

JOURNAL OF THE SENATE

Sixty-first Legislative Assembly

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Bismarck, January 12, 2009

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

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley Lutheran Church, Bismarck.

The roll was called and all members were present except Senator Andrist.

A quorum was declared by the President.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 26.1-21-12 of the North Dakota Century Code, relating to claims against the bonding fund.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2144 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to repeal section 54-11-08 of the North Dakota Century Code, relating to registration of state bonds.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2145 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact subsection 6 of section 52-04-05 and subsection 2 of section 52-04-06 of the North Dakota Century Code, relating to rounding of calculations for employer unemployment compensation contribution rates.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2101 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2131: A BILL for an Act to amend and reenact section 54-44-04.6 of the North Dakota Century Code, relating to service charges for recycling and disposal of surplus property.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2131 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact section 49-01-02 of the North Dakota Century Code, relating to the election of one public service commissioner as chairman of the commission.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to amend and reenact section 14-02.4-19 of the North Dakota Century Code, relating to the administrative adjudication of discriminatory practices.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjem; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2143 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to create and enact section 39-04-14.3 of the North Dakota Century Code, relating to online renewal receipts.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2148 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact sections 39-04-10.8, 39-04-10.11, and 39-04-10.12, subsection 3 of section 39-04-10.13, sections 39-04-14 and 39-04-14.1, subdivision j of subsection 2 of section 39-04-18, subsection 3 of section 39-04-19, and sections 39-04-22, 39-04-23, and 39-04-26 of the North Dakota Century Code, relating to motor vehicle registered gross weight.

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, 1 ABSENT AND NOT VOTING.

YEAS: Anderson; Bakke; Behm; Bowman; Christmann; Cook; Dever; Dotzenrod; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Heckaman; Hogue; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Miller; Nelson; Nething; Nodland; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Schneider; Seymour; Stenehjerm; Taylor; Triplett; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Andrist

SB 2149 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1038, HB 1130, HB 1131.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3005, HCR 3006.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, January 13, 2009, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2044: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2072: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2072 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2082: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2091: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2091 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2093: Finance and Taxation Committee (Sen. Cook, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2093 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2107: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO 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 2127: Agriculture Committee (Sen. Flakoll, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2127 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136, as amended, Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136, as amended, was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "and"

Page 1, line 10, remove the overstrike over "for", after "which" insert "purposes of the public finance authority's capital financing program", remove the overstrike over "~~the principal amount of any one issue does not exceed~~", after "two" insert "five", and remove the overstrike over "~~hundred thousand dollars.~~"

Page 1, line 11, remove the overstrike over "~~However, the public finance authority may lend money to political subdivisions~~"

Page 1, line 12, remove the overstrike over "~~through the purchase~~" and remove the overstrike over "~~of securities issued by the political~~"

Page 1, line 13, remove the overstrike over "~~subdivisions~~", after "parties" insert "through the capital financing program", and remove the overstrike over "~~without regard to the principal amount of the bonds~~"

Page 1, remove the overstrike over line 14

Page 1, line 15, remove the overstrike over "~~authority to purchase~~", remove the overstrike over "~~the securities. The~~" and insert immediately thereafter "capital financing program", and remove the overstrike over "~~authorizing resolution must state that the~~"

Page 1, remove the overstrike over line 16

Page 1, line 17, remove the overstrike over "~~needs of the issuing political subdivision~~" and remove the overstrike over "~~concerning the securities or,~~"

Page 1, remove the overstrike over lines 18 and 19

Page 1, line 20, remove the overstrike over "~~public finance authority's involvement in the bond issue~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2137, as amended, Natural Resources Committee (Sen. Lyson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (07 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137, as amended, was placed on the Sixth order on the calendar.

Page 2, line 31, after "waive" insert "or reduce"

Page 4, line 6, after the underscored period insert "The commission may waive or reduce the fee."

Page 5, line 24, after the underscored period insert "The commission may waive or reduce the fee."

Page 6, line 21, after the underscored period insert "The commission may waive or reduce the fee."

Renumber accordingly

FIRST READING OF SENATE BILLS

Sens. J. Lee, Grindberg, Nodland and Reps. Delmore, N. Johnson, Uglem introduced:

SB 2175: A BILL for an Act to amend and reenact subsection 4 of section 26.1-36-22 and subsection 11 of section 26.1-36.3-01 of the North Dakota Century Code, relating to health insurance coverage of a full-time student taking a medical leave of absence.

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

Sens. Wardner, Krebsbach, Robinson and Reps. D. Johnson, Martinson, Williams introduced:

SB 2178: A BILL for an Act to provide an appropriation to the department of corrections and rehabilitation for community service supervision grants.

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

Sens. Wardner, Christmann, Robinson and Reps. Hanson, Hofstad, Nottestad introduced:

SB 2193: A BILL for an Act to amend and reenact sections 61-24.5-01, 61-24.5-09, and 61-24.5-10 of the North Dakota Century Code, relating to the powers and duties and tax levy of the southwest water authority.

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

Sens. Bakke, Krebsbach, Nelson and Reps. Delmore, Ekstrom, S. Meyer introduced:

SB 2194: A BILL for an Act to amend and reenact section 54-34.3-10 of the North Dakota Century Code, relating to the commission on the status of women; and to provide for transition.

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

Sens. Lyson, Nething and Reps. Schneider, Dahl introduced:

SB 2196: A BILL for an Act to amend and reenact section 5-01-06.1 of the North Dakota Century Code, relating to host liability for damages caused by an intoxicated individual.

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

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

Fran A. Gronberg, Secretary

