

## JOURNAL OF THE SENATE

## Fifty-ninth Legislative Assembly

\* \* \* \* \*

Bismarck, April 15, 2005

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Nelson.

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

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed SB 2409 be returned to the Senate floor from the Conference Committee, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the Senate reconsider its action whereby the Senate did not concur in the House amendments to Engrossed SB 2409, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. J. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2409 as printed on SJ page 1141, which motion prevailed on a voice vote.

Engrossed SB 2409, as amended, was placed on the Eleventh order of business.

## SECOND READING OF SENATE BILL

**SB 2409:** A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the establishment of an alternatives-to-abortion services program; to provide for reports to the legislative council; to provide an appropriation; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Traynor

Reengrossed SB 2409 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. WARNER MOVED** that the conference committee report on Reengrossed HB 1172 as printed on SJ pages 1485-1490 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1172, as amended, was placed on the Fourteenth order.

## SECOND READING OF HOUSE BILL

**HB 1172:** A BILL for an Act to create and enact a new section to chapter 13-05, two new subsections to section 14-09-25, a new subsection to section 15-39.1-30, a new subsection to section 39-03.1-28, three new sections to chapter 50-09, and a new subsection to section 54-52-26 of the North Dakota Century Code, relating to judgment interest and the collection and disbursement of child support; to amend and reenact subsection 3 of section 14-09-08.1, section 14-09-08.15, subsection 5 of section 14-09-09.3, section 14-09-09.10, subsections 1 and 2 of section 28-21-05.2, subsection 1 of section 28-22-19, sections 34-15-06, 35-34-02, 35-34-05, 35-34-09, and 50-09-08.5, subsection 2 of section 50-09-08.6, subsection 1 of section 50-09-32, and section 50-09-33 of the North Dakota Century Code, relating to reporting of new hires,

account liens, enforcement of medical support, and the collection and disbursement of child support; to provide a continuing appropriation; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; 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; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

**NAYS:** Fairfield

**ABSENT AND NOT VOTING:** Traynor

Reengrossed HB 1172, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. BERCIER MOVED** that the conference committee report on Engrossed HB 1522 as printed on SJ pages 1490-1492 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1522, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1522:** A BILL for an Act to create and enact chapter 51-30 of the North Dakota Century Code, relating to regulation of sale and delivery of tobacco products; to amend and reenact section 57-36-27 of the North Dakota Century Code, relating to consumer's use tax; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Espegard; 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; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Traynor

Engrossed HB 1522, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### MOTION

**SEN. CHRISTMANN MOVED** that Sen. Seymour replace Sen. Taylor on the Conference Committee on HB 1154, which motion prevailed.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2409 and wishes to inform you that the Senate does now concur with the House amendments to SB 2409 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2409.

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

**MR. SPEAKER:** The President has appointed Sen. Seymour to replace Sen. Taylor on the Conference Committee on HB 1154.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1172.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1522.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1342, HB 1370, HB 1454, HB 1524.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1291.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has appointed Rep. Berg to replace Rep. Carlson on the Conference Committee on SB 2018.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has appointed Rep. Berg to replace Rep. Carlson on the Conference Committee on SB 2032.

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2361, SB 2388.

**MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2361, SB 2388.

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

**MR. SPEAKER:** The President has signed: SCR 4021, SCR 4040.

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

**MR. SPEAKER:** The President has signed: SB 2026, SB 2078, SB 2096, SB 2129, SB 2133, SB 2146, SB 2149, SB 2179, SB 2195, SB 2205, SB 2237, SB 2256, SB 2294, SB 2303, SB 2324, SB 2341, SB 2342, SB 2383, SB 2384.

