment immediately preceding that period."

Page 20, line 26, replace "Two" with "Three"

Page 21, after line 3, insert:

"Any person if the board determines disclosure is necessary for treatment, operational, or payment purposes, including the completion of necessary documents."

Page 24, line 22, remove "member's present monthly" and after "salary" insert "the member would have received but for the period of service or, if that amount is not reasonably certain, the member's average rate of compensation during the twelve-month period immediately preceding the member's period of service or, if shorter, the period of employment immediately preceding that period."

Page 25, line 5, replace "54-52.2-03.2" with "54-52.2-03.3"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2059: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2059 was placed on the Sixth order on the calendar.

Page 8, after line 5, insert:

"10. Any person if the board determines disclosure is necessary for treatment, operational, or payment purposes, including the completion of necessary documents."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2061: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2061 was placed on the Sixth order on the calendar.

Page 4, line 1, replace "not" with "no" and after "may" insert "not,"

Page 4, line 2, after "2" insert a comma

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2082: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2124: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2124 was placed on the Eleventh order on the calendar.

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

**WILLIAM R. HORTON, Secretary**