

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

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Bismarck, January 28, 2005

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

The prayer was offered by Pastor Charlie Axness, First Lutheran Church, Mandan.

The roll was called and all members were present except Senators Erbele, Fischer, Nething, and Tallackson.

A quorum was declared by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2056: SEN. TOLLEFSON (Finance and Taxation Committee) MOVED** that the amendments on SJ page 185 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2149: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ pages 185-186 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2166: SEN. BROWN (Human Services Committee) MOVED** that the amendments on SJ page 186 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2177: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 187 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2219: SEN. SYVERSON (Judiciary Committee) MOVED** that the amendments on SJ pages 187-188 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2243: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ page 188 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2260: SEN. SEYMOUR (Education Committee) MOVED** that the amendments on SJ page 188 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2298: SEN. DEVER (Human Services Committee) MOVED** that the amendments on SJ page 189 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2302: SEN. SYVERSON (Judiciary Committee) MOVED** that the amendments on SJ page 189 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4009: SEN. EVERY (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 189-190 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2132:** A BILL for an Act to create and enact a new section to chapter 57-01 of the North Dakota Century Code, relating to refunds or credit of taxes based on a claim of unconstitutionality; and to provide an effective date.

**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 40 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Bercier; Schobinger; Warner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

Engrossed SB 2132 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed SB 2190, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2211, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2221, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2221 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2222, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2222 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2398 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. O'CONNELL REQUESTED** the unanimous consent of the Senate to withdraw SB 2398. There being no objection, it was so ordered by the President.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2408 be returned to the Senate floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. O'CONNELL REQUESTED** the unanimous consent of the Senate to withdraw SB 2408. There being no objection, it was so ordered by the President.

**MOTION**

**SEN. CHRISTMANN MOVED** that Engrossed SB 2190, which has been laid over one legislative day, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2190 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2220:** A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-07 and section 20.1-03-07.1 of the North Dakota Century Code, relating to crane hunting by nonresidents.

**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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

Engrossed SB 2220 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2077:** A BILL for an Act to amend and reenact subsection 2 of section 15-62.2-02 of the North Dakota Century Code, relating to the maximum amount for student financial assistance program grants; and to provide for a study of state education grants.

**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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

Engrossed SB 2077 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2086:** A BILL for an Act to amend and reenact section 52-08-13 of the North Dakota Century Code, relating to charging of fees for services; and to provide a continuing appropriation.

**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 41 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Bercier; Fairfield

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

Engrossed SB 2086 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2130:** A BILL for an Act to amend and reenact sections 6-09-02.1, 54-17-03, 54-17.5-02, and 54-17.6-05 of the North Dakota Century Code, relating to the industrial commission's authority to set the compensation for various advisory boards.

**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 42 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

Engrossed SB 2130 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to amend and reenact sections 57-38.4-01 and 57-38.4-02 of the North Dakota Century Code, relating to inclusion of corporations in a unitary relationship and incorporated in a tax haven as part of a water's edge corporate income tax filing election; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2046 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2203:** A BILL for an Act to create and enact a new section to chapter 57-28 of the North Dakota Century Code, relating to recovery of damages against the prior owner by the state or a political subdivision that has received property under a tax deed.

**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 6 YEAS, 37 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Lee, J.; Thane; Urlacher; Wardner

**NAYS:** Bercier; Brown; Christmann; Cook; Dever; Espegard; Every; Fairfield; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Mutch; Nelson; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Tollefson; Traynor; Trenbeath; Triplett; Warner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2203 lost.

