

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, January 22, 2003

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

The prayer was offered by Reverend John Luhmann, Bismarck Evangelical Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2296 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2296 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2233 be returned to the Senate floor from the **Education Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2233 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2043: SEN. SYVERSON (Political Subdivisions Committee) MOVED that the amendments on SJ pages 112-113 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2157: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 113 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to provide for a paternity registry; 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 NOT PASS, the roll was called and there were 1 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Seymour

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

SB 2035 lost.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact sections 25-03.1-11 and 25-03.1-19 and subsection 2 of section 25-03.1-26 of the North Dakota Century Code, relating to involuntary treatment and commitment procedures.

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 25 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Brown; Christenson; Christmann; Dever; Fairfield; Flakoll; Heitkamp; Kilzer; Krauter; Krebsbach; Mathern; Mutch; Nelson; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Urlacher

NAYS: Bowman; Cook; Erbele; Espgaard; Every; Fischer; Freborg; Grindberg; Holmberg; Klein; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Nething; Nichols; Stenehjelm; Tollefson; Traynor; Trenbeath; Wardner

SB 2045 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2084: A BILL for an Act to amend and reenact sections 10-04-02 and 10-04-03, subsections 3, 5, and 12 of section 10-04-05, section 10-04-06, subsection 3 of section 10-04-07, subsections 2 and 3 of section 10-04-07.1, sections 10-04-08 and 10-04-10, subsection 4 of section 10-04-10.3, subsection 1 of section 10-04-11, sections 10-04-14 and 10-04-16, subsection 1 of section 10-04-16.1, subsection 3 of section 10-04-17, and subsection 1 of section 10-04-18 of the North Dakota Century Code, relating to definitions under the Securities Act, the authority of the securities commissioner and the securities department, securities exemptions, exempt transactions, registration of securities, registration of dealers, agents, investment advisors and investment advisor representatives, post-registration requirements, consent to service of process, orders and injunctions, investigations by the securities department, rescission, and penalties; to repeal section 10-04-10.2 of the North Dakota Century Code, relating to eligibility to be registered under the Securities Act; to provide a penalty; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2084 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that SB 2128, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2128 was rereferred.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to prior written notification of price increases for essential and nonessential telecommunications service.

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 12 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Christenson; Every; Fairfield; Krauter; Lindaas; Mathern; Nelson; Nichols; O'Connell; Polovitz; Robinson; Tallackson

NAYS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; Schobinger; Seymour; Stenehjelm; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2116 lost.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to amend and reenact subsection 6 of section 49-02-02 of the North Dakota Century Code, relating to expenses of public service commission rate proceedings.

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 0 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2117 lost.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3007.

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

MR. SPEAKER: The President has signed: HCR 3007.

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

MR. SPEAKER: The Senate has passed, the emergency clause failed, and your favorable consideration is requested on: SB 2197.

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 2058, SB 2059, SB 2061, SB 2200.

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 1031, HB 1033, HB 1062, HB 1066.

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

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1029.

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 1:00 p.m., Thursday, January 23, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2057: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2083: Human Services Committee (Sen. J. Lee, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2114: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2114 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "~~thirty-five~~" and remove "sixty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2135: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "existence of the"

Page 1, line 12, after "review" insert "in the order received"

Page 1, line 14, after "3." insert:

- "a. Approve no more than seventeen applications;
- b. During the first year of the biennium, reserve three of the available scholarships for individuals teaching at low-performing schools, provided that if the scholarships are not awarded to individuals teaching at low-performing schools during the first year of the biennium, the board may award the scholarships to other eligible applicants; and
- c. During the first year of the biennium, award no more than two of the remaining fourteen available scholarships to applicants employed by the same school district, provided that this restriction does not apply to scholarships awarded during the second year of the biennium.

4."

Page 1, remove line 16

Page 1, line 18, remove "first"

Page 1, line 23, after "public" insert "or nonpublic"

Page 2, line 1, after "school" insert "or school"

Page 2, after line 2, insert:

- "7. If any individual who receives a scholarship under this section does not complete the certification process within the time allotted by the board, the individual must reimburse the state an amount equal to one-half of the amount awarded to the individual as a scholarship."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2144: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2165: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2177: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2179: 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 2179 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "and shall provide a copy of the policy to each employee" and replace "Upon the complaint of an employee of" with "The railroad corporation shall keep a copy of the policy posted in a conspicuous place on an area of its premises commonly

frequented by its employees. Penalties for a violation of this section are limited to those allowed in section 49-07-01.1."

Page 1, remove lines 9 through 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2184: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Bowman, Andrist, Freborg and Reps. Drovdal, Nelson introduced:

SB 2305: A BILL for an Act to provide for the support of joint powers agreements among school districts; to provide an effective date; and to declare an emergency.

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

Sens. Mathern, Thane, Bercier and Reps. Gulleeson, Maragos, Winrich introduced:

SB 2306: A BILL for an Act to create and enact chapters 14-02.7, 14-02.8, 14-02.9, 14-02.10, and 14-02.11 of the North Dakota Century Code, relating to human rights and the establishment of a commission on human rights; to repeal chapters 14-02.4 and 14-02.5 of the North Dakota Century Code, relating to human rights and housing discrimination; and to provide a penalty.

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

Sens. Robinson, Seymour, Wardner and Reps. F. Klein, Winrich introduced:

SB 2307: A BILL for an Act to create an enact a new section to chapter 57-36 of the North Dakota Century Code, relating to matching grants for public health agencies for school health services projects; to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to the rate of tax on the sale of cigarettes; to provide a continuing appropriation; and to provide an effective date.

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

Sens. Tallackson, Lyson and Reps. Aarsvold, Wald introduced:

SB 2308: A BILL for an Act to amend and reenact subsection 1 of section 39-16.1-09 and subsection 1 of 39-16.1-19 of the North Dakota Century Code, relating to proof of insurance.

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

Sens. O'Connell, Andrist, J. Lee and Reps. Eckre, N. Johnson, Severson introduced:

SB 2309: A BILL for an Act to amend and reenact subsection 4 of section 65-04-33 of the North Dakota Century Code, relating to exempting townships from penalties for failing to furnish workers' compensation payroll reports.

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

Sens. Every, Erbele, Fairfield and Reps. Gulleeson, Zaiser introduced:

SB 2310: A BILL for an Act to provide for wind turbine siting requirements and wind energy development contract provisions.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Trenbeath introduced:

SCR 4011: A concurrent resolution directing the Legislative Council to study alternative methods for recording and discharging a lien on a motor vehicle.

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

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

WILLIAM R. HORTON, Secretary

