

JOURNAL OF THE HOUSE

Fifty-ninth Legislative Assembly

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Bismarck, April 8, 2005

The House convened at 8:00 a.m., with Speaker Klein presiding.

The prayer was offered by Pastor Donna Dohrmann, Lutheran Church of the Cross, Bismarck.

The roll was called and all members were present except Representatives Boe and Weisz.

A quorum was declared by the Speaker.

REPORT OF STANDING COMMITTEE

SCR 4040: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4040 was placed on the Tenth order on the calendar.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4040: A concurrent resolution urging the Commissioner of Major League Baseball to reinstate Roger Maris as holder of the single-season major league baseball home run record.

The question being on the final adoption of the resolution, which has been read.

SCR 4040 was declared adopted on a voice vote, and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to HB 1154, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1154: Reps. R. Kelsch, Haas, Mueller.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to HB 1526, which motion prevailed on a voice vote.

HB 1526, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1526: A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to creation of an industrial commission tribal-state guaranty program; and to provide an expiration 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 90 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boehning; Boucher; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Gulleon; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Nelson; Nicholas; Norland; Nottestad; Onstad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wald; Wall; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Dosch; Weiler

ABSENT AND NOT VOTING: Boe; Weisz

Engrossed HB 1526 passed and the title was agreed to.

MOTION

REP. BERG MOVED that SB 2002, SB 2019 and HB 1004 be laid over two legislative days, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2008, as engrossed: Your conference committee (Sens. Andrist, Christmann, Lindaas and Reps. Kempenich, Timm, Williams) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 895-896 and place SB 2008 on the Seventh order.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KEMPENICH MOVED that the conference committee report on Engrossed SB 2008 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2009, as engrossed: Your conference committee (Sens. Schobinger, Thane, Lindaas and Reps. Rennerfeldt, Brusegaard, Aarsvold) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1086-1089 and place SB 2009 on the Seventh order.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RENNERFELDT MOVED that the conference committee report on Engrossed SB 2009 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2026, as engrossed: Your conference committee (Sens. Cook, G. Lee, Triplett and Reps. Koppelman, Wrangham, Ekstrom) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 997-998 and place SB 2026 on the Seventh order.

Engrossed SB 2026 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KOPPELMAN MOVED that the conference committee report on Engrossed SB 2026 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2133, as engrossed: Your conference committee (Sens. Schobinger, Christmann, Krauter and Reps. Carlson, Klein, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 494 and place SB 2133 on the Seventh order.

Engrossed SB 2133 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. CARLSON MOVED that the conference committee report on Engrossed SB 2133 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2303, as engrossed: Your conference committee (Sens. Brown, J. Lee, Nelson and Reps. Haas, Grande, Potter) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 928, adopt amendments as follows, and place SB 2303 on the Seventh order:

That the House recede from its amendments as printed on page 928 of the Senate Journal and page 1195 of the House Journal and that Engrossed Senate Bill No. 2303 be amended as follows:

Page 2, line 20, overstrike "fifty" and insert immediately thereafter "sixty"

Renumber accordingly

Engrossed SB 2303 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAAS MOVED that the conference committee report on Engrossed SB 2303 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2303, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact sections 54-05.1-03 and 54-05.1-04 of the North Dakota Century Code, relating to lobbyist registration and reporting requirements and the authority of the secretary of state; and to provide a penalty.

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 70 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Bernstein; Boehning; Brandenburg; Brusegaard; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; Delmore; Delzer; Dietrich; Dosch; Drovdal; Froeth; Galvin; Glassheim; Grande; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunsdor; Iverson; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Martinson; Meier, L.; Monson; Nelson; Nicholas; Norland; Nottestad; Owens; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Schmidt; Sitte; Skarphol; Svedjan; Thorpe; Timm; Uglem; Vigesaa; Wald; Wall; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

NAYS: Aarsvold; Amerman; Boe; Boucher; DeKrey; Devlin; Ekstrom; Froelich; Gulleon; Kaldor; Kasper; Keiser; Kelsh, S.; Kerzman; Kroeber; Metcalf; Meyer, S.; Mueller; Onstad; Sandvig; Solberg; Thoreson; Weiler

ABSENT AND NOT VOTING: Weisz

Engrossed SB 2303 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2341, as engrossed: Your conference committee (Sens. Lyson, Brown, Warner and Reps. Pollert, Wieland, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1172 and place SB 2341 on the Seventh order.

