

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

* * * * *

Bismarck, January 19, 2005

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

The prayer was offered by Pastor Greg Runyon, Church of Acts, Bismarck.

The roll was called and all members were present except Senators O'Connell and Stenehjem.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2030: SEN. HACKER (Judiciary Committee) MOVED that the amendments on SJ page 116 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2068: SEN. BROWN (Human Services Committee) MOVED that the amendments on SJ page 117 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2079: SEN. FLAKOLL (Education Committee) MOVED that the amendments on SJ page 117 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2148: SEN. TRIPLETT (Judiciary Committee) MOVED that the amendments on SJ pages 117-118 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2163: SEN. G. LEE (Education Committee) MOVED that the amendments on SJ page 118 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2180: SEN. TRENBEATH (Judiciary Committee) MOVED that the amendments on SJ page 118 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2181: SEN. SYVERSON (Judiciary Committee) MOVED that the amendments on SJ page 118 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2182: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 119 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to create and enact section 10-15-01.1, a new subsection to section 10-15-36, a new subsection to section 10-15-54, and section 10-15-62 of the North Dakota Century Code, relating to legal recognition of electronic records and electronic signatures, exempting some information from open records laws, and fees for filing documents with the secretary of state; and to amend and reenact section 10-15-01 and subsection 1 of section 10-15-29 of the North Dakota Century Code, relating to definitions and officers of cooperative associations.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mutch; O'Connell; Stenehjem

Engrossed SB 2116 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2105: A BILL for an Act to repeal section 27-02-05.2 of the North Dakota Century Code, relating to the state juvenile services coordinator.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mutch; O'Connell; Stenehjem

SB 2105 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-22 of the North Dakota Century Code, relating to notice of sale of abandoned property by the unclaimed property administrator.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mutch; O'Connell; Stenehjem

SB 2111 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to create and enact a new section to chapter 50-24.1 and a new section to chapter 50-29 of the North Dakota Century Code, relating to interim final rules for medical assistance for needy persons and the children's health insurance program; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern;

Nelson; Nething; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Mutch; O'Connell; Stenehjem

SB 2159 passed, the title was agreed to, and the emergency clause was declared carried.

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 2078, SB 2103, SB 2138, SB 2158, SB 2167, SB 2175, SB 2189.

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 2034, SB 2035.

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 1064, HB 1081, HB 1086, HB 1098, HB 1103, HB 1104, HB 1128, HB 1136, HB 1137, HB 1138, HB 1149, HB 1163, HB 1167, HB 1168, HB 1179, HB 1190, HB 1191.

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 1139, HB 1146.

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., Thursday, January 20, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2065: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2088: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2093: 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 2093 was placed on the Sixth order on the calendar.

Page 2, line 2, replace "no policyholder exists" with "the companies involved and all the policyholders of the domestic companies involved consent to"

Page 2, line 3, remove "or upon a finding of good cause for"

Page 3, line 13, replace "no policyholder exists or upon" with "the companies involved and all the policyholders of the domestic companies involved consent to"

Page 3, line 14, remove "a finding of good cause for"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2124: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2124 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2174: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2174 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 2 of section 47-10.2-01 of the North Dakota Century Code, relating to escrow account excess amounts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 2 of section 47-10.2-01 of the North Dakota Century Code is amended and reenacted as follows:

2. "Excess amount" means any amount received in an escrow account during a calendar year in excess of ~~three hundred dollars plus the amount necessary to pay real estate taxes, special assessments, and insurance premiums during that calendar year~~ one-sixth of the estimated total annual payments from the account."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2194: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2194 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2209: 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 2209 was rereferred to the **Appropriations Committee**.

FIRST READING OF SENATE BILLS

Sens. Kringstad, Hacker and Reps. N. Johnson, Sitte introduced:

SB 2324: A BILL for an Act to amend and reenact subsection 3 of section 40-49.1-03 of the North Dakota Century Code, relating to combination of boards of park commissioners; and to provide an effective date.

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

Sens. Kringstad, Lyson, Robinson and Reps. Charging, Williams introduced:

SB 2325: A BILL for an Act to amend and reenact section 54-21.3-08 of the North Dakota Century Code, relating to installation of manufactured homes.

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

Sens. Tallackson, Klein and Reps. Headland, Nicholas, Pollert, Solberg introduced:

SB 2326: A BILL for an Act to amend and reenact sections 4-10-01, 4-10-06.1, and 4-10-06.3 of the North Dakota Century Code, relating to seed potato certification requirements.