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**SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to amend and reenact section 57-15-17.1 of the North Dakota Century Code, relating to use of a school district tax levy for heating, ventilation, and air-conditioning systems; 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 42 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2212 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2265:** A BILL for an Act to amend and reenact sections 32-12.1-02, 32-12.1-03, and 32-12.2-02 of the North Dakota Century Code, relating to civil liability of political subdivisions and the state; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2265 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2288:** A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to transfers of funds for payment of child support; to amend and reenact section 14-09-09.24 of the North Dakota Century Code, relating to income withholding for child support purposes; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2288 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2152:** A BILL for an Act to amend and reenact subsection 1 of section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older or persons who are permanently and totally disabled; 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 NOT PASS, the roll was called and there were 15 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Seymour; Taylor; Trenbeath; Triplett; Warner

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Espegard; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Stenehjem; Syverson; Thane; Tollefson; Traynor; Urlacher; Wardner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2152 lost.

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**SECOND READING OF SENATE BILL**

**SB 2244:** A BILL for an Act to amend and reenact subsection 9 of section 26.1-08-01, subsections 4 and 10 of section 26.1-08-12, and section 26.1-08-13 of the North Dakota Century Code, relating to eligibility for coverage under the comprehensive health association of North Dakota.

**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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2244 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2271:** A BILL for an Act to amend and reenact sections 20.1-04-15 and 20.1-08-04.9 of the North Dakota Century Code, relating to the opening date of pheasant season for youth.

**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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2271 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2277:** A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to limitations on regulation of seed by political subdivisions.

**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 35 YEAS, 8 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Brown; Christmann; Cook; Dever; Espegard; Every; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner

**NAYS:** Bercier; Bowman; Fairfield; Heitkamp; Mathern; Nelson; O'Connell; Warner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2277 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2291:** A BILL for an Act to create and enact a new section to chapter 65-10 of the North Dakota Century Code, relating to a claimant's ability to appeal a workfoce safety and insurance decision directly to the district court.

**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 11 YEAS, 32 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Fairfield; Heitkamp; Krauter; Mathern; Nelson; O'Connell; Schobinger; Seymour; Taylor

**NAYS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Espegard; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mutch; Robinson; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2291 lost.

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**SECOND READING OF SENATE BILL**

**SB 2293:** A BILL for an Act to create and enact a new section to chapter 61-35 of the North Dakota Century Code, relating to conversion of water resource district water supply systems to water districts.

**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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2293 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2297:** A BILL for an Act to amend and reenact sections 54-56-03, 54-56-04, and 54-56-06 of the North Dakota Century Code, relating to the functions and duties of the children's services coordinating committee; and to repeal section 54-56-07 of the North Dakota Century Code, relating to the operating fund balance of the children's services coordinating committee.

**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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2297 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2316:** A BILL for an Act to provide for hospital and institution of higher education reporting of results of clinical trials of experimental treatments for serious or life-threatening diseases or conditions.

**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 4 YEAS, 39 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Espegard; Fairfield; Holmberg; O'Connell

**NAYS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Every; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SB 2316 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4010:** A concurrent resolution directing the Legislative Council to study alternatives to the current method of expressing property tax levies in mills per dollar of taxable valuation.

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

SCR 4010 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4011:** A concurrent resolution directing the Legislative Council to study assessment and taxation of mobile homes and similar housing alternatives with an emphasis on making assessment and taxation of those housing alternatives equitable in comparison with assessment and taxation of traditional residential housing.

**REQUEST**

**SEN. EVERY REQUESTED** a recorded roll call vote on SCR 4011, which request was granted.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 14 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner



**NAYS:** Bercier; Espegard; Every; Fairfield; Heitkamp; Krauter; Lindaas; Mathern; Nelson; O'Connell; Robinson; Taylor; Triplett; Warner

**ABSENT AND NOT VOTING:** Erbele; Fischer; Nething; Tallackson

SCR 4011 was declared adopted, and the title was agreed to on a roll call 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 2044, SB 2061, SB 2226, SB 2308.

**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 2036.

**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 1041, HB 1089, HB 1102, HB 1107, HB 1186, HB 1195, HB 1200, HB 1202, HB 1232, HB 1241, HB 1263, HB 1284, HB 1286, HB 1290, HB 1305, HB 1346, HB 1436.