Engrossed SB 2341 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. POLLERT MOVED that the conference committee report on Engrossed SB 2341 be adopted, which motion prevailed on a voice vote.

MOTION

REP. BERG MOVED that SCR 4021 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. MONSON MOVED that the House stand in recess until 2:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Klein presiding.

MOTION

REP. MONSON MOVED that HB 1500 be rereferred back to conference committee, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1417, as engrossed: Your conference committee (Sens. Hacker, Dever, Triplett and Reps. Kretschmar, Dietrich, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1454, adopt amendments as follows, and place HB 1417 on the Seventh order:

That the Senate recede from its amendments as printed on page 1454 of the House Journal and page 1059 of the Senate Journal and that Engrossed House Bill No. 1417 be amended as follows:

Page 7, line 30, after the underscored period insert "The county canvassing board must be comprised of at least five members, and both political parties must be represented. Each political party from each legislative district within a county may request representation on the canvassing board if there is equal representation from each of the political parties."

Renumber accordingly

Engrossed HB 1417 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed HB 1417 as printed on HJ page 1454 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1417, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1417: A BILL for an Act to amend and reenact sections 15.1-09-16, 16.1-11-38, 16.1-14-01, 16.1-15-01, 16.1-15-02, 16.1-15-04, 16.1-15-05, 16.1-15-06, and 16.1-15-08, subsections 1 and 2 of section 16.1-15-09, sections 16.1-15-12, 16.1-15-13, 16.1-15-15, 16.1-15-16, 16.1-15-19, 16.1-15-21, 16.1-15-22, 16.1-15-24, 16.1-15-25, 16.1-15-29, 16.1-15-30, 16.1-15-33, 16.1-15-34, 16.1-15-35, 16.1-15-43, 40-21-17, and 58-04-15 of the North Dakota Century Code, relating to tie votes and the canvassing of votes; and to repeal sections 16.1-15-02.1 and 16.1-15-03 of the North Dakota Century Code, relating to canvassing of votes.

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 78 YEAS, 0 NAYS, 0 EXCUSED, 16 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Nelson; Nicholas; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Bellew; Boucher; Brandenburg; Brusegaard; Grande; Kasper; Kempenich; Kretschmar; Mueller; Norland; Nottestad; Owens; Skarphol; Wald; Weisz

Engrossed HB 1417 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1434: Your conference committee (Sens. G. Lee, Erbele, Taylor and Reps. Herbel, L. Meier, Hunskor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1135-1136, adopt amendments as follows, and place HB 1434 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1135 and 1136 of the House Journal and pages 791 and 792 of the Senate Journal and that House Bill No. 1434 be amended as follows:

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of

2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

SECTION 2. AMENDMENT. Section 54-35-21 of the North Dakota Century Code is amended and reenacted as follows:

54-35-21. No Child Left Behind Act of 2001 - ~~Select~~Interim committee - Appointment - Duties.

1. The legislative council shall appoint ~~a select~~ an interim committee consisting of five members of the senate and six members of the house of representatives ~~for the purpose of investigating the adoption of. The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], its rationale, the promulgation of any~~ including amendments to the Act, changes to federal regulations implementing the ~~No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state~~ Act, and any policy changes and letters of guidance issued by the United States secretary of education.
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except ~~that the committee has the power to~~ may communicate directly with the United States secretary of education, employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001.~~
4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.~~
5. The committee shall report ~~to the fifty-ninth~~ its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001."

Renumber accordingly

HB 1434 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HERBEL MOVED that the conference committee report on HB 1434 as printed on HJ pages 1135-1136 be adopted, which motion prevailed on a voice vote.

