

**JOURNAL OF THE SENATE**

**Fifty-ninth Legislative Assembly**

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**Bismarck, January 13, 2005**

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

The prayer was offered by Pastor Thomas R. Marcis, Jr., Zion Lutheran Church, Bismarck.

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

A quorum was declared by the President.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2063 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. LYSON REQUESTED** the unanimous consent of the Senate to withdraw SB 2063. There being no objection, it was so ordered by the President.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2197 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. MATHERN REQUESTED** the unanimous consent of the Senate to withdraw SB 2197. There being no objection, it was so ordered by the President.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2103 be returned to the Senate floor from the **Appropriations Committee** and be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2103 was rereferred.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2114 be returned to the Senate floor from the **Appropriations Committee** and be placed at the bottom of the Eleventh order, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2029: SEN. NELSON (Judiciary Committee) MOVED** that the amendments on SJ pages 75-76 be adopted and then be placed on the Tenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2066: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ page 76 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2125: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 76 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2083:** A BILL for an Act to amend and reenact sections 15.1-02-09 and 15.1-02-10 of the North Dakota Century Code, relating to the contents and distribution of the school district finance facts report.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; 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; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Trenbeath

Engrossed SB 2083 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2048:** A BILL for an Act to repeal section 14-09-10 of the North Dakota Century Code, relating to the reciprocal duty of support between parents and adult children.

#### 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; Cook; Dever; Erbele; Espgaard; 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; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Trenbeath

SB 2048 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2120:** A BILL for an Act to create and enact section 15-20.4-03.1 of the North Dakota Century Code, relating to fees provided to the state board for career and technical education for authorizations to operate private postsecondary institutions; and to amend and reenact sections 15-20.4-04 and 15-20.4-06 and subsection 2 of section 15-20.4-15 of the North Dakota Century Code, relating to authorizations to operate private postsecondary institutions and use of false academic degrees; and to provide a continuing appropriation.

#### 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; Cook; Dever; Erbele; Espgaard; 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; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Trenbeath

SB 2120 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2123:** A BILL for an Act to amend and reenact subsection 1 of section 57-40.3-04 of the North Dakota Century Code, relating to the exemption from motor vehicle excise taxes on the acquisition or lease of a motor vehicle by a disabled veteran.

#### 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; Cook; Dever; Erbele; Espgaard; 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; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Trenbeath

SB 2123 passed and the title was agreed to.

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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 2045, SB 2057, SB 2064, SB 2076, SB 2108.

**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 1037.

**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 1060.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**  
**MR. PRESIDENT:** The House respectfully requests the return of: HB 1073.

**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 8:00 a.m., Friday, January 14, 2005, which motion prevailed.

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

**William R. Horton, Secretary**

