

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

Bismarck, January 26, 2005

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

The prayer was offered by Chaplain Dan Sweeney, Bismarck Law Enforcement Chaplaincy, Bismarck.

The roll was called and all members were present except Senators J. Lee and Taylor.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2027: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 167-170 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2044: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 170-171 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2061: SEN. SYVERSON (Judiciary Committee) MOVED that the amendments on SJ pages 171-172 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2132: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ page 172 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that SB 2253 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. HOLMBERG REQUESTED the unanimous consent of the Senate to withdraw SB 2253. There being no objection, it was so ordered by the President.

MOTION

SEN. CHRISTMANN MOVED that the journal reflect the presence of Sen. J. Lee today, which motion prevailed.

ANNOUNCEMENT

PRESIDENT DALRYMPLE ANNOUNCED that the reports received by the Senate under statutory requirements that reports be filed with the Legislative Assembly are filed with the Legislative Council.

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 2100, SB 2129.

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 2151.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The President has signed: HCR 3006.

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 1028, HB 1059, HB 1065, HB 1068, HB 1124, HB 1175, HB 1230, HB 1236, HB 1247, HB 1266, HB 1287, HB 1336, HB 1337, HB 1358.

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., Thursday, January 27, 2005, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2046: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2046 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2077: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2077 was placed on the Sixth order on the calendar.

Page 1, line 2, after "grants" insert "; and to provide for a study of state education grants"

Page 1, after line 8, insert:

"SECTION 2. STUDY OF EDUCATION GRANTS. The state grant advisory board and state board of higher education are urged to study and consider the feasibility of providing an increasing, incremental, dollar amount of state grant awards to students who demonstrate the most significant financial need, without negatively impacting student eligibility of funding from other financial aid sources."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2086: 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 2086 was placed on the Sixth order on the calendar.

Page 1, line 9, after the first underscored comma insert "and", remove ", and personal reemployment account services", and remove "or"

Page 1, line 10, remove "individual" and after "services" insert "and may provide personal reemployment account services to an individual requesting those services"

Page 1, line 12, overstrike "to employers" and remove "or individuals"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2130: 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 2130 was placed on the Sixth order on the calendar.

Page 2, line 24, overstrike "oil and gas association" and insert immediately thereafter "petroleum council"

Page 2, line 25, overstrike "association" and insert immediately thereafter "council"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2146: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2146 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2157: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the second "and"

Page 1, line 3, after "date" insert "; and to declare an emergency"

Page 3, line 18, after the first "the" insert "unencumbered", after "person's" insert "residence that the person claims as a", overstrike the quotation marks around "homestead", and overstrike "as defined in section"

Page 3, line 19, overstrike "47-18-01"

Page 3, line 21, after the overstruck period insert "For purposes of this subdivision, the unencumbered valuation of the homestead is limited to one hundred thousand dollars."

Page 3, after line 26, insert:

"j. The tax commissioner shall provide each county director of tax equalization an annual certification of the federal poverty level to be applied under this subsection for the taxable year."

Page 7, line 6, replace "after" with "with taxable year 2005 for real property and taxable year 2006 for mobile homes."

Page 7, replace line 7 with:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2196: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2196 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2211: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2211 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2212: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2212 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2226: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2288: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2308: Human Services Committee (Sen. J. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Thane, Lindaas, Tallackson and Reps. Belter, Wall, Williams introduced:

SCR 4017: A concurrent resolution urging Congress not to ratify the Central American Free Trade Agreement until Congress can guarantee the citizens of this state and this country that the domestic sugar industry will not suffer economic harm as a result of the agreement's provisions.

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

Sens. Cook, O'Connell, Stenehjem and Reps. Keiser, R. Kelsch, S. Meyer introduced:

SCR 4018: A concurrent resolution urging the Federal Railroad Administration to establish rules on the implementation of remote control locomotive technology.

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

Sens. Bowman, Bercier and Reps. Klein, Schmidt introduced:

SCR 4019: A concurrent resolution urging all educators to ensure that the schoolchildren of North Dakota are taught the history of the United States flag, that they are taught to respect the flag, to exercise proper flag etiquette, and to understand that the flag is the most visible and enduring symbol of the American spirit.

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

Sens. Klein, Bowman, Urlacher and Reps. Belter, Kreidt, Pollert introduced:

SCR 4020: A concurrent resolution urging the President of the United States and the United States Secretary of Agriculture to continue the ban on importing cattle from Canada until a full and complete investigation of Canadian feeding methods and supplies can be conducted and methods for determining risk designations can be reviewed and evaluated.

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