HB 1434, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to create and enact a new section to chapter 15.1-02 of the North Dakota Century Code, relating to amendment of the state accountability plan under the No Child Left Behind Act; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee.

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 78 YEAS, 0 NAYS, 0 EXCUSED, 16 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Bernstein; Boe; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Damschen; DeKrey; Delmore; Delzer; Devlin; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemm; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Nelson; Nicholas; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Timm; Uglem; Vigasaa; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Klein

ABSENT AND NOT VOTING: Amerman; Bellew; Berg; Boucher; Brandenburg; Brusegaard; Grande; Kasper; Kempenich; Kretschmar; Mueller; Norland; Nottestad; Owens; Wald; Weisz

HB 1434 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1453, as engrossed: Your conference committee (Sens. Syverson, Krebsbach, Nelson and Reps. Grande, Galvin, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1265, adopt amendments as follows, and place HB 1453 on the Seventh order:

That the Senate recede from its amendments as printed on page 1265 of the House Journal and page 933 of the Senate Journal and that Engrossed House Bill No. 1453 be amended as follows:

Page 1, line 2, after "state" insert "; and to provide for a legislative council study"

Page 1, line 6, replace "A member of the" with "The"

Page 1, after line 6, insert:

"SECTION 2. NORTH DAKOTA LEGISLATIVE ASSEMBLY EMBLEM - LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of creating an emblem for the sole use of the North Dakota legislative assembly, members of the legislative assembly, and the legislative council. The legislative council shall report its findings and recommendations of designs and usage, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

Engrossed HB 1453 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GALVIN MOVED that the conference committee report on Engrossed HB 1453 as printed on HJ page 1265 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1453, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to create and enact two new subsections to section 54-41-03 of the North Dakota Century Code, relating to authorized use of the coat of arms of the state.

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 66 YEAS, 12 NAYS, 0 EXCUSED, 16 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Bernstein; Boe; Boehning; Carlson; Charging; Conrad; Damschen; Delmore; Dietrich; Dosch; Drovda; Ekstrom; Froelich; Galvin; Glassheim; Guleson; Haas; Hanson; Hawken; Headland; Herbel; Horter; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klemin; Koppelman; Kreidt; Kroeber; Maragos; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Nelson; Nicholas; Onstad; Pietsch; Pollert; Potter; Price; Ruby; Sandvig; Schmidt; Sitte; Skarphol; Solberg; Svedjan; Thorpe; Timm; Uglem; Wall; Wieland; Williams; Zaiser; Speaker Klein

NAYS: Carlisle; Clark; DeKrey; Delzer; Devlin; Froseth; Porter; Rennerfeldt; Thoreson; Vigasaa; Weiler; Wrangham

ABSENT AND NOT VOTING: Amerman; Bellew; Berg; Boucher; Brandenburg; Brusegaard; Grande; Kasper; Kempenich; Kretschmar; Mueller; Norland; Nottestad; Owens; Wald; Weisz

Engrossed HB 1453 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1230: Your conference committee (Sens. Flakoll, Freborg, Taylor and Reps. Haas, Hawken, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 917, adopt amendments as follows, and place HB 1230 on the Seventh order:

That the Senate recede from its amendments as printed on page 917 of the House Journal and page 688 of the Senate Journal and that House Bill No. 1230 be amended as follows:

Page 1, line 2, after "programs" insert "; and to provide for a legislative council survey"

Page 1, after line 21, insert:

"SECTION 2. LEGISLATIVE COUNCIL - KINDERGARTEN SURVEY.

