

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

Bismarck, April 6, 2005

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

The prayer was offered by Captain Maurice Millican, Chaplain, 141st Engineers and Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 5, 2005, I have signed the following: SB 2232, SB 2290, and SB 2325.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 6, 2005: SB 2041, SB 2087, SB 2102, SB 2118, SB 2125, SB 2141, SB 2147, SB 2181, SB 2215, SB 2216, SB 2246, SB 2265, SB 2282, SB 2326, SB 2340, SB 2348, SB 2356, SB 2393.

MOTION

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 HB 1001, HB 1002, HB 1003, HB 1009, HB 1011, HB 1016, HB 1172, HB 1181, HB 1324, HB 1332, HB 1370, HB 1397, HB 1500, and HB 1018 which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1001: Sens. Fischer, Kringstad, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1002: Sens. Thane, Holmberg, Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1003: Sens. Kringstad, Holmberg, Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1009: Sens. Bowman, Thane, Krauter.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1011: Sens. Bowman, Schobinger, Lindaas.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1016: Sens. Grindberg, Andrist, Lindaas.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Reengrossed HB 1172: Sens. J. Lee, Lyson, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Reengrossed HB 1181: Sens. Lyson, Brown, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1324: Sens. Mutch, Nething, Heitkamp.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1332: Sens. Nething, Mutch, Heitkamp.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1370: Sens. Trenbeath, Epegard, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1397: Sens. Bowman, Kilzer, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1500: Sens. Hacker, Syverson, Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1018: Sens. Grindberg, Christmann, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2409 as printed on SJ page 1141 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2409: Sens. J. Lee, Dever, Warner.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 1182-1186 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2001: Sens. Holmberg, Kringstad, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1309-1311 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2004: Sens. Andrist, Kilzer, Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to SB 2007 as printed on SJ pages 1178-1180 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2007: Sens. Kilzer, Andrist, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2018 as printed on SJ pages 1311-1323 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2018: Sens. Grindberg, Holmberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2032 as printed on SJ pages 1323-1341 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2032: Sens. Grindberg, Holmberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2228 as printed on SJ page 1342 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2228: Sens. Bowman, Kilzer, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2217 as printed on SJ pages 1282-1285 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2217: Sens. Wardner, Tollefson, Bercier.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2267 as printed on SJ pages 1276-1277 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2267: Sens. Schobinger, Holmberg, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to Engrossed SB 2013 as printed on SJ pages 1141-1142, which motion prevailed on a voice vote.

Engrossed SB 2013, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide a continuing appropriation; to provide for distribution amounts from permanent funds; and to create and enact a new section to chapter 15-08.1 of the North Dakota Century Code, relating to a continuing appropriation from the lands and minerals trust fund.

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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2013 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1524 and HB 1526 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1524, as engrossed: SEN. COOK (Political Subdivisions Committee) MOVED that the amendments on SJ page 1358 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1524: A BILL for an Act to provide for a tribal and state relations committee; 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; Espégard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1524, 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 2013.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2004, SB 2007, SB 2018, SB 2032, SB 2217, SB 2228, SB 2267, and SB 2409 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Holmberg; Kringstad; Lindaas
SB 2004: Sens. Andrist; Kilzer; Mathern
SB 2007: Sens. Kilzer; Andrist; Robinson
SB 2018: Sens. Grindberg; Holmberg; Robinson
SB 2032: Sens. Grindberg; Holmberg; Robinson
SB 2217: Sens. Wardner; Tollefson; Bercier
SB 2228: Sens. Bowman; Kilzer; Krauter
SB 2267: Sens. Schobinger; Holmberg; Tallackson
SB 2409: Sens. J. Lee; Dever; Warner