**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 1046.

#### 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., Monday, January 31, 2005, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2024: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "~~(Effective through June 30,~~", after "**2005**" insert "2007", and remove the overstrike over the overstruck closing parenthesis

Page 3, line 10, remove the overstrike over "~~(Effective after June 30,~~", after "**2005**" insert "2007", and remove the overstrike over "~~) Fees of recorder. The recorder shall charge and~~"

Page 3, remove the overstrike over lines 11 through 30

Page 4, remove the overstrike over lines 1 through 31

Page 5, remove the overstrike over lines 1 and 2

Page 5, line 5, remove the overstrike over "~~(Effective through June 30,~~", after "**2005**" insert "2007", and remove the overstrike over the overstruck closing parenthesis

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2058: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 13, overstrike "or"

Page 1, line 14, overstrike "twenty-seven cents per mile [1.61 kilometers] if the travel is by truck"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2099: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2099 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2101: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "subsection 3 of section 39-05-17.2,"

Page 1, line 7, remove ", the definition of a damaged vehicle,"

Page 1, line 12, remove "no more than two"

Page 2, remove lines 24 through 31

Page 3, remove lines 1 and 2

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2102: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2113: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 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 provide for a legislative council study of hunting and fishing privileges for nonresidents and nonresidents who are former residents.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL - NONRESIDENT HUNTER STUDY.**

The legislative council shall consider studying, during the 2005-06 interim, issues related to hunting by nonresidents and nonresidents who are former residents. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2135: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2135 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2154: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Sixth order on the calendar.

Page 1, line 1, remove the second "and" and after "39-24-04" insert ", and 39-24-05"

Page 4, after line 19, insert:

"**SECTION 4. AMENDMENT.** Section 39-24-05 of the North Dakota Century Code is amended and reenacted as follows:

**39-24-05. Disposition of registration fees and trail tax - Transfer from highway tax distribution fund.** Fees from registration of snowmobiles must be deposited with the state treasurer and credited to the motor vehicle registration fund. The snowmobile trail tax must be deposited in a state snowmobile fund in the state treasury. Additionally, an amount equal to the tax collected on thirty gallons [113.56 liters] of motor vehicle fuel multiplied by the number of collector snowmobiles and snowmobiles registered under this chapter must be transferred annually from the highway tax distribution fund, before allocation of the fund under section 54-27-19, and credited to the state snowmobile fund. The parks and recreation department may, upon appropriation by the legislative assembly, expend from such fund moneys it deems necessary for purposes of administering snowmobile safety programs and establishing and maintaining snowmobile facilities and programs."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2165: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2202: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 3, after "assistance" insert "administered under the division of community services or a community action agency"

Page 1, line 9, after "support" insert "administered under the division of community services or a community action agency"

Page 1, line 11, remove "This"

Page 1, remove lines 12 and 13

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2237: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2237 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2275: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "district" with "entity"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2294: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the Sixth order on the calendar.

Page 2, line 10, after "import" insert "or export"

Page 2, line 12, remove "or export"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2311: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2326: Agriculture Committee (Sen. Flakoll, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2326 was placed on the Sixth order on the calendar.

Page 1, line 2, after "requirements" insert "; and to declare an emergency"

Page 3, after line 26, insert:

**"SECTION 4. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2334: Natural Resources Committee (Sen. Lyson, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2334 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4003: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Sixth order on the calendar.

Page 1, line 22, after the first "the" insert "Governor, the" and after the comma insert "the Governor of Minnesota,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4005: Transportation Committee (Sen. Trenbeath, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Sixth order on the calendar.

Page 1, line 14, after the semicolon insert "and"

Page 1, after line 14, insert:

**"WHEREAS,** the 164th Infantry was ordered into federal service for the Korean Conflict in 1950;"

Page 1, line 20, after the first "the" insert "Governor and the"

Renumber accordingly

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

**William R. Horton, Secretary**