1. An interim committee designated by the legislative council shall conduct a survey of all school districts in the state to determine:
 - a. The number of school districts that make available a kindergarten program having a duration of more than five half days per week;
 - b. The number of school districts that will by a date certain make available a kindergarten program having a duration of more than five half days per week;
 - c. The number of students in each district who would be eligible to enroll in a kindergarten program during each of the ensuing five years;
 - d. The estimated enrollment in a kindergarten program having a duration of more than five half days per week;
 - e. The direct and indirect costs that a school district might incur if it made available a kindergarten program having a duration of more than five half days per week; and
 - f. The number of school districts that would make available a kindergarten program having a duration of more than five half days per week if moneys were appropriated for that purpose.
2. The superintendent of public instruction shall assist the interim committee in conducting the survey and in reviewing the results of the survey."

Renumber accordingly

HB 1230 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAAS MOVED that the conference committee report on HB 1230 as printed on HJ page 917 be adopted, which motion prevailed on a verification vote.

HB 1230, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1230: A BILL for an Act to amend and reenact section 15.1-22-01 of the North Dakota Century Code, relating to the provision of kindergarten programs; and to develop a plan for the provision of full-day kindergarten.

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, 32 NAYS, 0 EXCUSED, 16 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Clark; Conrad; Delmore; Dietrich; Ekstrom; Froelich; Glassheim; Guleson; Haas; Hanson; Hawken; Herbel; Horter; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klemin; Kroeber; Maragos; Martinson; Metcalf; Meyer, S.; Monson; Nelson; Nicholas; Onstad; Porter; Potter; Price; Sandvig; Schmidt; Solberg; Svedjan; Thorpe; Uglen; Wall; Williams; Zaiser; Speaker Klein

NAYS: Belter; Bernstein; Boe; Boehning; Carlisle; Carlson; Charging; Damschen; DeKrey; Delzer; Devlin; Dosch; Drovda; Froseth; Galvin; Headland; Iverson; Kerzman; Koppelman; Kreidt; Meier, L.; Pietsch; Pollert; Rennerfeldt; Ruby; Sitte; Skarphol; Thoreson; Timm; Vigasaa; Weiler; Wieland

ABSENT AND NOT VOTING: Amerman; Bellew; Boucher; Brandenburg; Brusegaard; Grande; Kasper; Kempenich; Kretschmar; Mueller; Norland; Nottestad; Owens; Wald; Weisz; Wrangham

HB 1230 lost.

MOTION

REP. MONSON MOVED that HB 1397 be laid over two legislative days, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SCR 4021: Your conference committee (Sens. Erbele, Klein, Taylor and Reps. Nicholas, Kingsbury, Boe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 829 and place SCR 4021 on the Seventh order.

SCR 4021 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NICHOLAS MOVED that the conference committee report on SCR 4021 be adopted, which motion prevailed on a voice vote.

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 1417, HB 1434, HB 1453.

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: SCR 4021.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2026, SB 2133.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2008, SB 2009, SB 2341.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4040.

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: SB 2303.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1154 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1154: Reps. R. Kelsch; Haas; Mueller

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1526.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1314.

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

MR. PRESIDENT: The Speaker has signed: HB 1005, HB 1007, HB 1014, HB 1022, HB 1024, HB 1043, HB 1061, HB 1062, HB 1069, HB 1076, HB 1094, HB 1104, HB 1105, HB 1121, HB 1136, HB 1163, HB 1204, HB 1206, HB 1235, HB 1238.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 8, 2005: HB 1005, HB 1007, HB 1014, HB 1022, HB 1024, HB 1043, HB 1061, HB 1062, HB 1069, HB 1076, HB 1094, HB 1104, HB 1105, HB 1121, HB 1136, HB 1163, HB 1204, HB 1206, HB 1235, HB 1238.

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 1017.

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 1290.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1011.

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 2031, SB 2200.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2111.

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 2342.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2050 and SB 2359 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2050: Sens. Cook; Urlacher; Every

SB 2359: Sens. Cook; Urlacher; Every

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1012: Sens. Fischer; Kilzer; Mathern

HB 1021: Sens. Fischer; Holmberg; Robinson

HB 1522: Sens. Cook; Urlacher; Bercier

MOTION

REP. MONSON MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Thirteenth, Fourteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, April 11, 2005, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

Bradley C. Fay, Chief Clerk