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. Fischer; Kringstad; Tallackson
HB 1002: Sens. Thane; Holmberg; Mathern
HB 1003: Sens. Kringstad; Holmberg; Mathern
HB 1009: Sens. Bowman; Thane; Krauter
HB 1011: Sens. Bowman; Schobinger; Lindaas
HB 1016: Sens. Grindberg; Andrist; Lindaas
HB 1018: Sens. Grindberg; Christmann; Krauter
HB 1172: Sens. J. Lee; Lyson; Warner
HB 1181: Sens. Lyson; Brown; Warner
HB 1324: Sens. Mutch; Nething; Heitkamp
HB 1332: Sens. Nething; Mutch; Heitkamp
HB 1370: Sens. Trenbeath; Espégard; Warner
HB 1397: Sens. Bowman; Kilzer; Tallackson
HB 1500: Sens. Hacker; Syverson; Nelson

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1524.

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 1408, HB 1518, HCR 3002, HCR 3005, HCR 3017, HCR 3031, and HCR 3055.

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 1284, HB 1286, HB 1314.

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 1248, HB 1347, HB 1402, HB 1421.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1438.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2078, SB 2129.

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 2149, SB 2237.

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

MR. SPEAKER: The President 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 1136, HB 1163, HB 1204, HB 1206, HB 1235, HB 1238, HB 1239, HB 1266, HB 1272, HB 1273, HB 1276, HB 1311, HB 1312, HB 1313, HCR 3037, HCR 3057, HCR 3058.

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

MR. SPEAKER: Your signature is respectfully requested on: SCR 4039.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 6, 2005: SCR 4013.

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

MR. PRESIDENT: The Speaker has signed: SB 2017, SB 2022, SB 2067, SB 2186, SB 2280, SB 2301, SB 2304, SB 2336, SB 2368, SB 2371, SB 2411, SB 2412.

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

MR. PRESIDENT: The Speaker has signed: HB 1445.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1006, HB 1023, HB 1042, HB 1280, HB 1289, HB 1348, HB 1350, HB 1357, HB 1374, HB 1376, HB 1391, HB 1410, HB 1419, HB 1433, HB 1439, HB 1452, HB 1460, HB 1470, HB 1473, HB 1478, HB 1484, HB 1486, HB 1496, HB 1497, HB 1505.

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.

CONSIDERATION OF AMENDMENTS

HB 1526, as engrossed: SEN. ESPEGARD (Industry, Business and Labor Committee)
MOVED that the amendments on SJ pages 1358-1359 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

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, 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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1526, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. FISCHER (Appropriations Committee) MOVED that the amendments on SJ pages 1294-1296 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide a line of credit and an appropriation for repayment; to amend and reenact section 61-02-23.3 of the North Dakota Century Code, relating to the operation of the Devils Lake outlet; to provide legislative intent; to provide water commission authority to issue bonds; and to transfer funds from the water development trust fund to the general fund.

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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1021, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1203, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1523: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to creation of a legislative council workers' compensation review committee; and to provide an expiration date.

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 24 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Brown; Christmann; Cook; Dever; Espegard; Fischer; Freborg; Grindberg; Hacker; Holmberg; Klein; Krebsbach; Kringstad; Lee, G.; Mutch; Nething; Stenehjem; Syverson; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Andrist; Bercier; Erbele; Every; Fairfield; Flakoll; Heitkamp; Kilzer; Krauter; Lee, J.; Lindaas; Lyson; Mathern; O'Connell; Robinson; Schobinger; Seymour; Tallackson; Taylor; Thane; Triplett; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1523 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on SB 2256 as printed on SJ page 1164 be adopted, which motion prevailed on a voice vote.

SB 2256, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2256: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident waterfowl hunting license fees; and to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting licenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Erbele; Espesgaard; Every; Flakoll; Freborg; Hacker; Heitkamp; Klein; Krauter; Krebsbach; Kringstad; Lee, J.; Lindaas; Lyson; Mutch; O'Connell; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Cook; Dever; Fairfield; Fischer; Grindberg; Holmberg; Kilzer; Lee, G.; Mathern; Nething; Robinson

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2256 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HEITKAMP MOVED that the conference committee report on Engrossed SB 2294 as printed on SJ page 1127 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2294, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to license fees for nonresident wholesale bait vendor licenses; to amend and reenact subsections 25 and 45 of section 20.1-03-12 and section 20.1-06-14 of the North Dakota Century Code, relating to the regulation and licensing of wholesale bait vendors; to provide for transition; 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; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2294 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARNER MOVED that the conference committee report on SB 2297 as printed on SJ page 1198 be adopted, which motion prevailed on a voice vote.

