

JOURNAL OF THE SENATE

Sixtieth Legislative Assembly

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Bismarck, April 10, 2007

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Pomeroy.

The roll was called and all members were present except Senators Fischer and Krebsbach.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2276 as printed on SJ page 1247, which motion prevailed on a voice vote.

Reengrossed SB 2276, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to provide duties of the governor's prevention and advisory council; and to provide an appropriation.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2276 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2019 be placed at the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2016 as printed on SJ pages 1306-1309 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2016, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the adjutant general; to provide for a transfer; to provide statements of legislative intent; to provide for a legislative council study; and to amend and reenact section 6 of chapter 17 of the 2005 Session Laws, relating to the payment of adjusted compensation to veterans.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2016 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed SB 2109 as printed on SJ page 1300 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2109, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact subsection 1 of section 23-09.3-01.1 and subsection 1 of section 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on licensing of basic care for medical assistance recipient beds and the moratorium on expansion of long-term care bed capacity; to provide for a legislative council study; 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 42 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bakke; Marcellais; Potter

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2109 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NETHING MOVED that the conference committee report on Engrossed SB 2262 as printed on SJ pages 1311-1312 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2262, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to amend and reenact section 12.1-06-05 of the North Dakota Century Code, relating to the renunciation of criminal intent; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2262 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2352 as printed on SJ page 1312 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2352, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to limitations on tattooing, branding, subdermal implantation, scarifying, and body piercing of minors; and to provide a penalty.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2352 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on Engrossed SB 2137 as printed on SJ page 1338 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2137, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to amend and reenact sections 37-17.1-02, 37-17.1-02.1, and 37-17.1-04, subsections 3 and 6 of section 37-17.1-06, subsections 3 and 4 of section 37-17.1-07, subsections 1 and 2 of section 37-17.1-07.1, subsection 3 of section 37-17.1-11, subsection 1 of section 37-17.1-12, section 37-17.1-13, subsections 2 and 4 of section 37-17.1-14.2, sections 37-17.1-19, 37-17.1-20, 37-17.1-21, and 37-17.1-24, subsections 1 and 3 of section 37-17.1-25, and section 57-15-28 of the North Dakota Century Code, relating to the department of emergency services and the North Dakota Disaster Act of 1985.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2137 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Sen. Fischer replace Sen. Erbele on the Senate Conference Committee on SB 2186, which motion prevailed.

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 2276.

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 2016, SB 2109, SB 2137, SB 2262, SB 2352.

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

MR. SPEAKER: The President has appointed Sen. Fischer to replace Sen. Erbele on the Conference Committee on SB 2186.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2111, SB 2125, SB 2154, SB 2204, SB 2236, SB 2247, SB 2274, SB 2277, SB 2411, SCR 4001.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: Your signature is respectfully requested on: SB 2276.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: SB 2037, SB 2222, SB 2246, SB 2251, SB 2389, SB 2406.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has signed: HB 1010, HB 1088, HB 1092, HB 1157, HB 1219, HB 1348, HB 1402, HB 1422, HB 1456, HB 1505.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2353.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 10, 2007: SB 2037, SB 2222, SB 2246, SB 2251, SB 2389, SB 2406.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1001, Engrossed HB 1012, Engrossed HB 1019, Engrossed HB 1243, Engrossed HB 1469, and Engrossed HB 1515, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on:

Engrossed HB 1001: Sens. Christmann, Holmberg, Seymour

Engrossed HB 1012: Sens. Wardner, Krebsbach, Tallackson

Engrossed HB 1019: Sens. Grindberg, Christmann, Mathern

Engrossed HB 1243: Sens. Oehlke, Dever, Horne

Engrossed HB 1469: Sens. Freborg, Urlacher, Pomeroy

Engrossed HB 1515: Sens. Tollefson, Urlacher, Heitkamp

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed SB 2093 as printed on SJ pages 1335-1338 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2093, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 11-10-16, subsection 2 of section 44-08-04, and sections 44-08-04.4, 44-08-05.1, and 54-44.4-11 of the North Dakota Century Code, relating to payment of travel expenses of state and county officers and employees and purchasing card authority; and to provide a penalty.

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: Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fiebigger; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Mathern; Nelson; Nothing; O'Connell; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Triplett; Urlacher; Wanzek; Wardner; Warner

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2093 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on SB 2022 as printed on SJ page 1335 be adopted, which motion prevailed on a voice vote.

