

JOURNAL OF THE SENATE

Fifty-eighth Legislative Assembly

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Bismarck, January 13, 2003

The Senate convened at 1:00 p.m., with President Pro Tem Traynor presiding.

The prayer was offered by Pastor Carlyle L. Roth, St. Mark's Lutheran Church, Minot.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

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 3009.

MOTION

SEN. URLACHER MOVED that SB 2097 be returned to the Senate floor from the **Finance and Taxation Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. URLACHER REQUESTED the unanimous consent of the Senate to withdraw SB 2097. There being no objection, it was so ordered by the President.

MOTION

SEN. J. LEE MOVED that SB 2090 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. J. LEE REQUESTED the unanimous consent of the Senate to withdraw SB 2090. There being no objection, it was so ordered by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2047 and SCR 4002, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to repeal section 15.1-03-02 of the North Dakota Century Code, relating to the revolving school district equipment and software 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 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; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2066 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to amend and reenact section 11-28-02 of the North Dakota Century Code, relating to the term of office of members appointed to serve on a board of county park commissioners.

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 2056 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact sections 57-38-11, 57-38-14, and 57-38-30 of the North Dakota Century Code, relating to obsolete corporate income tax provisions; and to repeal sections 57-38-12 and 57-38-13 of the North Dakota Century Code, relating to obsolete corporate income tax provisions.

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 2091 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to the authority of the tax commissioner to provide for the rounding of dollar amounts on income tax returns, statements, forms, or other documents.

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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; 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

NAYS: Bercier

SB 2099 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact subsection 2 of section 11-33-18 of the North Dakota Century Code, relating to determinations of significant impact on transportation structures.

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; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2104 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact subsection 2 of section 54-06-25 of the North Dakota Century Code, relating to filling state employees compensation commission vacancies.

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; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2108 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to Military Selective Service Act registration.

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: Dever; Every; Fairfield; Kilzer; Krebsbach; Kringstad; Lyson; Nichols; Syverson; Tallackson; Tollefson; Traynor

NAYS: Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Mathern; Mutch; Nelson; Nething; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Taylor; Thane; Trenbeath; Urlacher; Wardner

SB 2133 lost.

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 2039, SB 2051, SB 2092, SB 2110, SB 2121, SB 2126, SB 2155.

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 2050, SB 2080, SB 2129.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4003.

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

MR. SPEAKER: The President has signed: HCR 3009.

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 1074, HB 1108, HB 1078, HB 1118.

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 1052.

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: HCR 3008.

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., Tuesday, January 14, 2003, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2036: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2068: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2079: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2094: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Sixth order on the calendar.

Page 1, line 21, remove "agency's"

Page 1, line 22, after "policy" insert "of an agency, unit, or entity"

Page 1, line 23, replace the first "the" with "any" and after "agency" insert ", unit, or entity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was rereferred to the **Appropriations Committee**.

FIRST READING OF SENATE BILLS

Sens. Bowman, Urlacher, Wardner and Reps. Kempenich, Kerzman introduced:

SB 2180: A BILL for an Act to amend and reenact section 61-24.5-04 of the North Dakota Century Code, relating to compensation of the members of the board of directors of the southwest water authority.

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

Sens. Thane, Kilzer, Kringstad and Rep. Niemeier introduced:

SB 2189: A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to use of safety belts in motor vehicles; and to repeal section 39-21-41.5 of the North Dakota Century Code, relating to secondary enforcement of safety belt requirements.

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

Sens. Klein, Lyson and Reps. Clark, Severson introduced:

SB 2190: A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota Century Code, relating to persons under twenty-one years of age and licensed premises where alcohol beverages are sold.

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

Sen. Espegard and Reps. N. Johnson, Uglem introduced:

SB 2191: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to retention of a copy of a customer's state-issued identification by a financial institution trust company or credit union.

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

Sens. Krebsbach, Schobinger, Seymour and Reps. M. Klein, Maragos, Thorpe introduced:

SB 2192: A BILL for an Act to create and enact a new subsection to section 57-40.6-01 of the North Dakota Century Code, relating to the definition of automated notification system; and to amend and reenact section 57-40.6-08 of the North Dakota Century Code, relating to liability for emergency services communication systems.

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

