

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, January 15, 2003

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

The prayer was offered by Reverend Dale V. Nabben, Missouri Slope Lutheran Care Center, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to amend and reenact section 54-06-14 of the North Dakota Century Code, relating to payment of sick leave upon termination.

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

YEAS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; 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

Engrossed SB 2106 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to amend and reenact section 50-06-06.13 of the North Dakota Century Code, relating to the provision of treatment services for children with serious emotional disorders.

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; Espegard; 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 2069 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to repeal section 52-08-12 of the North Dakota Century Code, relating to distribution of workforce training funds by the state board for vocational and technical education to state board of higher education institutions.

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

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

NAYS: Flakoll; Heitkamp; Nichols

SB 2109 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact section 26.1-36.3-01 and subsection 2 of section 26.1-36.3-04 of the North Dakota Century Code, relating to the small employer carrier health reinsurance program; and to repeal sections 26.1-36.3-07 and 26.1-36.3-09 of the North Dakota Century Code, relating to the small employer carrier health reinsurance program.

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; Espegard; 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 2120 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to amend and reenact subsection 4 of section 26.1-33.2-02 of the North Dakota Century Code, relating to annual licenses of viatical settlement providers; 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; Espegard; 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 2122 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact sections 26.1-44-02 and 26.1-44-08 of the North Dakota Century Code, relating to surplus lines insurance.

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; Espegard; 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 2123 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to amend and reenact section 15.1-13-03 of the North Dakota Century Code, relating to compensation of members of the education standards and practices board.

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; Espegard; 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 2136 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to amend and reenact section 43-40-15 of the North Dakota Century Code, relating to the licensure of occupational therapists and occupational therapy assistants; and to repeal section 43-40-17 of the North Dakota Century Code, relating to consultations and evaluations performed by occupational therapists.

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; Espegard; 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 2142 passed and the title was agreed to.

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 2036, SB 2047, SB 2068, SB 2079, SB 2094, SB 2098, SCR 4002.

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 1075, HB 1076, HB 1121, HB 1175.

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 1093.

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 16, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2034: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2038: 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 2038 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "exempting from open" with "the confidentiality of" and remove "requirements portions of records"

Page 1, line 3, after "information" insert "; and to declare an emergency"

Page 1, line 7, replace "**Exempt**" with "**Confidential**" and after "Any" insert "record or"

Page 1, line 8, remove "plans,", remove "other", and replace "data" with "plans"

Page 1, line 9, replace "and government property and" with "or"

Page 1, line 10, after "networks" insert "of a public entity" and replace "exempt from section" with "confidential."

SECTION 2. EMERGENCY. This Act is declared to be an emergency."

Page 1, remove line 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2040: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2067: 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 2067 was placed on the Sixth order on the calendar.

Page 1, line 19, after "complaint" insert "of a discriminatory practice"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2075: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2075 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2087: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2089: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2100: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2101: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2119: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2119 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2137: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2137 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2152: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2156: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2156 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2158: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2159: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sen. Traynor and Reps. D. Johnson, Nicholas introduced:

SB 2193: A BILL for an Act to amend and reenact section 11 of chapter 535 of the 1999 Session Laws as amended by section 1 of chapter 559 of the 2001 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. Erbele, Bowman, Taylor and Reps. DeKrey, Froelich, Nicholas introduced:

SB 2209: A BILL for an Act to create and enact five new sections to chapter 36-09 of the North Dakota Century Code, relating to brand ownership, recording, and inspection; to amend and reenact sections 36-09-02.1, 36-09-04, 36-09-06, 36-09-09, 36-09-10, 36-09-13, 36-09-20, 36-09-23, 36-13-01, 36-13-02, 36-13-03.1, 36-13-04, 36-13-05, 36-13-06, 36-13-07, 36-13-08, 36-22-01, and 36-22-06 of the North Dakota Century Code, relating to brand recording, cancellation, and inspection, bills of sale, and estrays; to repeal sections 36-09-03 and 36-13-03 of the North Dakota Century Code, relating to brands or marks on poultry and the sale of estrays; to provide a penalty; to provide an effective date; and to provide an expiration date.

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

Sens. Nelson, Grindberg, Kilzer and Reps. Keiser, Metcalf, Price introduced:

SB 2210: A BILL for an Act to amend and reenact section 26.1-36-08 of the North Dakota Century Code, relating to group health policy and health service contract substance abuse coverage.

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

Sens. Lyson, Nelson, Trenbeath and Reps. Grande, Herbel, Kingsbury introduced:

SB 2211: A BILL for an Act to amend and reenact section 12.1-32-02.1 of the North Dakota Century Code, relating to mandatory prison terms for armed offenders; and to provide a penalty.

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

Sens. Dever, Brown, Mathern and Reps. Clark, Onstad, Pietsch introduced:

SB 2212: A BILL for an Act to amend and reenact subsection 1 of section 12.1-20-12.1, subsection 8 of section 27-20-02, subsection 2 of section 50-25.1-02, and section 50-25.1-03.1 of the North Dakota Century Code, relating to the crime of indecent exposure, definition of deprived child, and child abuse and neglect reporting requirements; and to provide a penalty.

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

Sens. Espegard, Heitkamp and Reps. Delmore, Weisz introduced:

SB 2213: A BILL for an Act to create and enact three new subsections to section 39-01-01 and a new subsection to section 39-12-04 of the North Dakota Century Code, relating to definitions of motor vehicles and the width of motor vehicles; and to amend and reenact subsections 25 and 84 of section 39-01-01 of the North Dakota Century Code, relating to the definitions of house car and travel trailer.

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

Sens. Cook, Fischer, Nichols and Reps. R. Kelsch, Porter, Schmidt introduced:

SB 2214: A BILL for an Act to amend and reenact section 11-11-49 of the North Dakota Century Code, relating to rewards offered by a board of county commissioners.

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

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

WILLIAM R. HORTON, Secretary