SB 2022, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; and to provide additional spending authority subject to emergency commission approval.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed SB 2022 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed SB 2100 as printed on SJ page 1350 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2100, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2100: A BILL for an Act to amend and reenact sections 50-25.1-02, 50-25.1-03, 50-25.1-03.1, 50-25.1-04.4, and 50-25.1-05 and subsection 4 of section 50-25.1-11 of the North Dakota Century Code, relating to definitions, persons required and permitted to report child abuse, persons allowed access to child fatality review panel records, who may investigate reports of child abuse or neglect when the accused is not a person responsible for the child's health or welfare, information available for use in assessments, and information that may be provided to a person who is the subject of a report alleging child abuse or neglect.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2100 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TOLLEFSON MOVED that the conference committee report on SB 2293 as printed on SJ pages 1350-1351 be adopted, which motion prevailed on a voice vote.

SB 2293, as amended, was placed on the Eleventh order.

MOTION

SEN. DEVER MOVED that the Senate reconsider its action whereby the Conference Committee report was adopted and SB 2293, as amended, was placed on the Eleventh order of business on the calendar, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HEITKAMP MOVED that the conference committee report on SB 2293 as printed on SJ pages 1350-1351 be rejected, which motion prevailed on a voice vote.

SB 2293, as amended, was placed on the Twelfth order awaiting appointment of a new Senate Conference Committee.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed SB 2161 as printed on SJ page 1350 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2161, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to provide an appropriation to the attorney general for computerized sexual offender registration kiosks; and to provide for a legislative council study of the feasibility and desirability of implementing a system of computerized registration sites for criminal offenders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Holmberg; Triplett

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2161 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on SB 2011 as printed on SJ page 1348 be adopted, which motion prevailed on a voice vote.

SB 2011, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the securities commissioner; and to provide for a report to the legislative assembly.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed SB 2011 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on Reengrossed SB 2021 as printed on SJ pages 1348-1350 be adopted.

REQUEST

SEN. POTTER REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Reengrossed SB 2021, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Reengrossed SB 2021, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjem; Tallackson; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Anderson; Bakke; Behm; Fiebiger; Heckaman; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Seymour; Taylor; Triplett; Warner

ABSENT AND NOT VOTING: Fischer; Krebsbach

The conference committee report on Reengrossed SB 2021 was adopted.

Reengrossed SB 2021, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of workforce safety and insurance; to provide legislative intent; to provide for a report; to provide a continuing appropriation; and to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to implementation of occupational health and preventive medicine programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Freborg; Grindberg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Seymour; Stenehjem; Tallackson; Taylor; Tollefson; Urlacher; Wanzek; Wardner

NAYS: Anderson; Bakke; Behm; Fiebiger; Heitkamp; Horne; Krauter; Lindaas; Marcellais; Mathern; Nelson; O'Connell; Pomeroy; Potter; Robinson; Triplett; Warner

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2021 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Reengrossed SB 2341 as printed on SJ page 1351 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2341, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to provide a statement of legislative intent and legislative support; and to provide a contingent appropriation to the office of management and budget for the heritage center expansion project.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Reengrossed SB 2341 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1507 as printed on SJ page 1268 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1507, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to create and enact a new section to chapter 44-04 and a new section to chapter 51-27 of the North Dakota Century Code, relating to exempting electronic mail addresses and telephone numbers from open records requirements and to computer and internet fraud; to amend and reenact section 51-27-01 of the North Dakota Century Code, relating to definitions; and to provide a penalty.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed HB 1507, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. URLACHER MOVED that the conference committee report on Engrossed HB 1513 as printed on SJ page 1313 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1513, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1513: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to an emergency municipal, tribal, and rural water system drinking water grant program.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed HB 1513, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ANDRIST MOVED that the conference committee report on Engrossed HB 1065 as printed on SJ page 1338 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1065, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact section 54-53-02 of the North Dakota Century Code, relating to the membership of the advisory transportation council of the upper great plains transportation institute.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed HB 1065, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FLAKOLL MOVED that the conference committee report on Engrossed HB 1270 as printed on SJ pages 1338-1339 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1270, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to professional development days for teachers.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed HB 1270, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. G. LEE MOVED that the conference committee report on Engrossed HB 1334 as printed on SJ pages 1339-1340 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1334, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to amend and reenact section 15.1-07-20 of the North Dakota Century Code, relating to requirements for certain school vehicle drivers.

