

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

* * * * *

Bismarck, January 31, 2001

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

The prayer was offered by Pastor Scott Bauman, Charity Lutheran, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Watne, Chairman)** has carefully examined the Journal of the Fifteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 211, remove lines 38 through 49

Page 212, remove lines 2 and 3

SEN. WATNE MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2178: SEN. KELSH (Natural Resources Committee) MOVED that the amendments on SJ page 230 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2039: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ page 229 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2189: SEN. ESPEGARD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 230 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2239: SEN. T. MATHERN (Human Services Committee) MOVED that the amendments on SJ page 231 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2318: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 231 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4008: SEN. TOLLEFSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 231 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1135 be returned to the Senate floor from the **Finance and Taxation Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1135 was rereferred.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that the reports received by the Senate under statutory requirements that reports be filed with the Legislative Assembly are filed with the Legislative Council.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act relating to the review of state agency applications for grants from the federal government or private entities.

MOTION

SEN. C. NELSON MOVED that Engrossed SB 2031 be amended as follows, which motion prevailed.

Page 1, line 10, after the second "any" insert "property or"

ReNUMBER accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2031 lost.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to create and enact a new section to chapter 50-24.4 of the North Dakota Century Code, relating to nursing home reporting requirements; to amend and reenact sections 50-24.4-23 and 50-24.4-08 of the North Dakota Century Code, relating to reporting requirements for nursing homes; to repeal sections 50-24.4-23 and 50-24.4-25 of the North Dakota Century Code, relating to extending reporting deadlines to nursing homes; to provide an effective date; and to provide an expiration 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2097 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to amend and reenact section 54-18-11 of the North Dakota Century Code, relating to execution of instruments by the North Dakota mill and elevator association; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2101 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to require a legislative council study.

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

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

Engrossed SB 2174 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2044, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact section 14-09-06.4 of the North Dakota Century Code, relating to immunity for guardians ad litem and child custody investigators.

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

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

SB 2045 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to amend and reenact subsection 2 of section 14-09-08.5, section 14-09-08.6, subsection 2 of section 14-09-08.8, subsection 1 of section 14-09-09.7, and section 14-09-09.10 of the North Dakota Century Code, relating to child support guidelines and obligees and obligors.

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 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christenson; Every; Fischer; Flakoll; Heitkamp; Kelsh; Krauter; Krebsbach; Kroepelin; Lindaas; Mathern, D.; Mathern, T.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac

NAYS: Andrist; Bercier; Christmann; Cook; Dever; Erbele; Espegard; Freborg; Grindberg; Holmberg; Kilzer; Klein; Kringstad; Lee; Lyson; Mutch; Nelson, C.; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

SB 2312 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution approving the location, construction, and operation of a hydroelectric transmission facility from Rugby to the Canadian border.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4013 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3003: A concurrent resolution directing the Legislative Council to study and develop a legislative redistricting plan or plans for use in the 2002 primary election.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3003, as amended, was declared adopted, and the title was agreed to on a voice vote.

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 2068.

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 2063, SB 2074, SB 2104, SB 2150, SB 2228, SB 2249.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1169, HCR 3004.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1050.

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

MR. SPEAKER: The President has signed: HCR 3005.

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 1035, HB 1106, HB 1168, HB 1262, HB 1266, HB 1271, HB 1274, HB 1279, HB 1289, HB 1294, HB 1329, HB 1331.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 1, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2067: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2067 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2126: 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 2126 was placed on the Sixth order on the calendar.

Page 2, line 16, replace "solely engaged in the" with "whose sole investigative" and replace "of" with "is"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2127: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2127 was placed on the Sixth order on the calendar.

Page 1, line 12, after the underscored period insert "The rules must be consistent with and not more restrictive than the model regulation adopted by the national association of insurance commissioners entitled "Privacy of Consumer Financial and Health Information Regulation". This section does not create a private right of action."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2161: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2202: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "seven"

Page 1, line 11, after "to" insert "six"

Page 1, line 15, replace "If a child is enrolled in a public school prior to reaching the age of seven, evaluated" with "If a six-year-old child is in attendance at a public school kindergarten for the duration of time established by the board of the child's school district of residence, the person having responsibility for the child is deemed to be in compliance with the requirements of subsection 1."