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

**MR. SPEAKER:** The President has signed: HB 1203, HB 1222, HB 1231, HB 1275, HB 1346, HB 1417, HB 1434, HB 1437, HB 1453, HCR 3059.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on April 15, 2005: SCR 4021, SCR 4040.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

**SECOND READING OF SENATE BILL**

**SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to the incarceration of female inmates in grade one correctional facilities; to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to supervision fees for a probationer; to provide a statement of legislative intent; to provide for a legislative council study; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nothing; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Wardner

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

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Reengrossed SB 2015 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

**SEN. CHRISTMANN MOVED** that HB 1334, HB 1301, HCR 3036, and HB 1035 be placed at the bottom of the Fourteenth order in that order, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1514:** A BILL for an Act to amend and reenact sections 54-44.1-06, 54-44.1-06.1, 54-44.1-07, 54-44.1-08, and 54-44.1-13 of the North Dakota Century Code, relating to the executive budget, budget deadlines, and drafts of appropriation bills.

#### 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, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Cook; O'Connell; Seymour; Stenehjem

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

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Engrossed HB 1514 lost.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1282:** A BILL for an Act to create and enact subsection 10 to section 54-44.1-06 of the North Dakota Century Code, relating to requiring continuing appropriation information in the budget data; and to amend and reenact section 54-44.1-08 of the North Dakota Century Code, relating to budget reports to the legislative assembly.

#### 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 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christmann; O'Connell; Stenehjem

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

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Engrossed HB 1282 lost.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1304:** A BILL for an Act to amend and reenact section 54-27-21.1, subsection 8 of section 54-44.1-06, and section 54-44.1-08 of the North Dakota Century Code, relating to cost/benefit reports to the budget section for leasing arrangements, financing and leasing information in budget data contents, and budget reports to the legislative assembly.

#### 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 3 YEAS, 42 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; O'Connell; Stenehjem

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

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Engrossed HB 1304 lost.

\*\*\*\*\*

## SECOND READING OF HOUSE BILL

**HB 1394:** A BILL for an Act to provide a general fund appropriations guideline.

### 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 2 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Cook

**NAYS:** Andrist; Bercier; Bowman; Brown; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; 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; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Engrossed HB 1394 lost.

\*\*\*\*\*

## REPORT OF CONFERENCE COMMITTEE

**SB 2298, as engrossed:** Your conference committee (Sens. Brown, Lyson, Warner and Reps. Kreidt, Pietsch, Kaldor) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 804, adopt amendments as follows, and place SB 2298 on the Seventh order:

That the House recede from its amendments as printed on page 804 of the Senate Journal and page 976 of the House Journal and that Engrossed Senate Bill No. 2298 be amended as follows:

Page 1, line 5, remove "1."

Page 1, line 6, after "donation" insert "through the national marrow donor program. The department shall seek assistance from the national marrow donor program to establish a system to distribute materials, ensure that the materials are updated periodically, and address the education and recruitment of minority populations" and remove "The department shall implement a"

Page 1, remove lines 7 through 16

Page 1, line 18, remove "paid"

Page 1, line 19, after the period insert "Notwithstanding the limitations for the donation and use of donated leave under sections 54-06-14.1 and 54-06-14.2, an employee may request and use donated annual leave or sick leave for the purpose of donating an organ or bone marrow. If an employee requests donations of sick leave or annual leave, but does not receive the full amount needed for the donation of an organ or bone marrow, the executive officer of the state agency may grant a paid leave of absence for the remainder of the leave up to the maximum total of twenty workdays."

Page 1, line 22, remove "If there is a medical determination that the employee does not qualify as an"

Page 1, remove line 23

Page 1, line 24, remove "not be rescinded."

Renumber accordingly

Engrossed SB 2298 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. BROWN MOVED** that the conference committee report on Engrossed SB 2298 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2298, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2298:** A BILL for an Act to provide for bone marrow donor education and leave of absence for state employees donating an organ or bone marrow.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; 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; Trenbeath; Triplett; Urlacher; Wardner; Warner

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Reengrossed SB 2298 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF CONFERENCE COMMITTEE

**HB 1291, as engrossed:** Your conference committee (Sens. Erbele, Urlacher, Taylor and Reps. Nicholas, Brandenburg, Froelich) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1321-1322, adopt amendments as follows, and place HB 1291 on the Seventh order:

That the Senate recede from its amendments as printed on pages 977 and 978 of the Senate Journal and pages 1321 and 1322 of the House Journal and that Engrossed House Bill No. 1291 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "23-25-11" insert "and 42-04-01"

Page 1, line 2, after "operations" insert "and livestock auction markets"

Page 1, line 18, after the underscored period insert "The measurement may not be taken within five hundred feet [.15 kilometer] of the property boundary of the agricultural operation."