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

Sens. Schobinger, Grindberg, Syverson, Tollefson and Reps. Iverson, Ruby introduced:

SB 2327: A BILL for an Act to create and enact section 57-01-19 and chapters 57-64, 57-65, 57-66, 57-67, and 57-68 of the North Dakota Century Code, relating to tax liens and imposition of sales and use taxes and gross receipts taxes; to amend and reenact subsection 5 of section 5-01-16, subsection 3 of section 5-01-17, subsection 1 of section 6-09.8-01, section 10-33-93, subsection 2 of section 11-09.1-05, subsection 5 of section 11-37-08, subsection 1 of section 12.1-32-09, section 20.1-13-21, subsection 3 of section 25-04-16, sections 27-17-06 and 37-27-06, subsection 16 of section 40-05.1-06, sections 40-57.3-01 and 40-57.3-04, subsection 8 of section 40-63-01, sections 40-63-04, 40-63-06, 40-63-07, and 47-21-08.1, subsection 1 of section 50-06.3-06, section 51-04-08, subsection 2 of section 52-06-30, sections 54-09-09, 54-17.2-23, and 57-01-13, subsections 15 and 27 of section 57-02-08, sections 57-32-01.1 and 57-34-04.5, subsection 2 of section 57-35.3-01, sections 57-35.3-02, 57-35.3-06, 57-35.3-11, and 57-35.3-12, subsection 1 of section 57-35.3-13, subsection 14 of section 57-35.3-15, subsection 5 of section 57-40.3-01, section 57-40.3-02, subsection 6 of section 57-40.3-04, sections 57-40.3-11 and 57-40.5-03, subsection 3 of section 57-63-10, and section 65-04-26 of the North Dakota Century Code, relating to revisions to references to state sales and use taxes and state individual and corporate income taxes; to repeal chapter 10-30.1, sections 10-33-124 and 40-63-09, chapters 52-02.1, 57-38, 57-38.1, 57-38.3, 57-38.4, 57-38.5, 57-38.6,

57-39.2, 57-39.3, 57-39.5, 57-39.6, and 57-40.2, and section 57-59-02 of the North Dakota Century Code, relating to elimination of state individual and corporate income taxes and replacement of statutory provisions relating to imposition of sales and use taxes; to provide penalties; and to provide a contingent effective date.

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

Sens. Brown, Lyson, Warner and Reps. Ekstrom, Mueller, Nelson introduced:

SB 2328: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to a limitation on the sale of certain beverages on school property.

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

Sens. Klein, Brown and Reps. Kasper, Weisz introduced:

SB 2329: A BILL for an Act to create and enact two new sections to chapter 43-02.2 of the North Dakota Century Code, relating to licensure of accredited business accountants; and to amend and reenact subdivision b of subsection 2 of section 10-19.1-50, subdivision a of subsection 1 of section 10-19.1-85, subdivision a of subsection 1 of section 10-32-52, subdivision b of subsection 2 of section 10-32-86, subdivision b of subsection 2 of section 10-33-45, section 43-02.2-02, subsection 5 of section 43-02.2-03, subsections 1 and 3 of section 43-02.2-06, section 43-02.2-08, subdivision c of subsection 1 of section 43-02.2-09, and section 43-02.2-12 of the North Dakota Century Code, relating to accredited business accountants.

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

Sens. Christmann, Bercier, Nething and Reps. Brandenburg, Drovdal, Kroeber introduced:

SB 2330: A BILL for an Act to create and enact a new subsection to section 57-35.3-05 of the North Dakota Century Code, relating to financial institutions tax refundable credits for tax overpayments; and to provide an effective date.

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

Sens. Tallackson, Mathern, Thane and Reps. Maragos, Solberg introduced:

SB 2331: A BILL for an Act to amend and reenact sections 39-06-06, 39-06-17, and 39-08-03 of the North Dakota Century Code, relating to portable devices in motor vehicles.

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

Sens. Cook, Urlacher, Wardner and Reps. Belter, Drovdal introduced:

SB 2332: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to status as a retired farmer for purposes of the farm buildings and residence property tax exemption; and to provide an effective date.

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

Sens. Grindberg, Cook, Espesgaard and Reps. Aarsvold, Haas, R. Kelsch introduced:

SB 2333: A BILL for an Act to create and enact three new sections to chapter 15.1-07 of the North Dakota Century Code, relating to the provision of educational services by school districts; and to amend and reenact section 15.1-12-26 of the North Dakota Century Code, relating to the dissolution of school districts.

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

Sens. Hacker, Erbele, Freborg, Heitkamp and Reps. Brandenburg, Kretschmar introduced:

SB 2334: A BILL for an Act to amend and reenact subsection 13 of section 20.1-02-05 of the North Dakota Century Code, relating to hunting by nonresident students.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Mathern, Triplett and Rep. DeKrey introduced:

SCR 4012: A concurrent resolution for the amendment of section 16 of article XI of the Constitution of North Dakota, relating to the definition of this state's militia; and to provide an effective date.

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

Sens. Grindberg, Hacker, Nelson and Reps. Gulleson, Hawken, Svedjan introduced:

SCR 4013: A concurrent resolution expressing support for the Red River Valley Research Corridor and commending the broad range of private and public sector partners from the federal, state, and local levels for their hard work to make the corridor a national, regional, and local success.

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

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

William R. Horton, Secretary