Page 1, remove lines 16 through 20

Page 2, line 1, overstrike "seven" and insert immediately thereafter "six"

Page 2, line 5, replace "If a child is enrolled in a public school prior to reaching the age of seven, evaluated" with "If a six-year-old child is in attendance at a public school kindergarten for the duration of time established by the board of the child's school district of residence, the person having responsibility for the child is deemed to be in compliance with the requirements of subsection 1."

Page 2, remove lines 6 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2211: 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 2211 was placed on the Sixth order on the calendar.

Page 2, line 17, replace "2000" with "2001"

Page 6, line 27, replace "26.1-51-06" with "6 of this Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2214: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 2, line 23, after "veterinarians" insert ", by the North Dakota buffalo association for the individual representing the bison industry"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2216: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2216 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "until June 30," and remove "2003"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2231: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2314: 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 2314 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "chapter 50-24.1" with "section 50-24.1-02.3"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2323: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Sixth order on the calendar.

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

Page 1, after line 14, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2324: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "relating to the development and the delivery of an elementary and a high"

Page 1, line 2, remove "school core curriculum; and"

Page 1, remove lines 4 through 23

Page 2, remove lines 1 through 22

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2343: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2349: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2349 was placed on the Sixth order on the calendar.

Page 1, line 2, after "program" insert "; and to declare an emergency"

Page 1, after line 16, insert:

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SENATE - This amendment adds an emergency clause to the bill.

REPORT OF STANDING COMMITTEE

SB 2359: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2359 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Christmann, Bowman, Solberg, Wanzek and Reps. Boehm, Nelson introduced:

SCR 4023: A concurrent resolution urging Congress to monitor the anticompetitive conditions in the grain and meatpacking industries and to take whatever action necessary to ensure that the consequences of such anticompetitive conditions do not further harm producers and consumers.

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

Sens. Mutch, Krebsbach, T. Mathern and Reps. Berg, Thorpe introduced:

SCR 4024: A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

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

FIRST READING OF HOUSE BILLS

HB 1035: A BILL for an Act relating to a state employee telecommuting incentive program; and to provide an expiration date.

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

HB 1106: A BILL for an Act to adopt the Uniform Electronic Transactions Act, relating to electronic records and electronic signatures.

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

HB 1168: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to a statement regarding interest on unpaid child support; and to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to interest on unpaid child support.

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

HB 1262: A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota Century Code, relating to the cost of disciplinary proceedings undertaken by the state board of podiatric medicine; and to amend and reenact section 43-05-03 of the North Dakota Century Code, relating to the state board of podiatric medicine.

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

HB 1266: A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code, relating to leaving the scene of an accident; and to provide a penalty.

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

HB 1271: A BILL for an Act to amend and reenact sections 37-02-06 and 37-03-02 of the North Dakota Century Code, relating to the adjutant general's office.

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

HB 1274: A BILL for an Act to amend and reenact section 20.1-03-11.2 and subsection 42 of section 20.1-03-12 of the North Dakota Century Code, relating to guide and outfitting services provided to nonresidents.

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

HB 1279: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 11-18-02.2 of the North Dakota Century Code, relating to statements of full consideration on deeds.

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

HB 1289: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to motor vehicle number plates bearing a logo identifying members of the North Dakota firemen's association.

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

HB 1294: A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to documentation of taxes paid for transfer of title to a mobile home; and to amend and reenact section 39-18-03 of the North Dakota Century Code, relating to documentation of taxes paid for transfer of title to a mobile home.

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

HB 1329: A BILL for an Act to provide immunity from suit for a financial institution or financial institution employee that makes a good-faith report of suspected exploitation of a disabled or vulnerable elderly adult; and to create and enact a new subsection to section 6-08.1-03 of the North Dakota Century Code, relating to the disclosure by a financial institution of suspected exploitation of a disabled or vulnerable elderly adult to a government agency or law enforcement agency.

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

HB 1331: A BILL for an Act to amend and reenact section 16.1-01-09 of the North Dakota Century Code, relating to initiative and referendum petitions.

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

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

WILLIAM R. HORTON, Secretary