

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

Bismarck, January 12, 2007

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

The prayer was offered by Dr. Gordon Stork, Century Baptist Church, Bismarck.

The roll was called and all members were present except Senators Stenehjem and Tollefson.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2153 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2153 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2146 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2146 was rereferred.

MOTION

SEN. CHRISTMANN MOVED that SB 2116 be returned to the Senate floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. KREBSBACH REQUESTED the unanimous consent of the Senate to withdraw SB 2116. There being no objection, it was so ordered by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2190 be returned to the Senate floor from the **Natural Resources Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. NELSON REQUESTED the unanimous consent of the Senate to withdraw SB 2190. There being no objection, it was so ordered by the President.

MOTION

SEN. CHRISTMANN MOVED that SB 2040 be placed at the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2040: SEN. BEHM (Judiciary Committee) MOVED that the amendments on SJ page 71 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2024: SEN. FISCHER (Appropriations Committee) MOVED that the amendments on SJ pages 70-71 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended and SB 2024, as amended, be placed at the top of Eleventh order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services for a medicaid management information system; to provide an exemption; to provide for budget section reports and budget section approval; and to declare an emergency.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

Engrossed SB 2024 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact sections 4-19-01.2, 15.1-02-14, 49-21-31, 54-59-19, 54-60-10, and 65-02-05.1 of the North Dakota Century Code, relating to budget section approval of state forester reserve account spending and remove required reports to the budget section and the legislative audit and fiscal review 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

SB 2028 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to amend and reenact subsection 6 of section 14-02.4-02 of the North Dakota Century Code, relating to the definition of the term discriminatory practice for human rights purposes.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

SB 2075 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to amend and reenact subsection 2 of section 65-04-03.1 of the North Dakota Century Code, relating to expenditures from the workers' compensation 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

SB 2092 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 14-02.4-22 of the North Dakota Century Code, relating to the duties and powers of the labor department relating to human rights enforcement.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

SB 2076 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2097, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2097 was rereferred.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact subsection 4 of section 15.1-32-01 of the North Dakota Century Code, relating to the definition of a student with a disability for special education purposes.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

Engrossed SB 2108 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to amend and reenact section 34-14-04.1 of the North Dakota Century Code, relating to limitations of withholdings of an employer from compensation due employees.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nething; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Tallackson; Taylor; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Stenehjem; Tollefson

SB 2110 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution urging the President and Congress to make the nation's outer continental shelf available for energy development in an environmentally responsible manner.

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

SCR 4001 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, 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 15, 2007, which motion prevailed.

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 2065, SB 2067, SB 2071, SB 2074, SB 2085, SB 2089, SB 2091, SB 2093, SB 2094.

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 2099, SB 2113, SB 2120, SB 2130.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1028, HB 1035, HB 1053, HB 1059, HB 1062, HB 1073, HB 1075, HB 1096, HB 1097, HB 1098, HB 1102.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1076.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1040.

REPORT OF STANDING COMMITTEE

SB 2044: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2045: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2045 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2048: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2105: Agriculture Committee (Sen. Flakoll, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Sixth order on the calendar.

Page 3, line 5, overstrike "1995" and insert immediately thereafter "2005"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2115: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Eleventh order on the calendar.

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

William R. Horton, Secretary