Page 2, line 12, replace the third "a" with "an animal"

Page 2, line 13, remove "concentrated"

Page 2, line 14, remove the second "section" and after the underscored comma insert "or if the setback distance under subsection 7 is greater than one-half mile [.80 kilometer],"

Page 2, line 19, replace "concentrated" with "animal"

Page 2, line 20, replace "concentrated" with "animal"

Page 4, line 1, replace "animals" with "animal units"

Page 4, line 3, replace "animals" with "animal units"

Page 4, line 4, replace "animals" with "animal units"

Page 4, line 6, replace "animals" with "animal units"

Page 4, line 7, replace "animals" with "animal units"

Page 4, line 10, replace "animals" with "animal units"

Page 4, line 11, replace "animals" with "animal units"

Page 4, line 14, replace "animals" with "animal units"

Page 4, line 20, replace "The department shall define by rule the number of animals that constitute an" with "For purposes of this section:"

- (1) One mature dairy cow, whether milking or dry, equals 1.33 animal units;
- (2) One dairy cow, heifer or bull, other than an animal described in paragraph 1 equals 1.0 animal unit;
- (3) One weaned beef animal, whether a calf, heifer, steer, or bull, equals 0.75 animal unit;
- (4) One cow-calf pair equals 1.0 animal unit;
- (5) One swine weighing fifty-five pounds [24.948 kilograms] or more equals 0.4 animal unit;
- (6) One swine weighing less than fifty-five pounds [24.948 kilograms] equals 0.1 animal unit;
- (7) One horse equals 2.0 animal units;
- (8) One sheep or lamb equals 0.1 animal unit;
- (9) One turkey equals 0.0182 animal unit;
- (10) One chicken, other than a laying hen, equals 0.008 animal unit;
- (11) One laying hen equals 0.012 animal unit;
- (12) One duck equals 0.033 animal unit; and
- (13) Any livestock not listed in paragraphs 1 through 12 equals 1.0 animal unit per each one thousand pounds [453.59 kilograms] whether single or combined animal weight."

Page 4, remove line 21

Page 4, after line 23, insert:

"9. Neither a county nor a township may regulate or through any means impose restrictions or requirements on animal feeding operations or on other agricultural operations except as permitted under sections 11-33-02 and 58-03-11.

**SECTION 2. AMENDMENT.** Section 42-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**42-04-01. Agricultural operation defined.** As used in this chapter, "agricultural operation" means the science and art of ~~production of~~ producing plants and animals useful to people, by a corporation or a limited liability company as allowed under chapter 10-06.1, or by a corporation or limited liability company, a partnership, or a proprietorship, and ~~including, to a variable extent,~~ includes the preparation of these products for people's use and ~~their~~ the disposal of these products by marketing or ~~otherwise, and other means.~~ The term includes livestock auction markets and horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products, and farm production."

Renumber accordingly

Engrossed HB 1291 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ERBELE MOVED** that the conference committee report on Engrossed HB 1291 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1291, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1291:** A BILL for an Act to amend and reenact sections 23-25-11 and 42-04-01 of the North Dakota Century Code, relating to animal feeding operations and livestock auction markets.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Trenbeath; Urlacher; Wardner; Warner

**NAYS:** Fairfield; Nelson; O'Connell; Triplett

**ABSENT AND NOT VOTING:** Holmberg; Traynor

Engrossed HB 1291, as amended, passed and the title was agreed to.

\*\*\*\*\*

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2015.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2298.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1291.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1282, HB 1304, HB 1394, HB 1514.

**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, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, April 18, 2005, which motion prevailed.

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

**William R. Horton, Secretary**