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

ABSENT AND NOT VOTING: Fischer; Krebsbach

Engrossed HB 1334, 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 amended and subsequently failed: HB 1320.

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 2011, SB 2021, SB 2022, SB 2093, SB 2100, SB 2161, SB 2341.

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 1065, HB 1270, HB 1334, HB 1507, HB 1513.

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 1001: Sens. Christmann; Holmberg; Seymour

HB 1012: Sens. Wardner; Krebsbach; Tallackson

HB 1019: Sens. Grindberg; Christmann; Mathern

HB 1243: Sens. Oehlke; Dever; Horne

HB 1469: Sens. Freborg; Urlacher; Pomeroy

HB 1515: Sens. Tollefson; Urlacher; Heitkamp

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1319, HB 1491, and HCR 3034.

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

MR. PRESIDENT: The House has adopted the conference committee report: HB 1379.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1417.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1005, HB 1049, HB 1296, HB 1311, and HB 1433 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1005: Reps. Nelson; Wieland; Kerzman

HB 1049: Reps. Weiler; Skarphol; Vig

HB 1296: Reps. Wieland; Bellew; Metcalf

HB 1311: Reps. Porter; DeKrey; Hanson

HB 1433: Reps. Weisz; Klein; Schneider

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1107, HB 1197, HB 1290, HB 1359, and HB 1466 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1107: Reps. Haas; Dahl; Potter

HB 1197: Reps. Carlson; Klemin; Kerzman

HB 1290: Reps. Price; Uglem; Conrad

HB 1359: Reps. Weisz; Owens; Schmidt

HB 1466: Reps. Koppelman; Kretschmar; Onstad

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

MR. PRESIDENT: The Speaker has appointed Rep. Carlisle to replace Rep. Kempenich on the Conference Committee on HB 1006.

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

MR. PRESIDENT: The Speaker has appointed Rep. Drovdal to replace Rep. Kempenich on the Conference Committee on SB 2225.

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

MR. PRESIDENT: The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2284: Reps. DeKrey; Klemin; Delmore

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

MR. PRESIDENT: The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1149: Reps. Damschen; DeKrey; Hunskor

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

MR. PRESIDENT: The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2260: Reps. DeKrey; Koppelman; Kroeber

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

MR. PRESIDENT: The Speaker has signed: HCR 3021, HCR 3046.

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

MR. PRESIDENT: The Speaker has signed: HB 1218, HB 1309, HB 1322, HB 1340, HB 1344, HB 1392, HB 1429, HB 1461, HB 1465, HB 1499.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 9, 2007, I have signed the following: SB 2001, SB 2006, SB 2007, SB 2070, SB 2108, SB 2115, SB 2128, SB 2136, SB 2148, SB 2163, SB 2168, SB 2169, SB 2176, SB 2193, SB 2194, SB 2248, SB 2268, SB 2298, SB 2310, and SB 2397.

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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, April 11, 2007, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2060, as reengrossed: Your conference committee (Sens. J. Lee, Oehlke, Horne and Reps. Dahl, Weiler, Wolf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 983 and place SB 2060 on the Seventh order.

Reengrossed SB 2060 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2146, as engrossed: Your conference committee (Sens. G. Lee, Nething, Potter and Reps. Sukut, Vigesaa, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 705, adopt amendments as follows, and place SB 2146 on the Seventh order:

That the House recede from its amendments as printed on page 705 of the Senate Journal and pages 802 and 803 of the House Journal and that Engrossed Senate Bill No. 2146 be amended as follows:

Page 1, line 11, overstrike the third "or"

Page 1, line 12, overstrike "during the investigation of an accident"

Page 1, line 16, remove the overstrike over "~~twenty~~" and remove "seven"

Page 1, line 17, after "request" insert "; however, during the investigation of an accident, the person may be charged with a violation of this section if that person fails to provide the satisfactory evidence within three business days from the date of the request"

Renumber accordingly

Engrossed SB 2146 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1379, as engrossed: Your conference committee (Sens. J. Lee, Oehlke, Nelson and Reps. Kasper, Karls, Schneider) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 845 and place HB 1379 on the Seventh order.

Engrossed HB 1379 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1417, as engrossed: Your conference committee (Sens. Andrist, Wanzek, Heitkamp and Reps. Clark, Dietrich, Boe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1326-1327 and place HB 1417 on the Seventh order.

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

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

William R. Horton, Secretary