

## JOURNAL OF THE SENATE

## Fifty-eighth Legislative Assembly

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Bismarck, January 14, 2003

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

The prayer was offered by Pastor Les Wolfgram, Shepherd of the Valley 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. Espesgaard, Chairman)** has carefully examined the Journal of the Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 55, line 44, after "Heitkamp" insert ", Kilzer"

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

## MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

**MR. PRESIDENT:** The Speaker has signed: SCR 4003.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on January 14, 2003: SCR 4003.

## CONSIDERATION OF AMENDMENTS

**SB 2106: SEN. DEVER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 62 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2036:** A BILL for an Act to amend and reenact section 50-09-02.2 of the North Dakota Century Code, relating to eligibility for certification as a special needs adoption.

## 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; Espesgaard; 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 2036 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2068:** A BILL for an Act to amend and reenact section 50-24.1-06 of the North Dakota Century Code, relating to remedial eye care services coverage.

## 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; Espesgaard; 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 2068 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2079:** A BILL for an Act to amend and reenact subsection 4 of section 34-13-01, sections 34-13-03 and 34-13-12, subsection 2 of section 34-13-13.1, and subsection 1 of section 34-13-15 of the North Dakota Century Code, relating to definition of employment agent or employment agency and licensure of employment agencies.

#### **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; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2079 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2094:** A BILL for an Act to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to authority to pledge securities for securities lending transactions by the board of university and school lands.

#### **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 42 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Christenson; Krauter; Nelson; Nichols; O'Connell

SB 2094 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2098:** A BILL for an Act to create and enact a new subdivision to subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to requirements for claiming a credit for income tax paid to another state; to amend and reenact subsections 2 and 6 of section 57-38-04 of the North Dakota Century Code, relating to requirements for claiming a credit for income tax paid to another state; and to provide an effective date.

#### **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 2098 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2047:** A BILL for an Act relating to trusts for individuals with disabilities.

### 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; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

SB 2047 passed and the title was agreed to.

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### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4002:** A concurrent resolution urging Congress to pay for depredation, personal injury damage, and property damage caused by elk that move from the Theodore Roosevelt National Park.

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

SCR 4002 was declared adopted, and the title was agreed to on a voice vote.

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### 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 2056, SB 2066, SB 2091, SB 2099, SB 2104, SB 2108.

### 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 3007.

### 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., Wednesday, January 15, 2003, which motion prevailed.

### REPORT OF STANDING COMMITTEE

**SB 2032: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was rereferred to the **Appropriations Committee**.

### REPORT OF STANDING COMMITTEE

**SB 2044: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2044 was rereferred to the **Appropriations Committee**.

### REPORT OF STANDING COMMITTEE

**SB 2069: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2069 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2074: 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 2074 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2109: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2120: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2122: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2123: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2123 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2136: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2142: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sen. J. Lee and Rep. Price introduced:

**SB 2194:** A BILL for an Act to provide for the establishment of a medical assistance buy-in program for individuals with disabilities and to provide for personal care services for eligible medical assistance recipients.

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

Sen. J. Lee and Rep. Price introduced:

**SB 2195:** A BILL for an Act to create and enact a new subsection to section 26.1-04-03 and four new sections to chapter 26.1-08 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to amend and reenact subsection 2 of section 26.1-03-17 and sections 26.1-08-01, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-08, 26.1-08-09, 26.1-08-10, 26.1-08-11, 26.1-08-12, 26.1-08-13, and 57-38-30.4 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; and to repeal sections 26.1-08-02, 26.1-08-03, and 26.1-08-04 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota.

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

Sens. Klein, Flakoll and Reps. Glassheim, Wrangham introduced:

**SB 2196:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to membership of the state board of animal health.

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

Sens. Wardner, Freborg, Grindberg and Reps. Meier, Nelson introduced:

**SB 2197:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of retention incentives by school boards; and to declare an emergency.

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

Sens. Erbele, Christmann, Klein and Reps. Drovdal, D. Johnson, Solberg introduced:

**SB 2198:** A BILL for an Act to amend and reenact sections 36-14-04.1, 36-25-01, and 36-25-10 of the North Dakota Century Code, relating to certificates of veterinary inspection and farmed elk; and to provide a penalty.

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

Sens. Erbele, Klein, Nichols and Reps. Belter, Headland, Wald introduced:

**SB 2199:** A BILL for an Act to create and enact a new section to chapter 4-22 of the North Dakota Century Code, relating to training for newly elected or appointed soil conservation committee members; and to amend and reenact section 4-22-04 of the North Dakota Century Code, relating to the soil conservation committee chairmanship.

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

Sens. Holmberg, G. Lee, Trenbeath and Reps. R. Kelsch, Monson, Mueller introduced:

**SB 2200:** A BILL for an Act to amend and reenact section 15-62.2-03.3 of the North Dakota Century Code, relating to the student financial assistance and scholars programs.

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

Sens. Klein, Erbele, Nichols and Reps. DeKrey, Froelich introduced:

**SB 2201:** A BILL for an Act to create and enact a new section to chapter 36-15 of the North Dakota Century Code, relating to waivers of requirements for calfhood vaccination against brucellosis; and to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to requirements for calfhood vaccination against brucellosis.

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

Sens. Erbele, Espeland, Syverson and Reps. DeKrey, Headland, Pollert introduced:

**SB 2202:** A BILL for an Act to amend and reenact sections 43-35-17 and 43-35-23 of the North Dakota Century Code, relating to continuing education requirements for water well contractors; and to provide an effective date.

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

Sens. Erbele, Taylor, Trenbeath and Reps. Headland, Schmidt, Weisz introduced:

**SB 2203:** A BILL for an Act to amend and reenact section 39-12-04 of the North Dakota Century Code, relating to the length of truck-mounted haystack moving equipment.

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

Sens. Wardner, Lyson, Traynor and Reps. Eckre, Kretschmar, Wrangham introduced:

**SB 2204:** A BILL for an Act to amend and reenact sections 28-21-04.1, 32-09.1-07, 32-09.1-20, and 32-09.1-21 of the North Dakota Century Code, relating to the expiration of a garnishment.

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

Sens. Klein, Espeland and Reps. Dosch, Wald introduced:

**SB 2205:** A BILL for an Act to amend and reenact section 26.1-03-16 of the North Dakota Century Code, relating to extension of the time for an insurance company to file a statement with the insurance commissioner.

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

Sens. Nichols, Erbele, Urlacher and Reps. Onstad, Pollert, Skarphol introduced:

**SB 2206:** A BILL for an Act to amend and reenact section 4-09-14 of the North Dakota Century Code, relating to requirements for the sale of seed.

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

Sens. Trenbeath, Fischer and Rep. Nelson introduced:

**SB 2207:** A BILL for an Act to amend and reenact section 39-06-14 of the North Dakota Century Code, relating to license examinations.

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

Sen. Trenbeath and Reps. Grande, Wieland introduced:

**SB 2208:** A BILL for an Act to amend and reenact sections 40-04.1-05, 40-08-10, and 40-09-11 of the North Dakota Century Code, relating to the meeting dates of city governing bodies.

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**

