

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, January 10, 2003

The Senate convened at 12:30 p.m., with President Pro Tem Traynor presiding.

The prayer was offered by Reverend LaRue Goetz, Revival Prayer Fellowship, Bismarck.

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

A quorum was declared by the President Pro Tem.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2047, SB 2066, and SCR 4002, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2039:** A BILL for an Act to create and enact a new subdivision to subsection 11 of section 28-32-01 of the North Dakota Century Code, relating to activities of the information technology department excluded from the Administrative Agencies Practice Act.

## 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:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2039 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2121:** A BILL for an Act to amend and reenact section 26.1-03-07 of the North Dakota Century Code, relating to annual statement filings by insurance companies.

## 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:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2121 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2129:** A BILL for an Act to amend and reenact section 6-03-34 of the North Dakota Century Code, relating to bank dividends and surplus funds; 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, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2129 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to create and enact a new subsection to section 50-09-01 of the North Dakota Century Code, relating to the definition of work activity for purposes of the temporary assistance for needy families program; and to amend and reenact subdivision m of subsection 2 of section 14-08.1-05.1 and section 50-09-29 of the North Dakota Century Code, relating to work and the requirements for the administration of temporary assistance for needy families.

**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 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2155 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2050:** A BILL for an Act to create and enact a new section to chapter 54-07 of the North Dakota Century Code, relating to the duties of the governor; 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, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2050 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2051:** A BILL for an Act to amend and reenact section 54-03.1-03 of the North Dakota Century Code, relating to the agenda of the organizational session.

**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:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2051 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2080:** A BILL for an Act to amend and reenact sections 39-24-09 and 39-24-11 of the North Dakota Century Code, relating to snowmobile operation within the right of way of an interstate highway; to provide a penalty; 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, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2080 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2092:** A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 28-32-01, section 50-06.1-16, subsection 1 of section 52-02-06, sections 54-06-25, 54-23.3-05, 54-23.3-06, 54-44.3-01, 54-44.3-02, 54-44.3-11, and 54-44.3-30, subsection 3 of section 54-52.6-01, and subsection 5 of section 54-57-01 of the North Dakota Century Code, relating to changing the name of the central personnel division to North Dakota human resource management services and revising references to the central personnel system.

**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:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2092 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2110:** A BILL for an Act to amend and reenact sections 19-20.1-03, 19-20.1-03.1 and 19-20.1-06 of the North Dakota Century Code, relating to registration and inspection fees of fertilizer and soil conditioners.

**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, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** O'Connell; Stenehjerm

**ABSENT AND NOT VOTING:** Flakoll

SB 2110 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2126:** A BILL for an Act to amend and reenact subsection 6 of section 61-04-01.1, subsection 3 of section 61-04-05, and subsection 3 of section 61-04-05.1 of the North Dakota Century Code, relating to the definition of irrigation use, water permit applications, and water permit hearings.

**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:** Andrist; Bercier; Bowman; Brown; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; 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

**ABSENT AND NOT VOTING:** Flakoll

SB 2126 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that the absent member 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 13, 2003, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2056: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2091: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2091 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2099: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2104: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2108: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2133: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Freborg, Heitkamp introduced:

**SB 2181:** A BILL for an Act to amend and reenact section 5-01-07 of the North Dakota Century Code, relating to alcoholic beverage licenses and townships.

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

Sens. Freborg, Cook, Lyson, Traynor and Reps. D. Johnson, Keiser introduced:

**SB 2182:** A BILL for an Act to amend and reenact section 15.1-27-05 of the North Dakota Century Code, relating to the school district equalization factor.

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

Sens. Nelson, Klein and Reps. Delzer, Eckre introduced:

**SB 2183:** A BILL for an Act to amend and reenact section 6-06-21 of the North Dakota Century Code, relating to maintaining a reserve fund for state-chartered credit unions.

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

Sens. Brown, J. Lee and Reps. Devlin, Price introduced:

**SB 2184:** A BILL for an Act to amend and reenact section 26.1-26.4-04 of the North Dakota Century Code, relating to minimum standards for utilization review agents.

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

Sens. Wardner, Schobinger and Reps. F. Klein, Nottestad introduced:

**SB 2185:** A BILL for an Act to repeal sections 44-01-08, 44-01-09, and 44-01-10 of the North Dakota Century Code, relating to bonds of public officers other than those furnished by the state bonding fund.

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

Sens. Wardner, Dever and Reps. F. Klein, Nottestad introduced:

**SB 2186:** A BILL for an Act to amend and reenact subsection 2 of section 11-18-05 of the North Dakota Century Code, relating to fees for recording land survey monuments.

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

Sens. Krauter, Heitkamp and Rep. Kerzman introduced:

**SB 2187:** A BILL for an Act to amend and reenact section 26.1-21-09.1 of the North Dakota Century Code, relating to bonds of agents appointed to distribute hunting and fishing licenses or stamps.

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

Sens. Klein, Dever, Robinson and Reps. Grande, Pollert, Weisz introduced:

**SB 2188:** A BILL for an Act to create and enact a new section to chapter 50-12 of the North Dakota Century Code, relating to moral or religious objections by a child-placing agency; and to amend and reenact section 50-12-03 of the North Dakota Century Code, relating to licensure of child-placing agencies.

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

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Krauter, Erbele, Urlacher and Rep. Kerzman introduced:

**SCR 4005:** A concurrent resolution urging the United States Secretary of Agriculture to implement a cost of production insurance pilot program.

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

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

**WILLIAM R. HORTON, Secretary**