

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

\* \* \* \* \*

Bismarck, January 12, 2001

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor Donald Burnett, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Senators Bercier, Holmberg, and Nething.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2136: SEN. KELSH (Education Committee) MOVED** that the amendments on SJ page 57 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. G. NELSON MOVED** that SB 2114 and SB 2115 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2114 and SB 2115 were rereferred.

## SECOND READING OF SENATE BILL

**SB 2089:** A BILL for an Act to amend and reenact subsection 3 of section 39-12-02 of the North Dakota Century Code, relating to special permit fees for vehicles of excess size and 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, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier; Holmberg; Nething

SB 2089 passed and the title was agreed to.

\*\*\*\*\*

## SECOND READING OF SENATE BILL

**SB 2128:** A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to conflicts of interest of members of the state water 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, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier; Holmberg; Nething

SB 2128 passed and the title was agreed to.

\*\*\*\*\*

### SECOND READING OF SENATE BILL

**SB 2146:** A BILL for an Act to amend and reenact section 40-05.1-05 of the North Dakota Century Code, relating to the places to file home rule charter; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier; Holmberg; Nothing

SB 2146 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

### MOTION

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

### 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., Monday, January 15, 2001, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2048: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2085: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2103: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2103 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2165: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

### REPORT OF STANDING COMMITTEE

**SB 2170: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Eleventh order on the calendar.

### FIRST READING OF SENATE BILLS

Sen. Grindberg introduced:

**SB 2192:** A BILL for an Act to amend and reenact subsection 3 of section 26.1-38.1-01 of the North Dakota Century Code, relating to equity indexed life and annuity insurance contracts.

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

Sens. Wardner, Nichols, Urlacher and Reps. Byerly, Haas, Schmidt introduced:

**SB 2193:** A BILL for an Act to amend and reenact subsection 3 of section 57-51-05 of the North Dakota Century Code, relating to an oil and gas gross production tax exemption and statements regarding gas injection for secondary or tertiary recovery projects; and to provide an effective date.

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

Sens. Klein, Kroeplin, Nichols and Reps. D. Johnson, Weisz introduced:

**SB 2194:** A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to Bank of North Dakota loans to beginning farmers.

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

Sens. Bowman, Nething, Tomac and Reps. Boucher, Carlisle, Timm introduced:

**SB 2195:** A BILL for an Act to provide an appropriation to the department of tourism for a grant to the North Dakota cowboy hall of fame.

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

Sens. Watne, Traynor introduced:

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

Sens. Lee, Cook and Reps. Delmore, Huether, Koppang, B. Thoreson introduced:

**SB 2197:** A BILL for an Act to amend and reenact subsection 1 of section 11-07-04 of the North Dakota Century Code, relating to the terms of office of members of the board of county commissioners.

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

Sens. T. Mathern, Polovitz, Tallackson and Reps. Fairfield, Thorpe, Ekstrom introduced:

**SB 2198:** A BILL for an Act to create and enact a new subsection to section 54-52-04, a new subsection to section 54-52.1-01, and five new sections to chapter 54-52.1 of the North Dakota Century Code, relating to the expansion of the uniform group insurance program to allow participation by permanent and temporary employees of private sector employers and by any other person who is otherwise without health insurance coverage; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to subgroups under the uniform group insurance program; to provide an appropriation; and to provide an effective date.

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

Sens. Klein, D. Mathern and Reps. Delmore, R. Kelsch introduced:

**SB 2199:** A BILL for an Act to amend and reenact section 43-13-13.3 of the North Dakota Century Code, relating to optometrist treatment of primary open-angle glaucoma.

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

Sens. Krauter, Freborg, G. Nelson and Reps. Belter, Kerzman, Monson introduced:

**SB 2200:** A BILL for an Act to amend and reenact subsection 2 of section 14 of chapter 169 of the 1999 Session Laws, relating to school district reorganization bonuses; to provide an appropriation; and to declare an emergency.

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

Sen. Traynor and Reps. Brekke, Nicholas introduced:

**SB 2201:** A BILL for an Act to provide for the removal of a future interest and a covenant from deeds transferring land from this state to the Devils Lake public school district No. 1.

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

Sens. Traynor, Cook, Holmberg and Reps. D. Johnson, R. Kelsch introduced:

**SB 2202:** A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-20-01 of the North Dakota Century Code, relating to the compulsory attendance of students.

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

Sens. Nichols, D. Mathern, Trenbeath and Reps. Jensen, Thorpe, Warner introduced:

**SB 2203:** 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 college or university logos.

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

Sens. Nichols, Erbele, Tomac and Reps. Boehm, Nelson, Rennerfeldt introduced:

**SB 2204:** A BILL for an Act to amend and reenact subsection 1 of section 4-09-14 of the North Dakota Century Code, relating to noxious weed seeds.

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Klein, Cook, Tomac and Reps. Berg, Wald introduced:

**SCR 4008:** A concurrent resolution urging the Public Service Commission, Qwest Corporation, and the Federal Communications Commission to proceed as quickly as possible with the process of allowing Qwest Corporation to provide interstate telecommunications services.

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

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

**WILLIAM R. HORTON, Secretary**