

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, January 6, 2005

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

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

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

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2053 be returned to the Senate floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. EVERY REQUESTED** the unanimous consent of the Senate to withdraw SB 2053. There being no objection, it was so ordered by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2060 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. J. LEE REQUESTED** the unanimous consent of the Senate to withdraw SB 2060. There being no objection, it was so ordered by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2119 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. ESPEGARD REQUESTED** the unanimous consent of the Senate to withdraw SB 2119. There being no objection, it was so ordered by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2127 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 2127. There being no objection, it was so ordered by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2081 be moved to the bottom of the Eleventh order, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2070:** A BILL for an Act to amend and reenact subsection 3 of section 54-57-01 of the North Dakota Century Code, relating to employment of administrative law judges who are not attorneys.

## 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; Christmann; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Cook

SB 2070 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 section 54-27-19 of the North Dakota Century Code, relating to allocation of the highway tax distribution 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Cook

SB 2080 passed and the title was agreed to.

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

**SB 2097:** A BILL for an Act to amend and reenact section 15-05-18 of the North Dakota Century Code, relating to mineral leasing activities of 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Cook

SB 2097 passed and the title was agreed to.

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

**SB 2104:** A BILL for an Act to amend and reenact section 27-09.1-05.1 of the North Dakota Century Code, relating to the selection of jurors.

#### **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; Christmann; Dever; Erbele; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Cook

SB 2104 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 and Ninth orders of business and at the conclusion of those orders, the Senate stand in recess until 1:00 p.m., at which time it will meet in the House Chamber for a Joint Session, and after the Joint Session the Senate stand adjourned until 12:30 p.m., Friday, January 7, 2005, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2039: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2040: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2073: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Sixth order on the calendar.

Page 1, line 7, after "individual" insert "supervised by an individual licensed by the board and"

Page 1, line 8, remove "who is supervised by an individual licensed by the board"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2075: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2075 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2112: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2118: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2126: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2126 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2136: Agriculture Committee (Sen. Flakoll, 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 2139: Human Services Committee (Sen. J. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 8, after the boldfaced period insert:

"1."

Page 1, line 15, overstrike "1." and insert immediately thereafter "a."

Page 1, line 17, overstrike "2." and insert immediately thereafter "b."

Page 1, line 19, overstrike "3." and insert immediately thereafter "c."

Page 1, after line 21, insert:

"2. The department shall continue to access the intergovernmental transfer program if permitted by the federal government and if use of the program is found to be beneficial."

Renumber accordingly

#### FIRST READING OF SENATE BILLS

Sen. J. Lee and Rep. Price introduced:

**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.

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

Sens. J. Lee, Warner and Reps. Ekstrom, Kreidt introduced:

**SB 2160:** A BILL for an Act to amend and reenact subsection 5 of section 54-21.3-03 and section 54-21.3-05 of the North Dakota Century Code, relating to administration and enforcement of the state building code.

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

Sens. Wardner, Trenbeath and Reps. Herbel, Kretschmar introduced:

**SB 2162:** A BILL for an Act to amend and reenact section 32-09.1-04 of the North Dakota Century Code, relating to notice of renewal of garnishment of earnings.

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

Sens. G. Lee, Freborg, Taylor and Reps. Hunsakor, Porter, Price introduced:

**SB 2163:** A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to students' possession and self-administration of medication for the treatment of asthma and anaphylaxis.

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

Sens. Krebsbach, Klein and Reps. N. Johnson, Keiser introduced:

**SB 2164:** A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to increasing fees and costs for checks issued on closed accounts and accounts with insufficient funds.

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

Sens. Trenbeath, Espgaard, Heitkamp and Reps. Hawken, Herbel introduced:

**SB 2165:** A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to the unauthorized use of the name or logo of a bank, trust company, savings association, savings bank, or affiliated entity; and to provide a penalty.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Syverson, Flakoll, Nelson and Reps. Bernstein, Ekstrom, Grande introduced:

**SCR 4003:** A concurrent resolution designating, in conjunction with the state of Minnesota, the Main Avenue bridge between Fargo, North Dakota, and Moorhead, Minnesota, as the Veterans Memorial Bridge.

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

Sen. Schobinger introduced:

**SCR 4004:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to prohibition of income taxes.

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

Sens. Trenbeath, Lyson, Mutch, Seymour and Reps. Delmore, D. Johnson introduced:

**SCR 4005:** A concurrent resolution designating United States Highway 2 through the state of North Dakota as the 164th Infantry Memorial Highway.

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

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

**William R. Horton, Secretary**