SB 2297, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to amend and reenact sections 54-56-03, 54-56-04, and 54-56-06 of the North Dakota Century Code, relating to the functions and duties of the children's services coordinating committee; to repeal section 54-56-07 of the North Dakota Century Code, relating to the operating fund balance of the children's services coordinating committee; to provide a continuing 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; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2297 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2298 as printed on SJ page 1198 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 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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2298 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed SB 2324 as printed on SJ page 1268 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2324, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to amend and reenact subsection 3 of section 40-49.1-03 of the North Dakota Century Code, relating to combination of boards of park commissioners; and to provide an effective 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; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch;

Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2324 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. MUTCH MOVED that the conference committee report on SB 2096 as printed on SJ page 1357 be adopted, which motion prevailed on a voice vote.

SB 2096, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to amend and reenact section 26.1-40-18 of the North Dakota Century Code, relating to automobile warranty contracts and requirements relating to contractual liability insurance for warranty providers.

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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2096 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ESPEGARD MOVED that the conference committee report on Engrossed SB 2179 as printed on SJ pages 1357-1358 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2179, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to amend and reenact section 5-01-17 of the North Dakota Century Code, relating to domestic winery wine sales and special events; 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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Reengrossed SB 2179 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARNER MOVED that the conference committee report on SB 2205 as printed on SJ page 1358 be adopted, which motion prevailed on a voice vote.

SB 2205, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact subsection 2 of section 39-24-03, subsection 6 of section 39-24-09, and section 39-24-09.1 of the North Dakota Century Code, relating to snowmobile registration and snowmobile operation by an individual who is at least twelve years of age.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Cook; Erbele; Espesgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nething; Robinson; Schobinger; Seymour; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Christmann; Dever; Fairfield; Heitkamp; Krauter; Mutch; O'Connell; Stenehjem

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2205 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on SB 2384 as printed on SJ page 1358 be adopted, which motion prevailed on a voice vote.

SB 2384, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-06 and section 53-06.1-10.1 of the North Dakota Century Code, relating to raffles and games of chance accounting records.

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; Espesgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed SB 2384 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FLAKOLL MOVED that the conference committee report on SCR 4021 as printed on SJ page 1358 be adopted, which motion prevailed on a voice vote.

SCR 4021, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution urging Congress to allow for the travel of United States citizens to and from Cuba and to allow direct banking transfers between the United States and Cuba for the purchase of American-made products by Cuba.

The question being on the final passage of the amended bill, which has been read.

Engrossed SCR 4021 was declared adopted, and the title was agreed to on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HACKER MOVED that the conference committee report on Engrossed HB 1092 as printed on SJ page 1356 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1092 was placed on the Fourteenth order.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1092, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KLEIN MOVED that the conference committee report on HB 1188 as printed on SJ page 1356 be adopted, which motion prevailed on a voice vote.

HB 1188, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to a three-year statute of limitations for an action resulting from a breach of duty with respect to a real estate transaction.

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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

HB 1188, as amended, passed and the title was agreed to

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on HB 1190 as printed on SJ page 1356 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1190, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1190: A BILL for an Act to amend and reenact section 23-09.3-01.1 of the North Dakota Century Code, relating to a moratorium on the expansion of basic care bed capacity.

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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1190, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1191 as printed on SJ page 1357 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1191, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1191: A BILL for an Act to amend and reenact section 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on long-term care bed capacity.

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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1191, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. DEVER MOVED that the conference committee report on Engrossed HB 1200 as printed on SJ page 1357 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1200, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to amend and reenact section 43-28-25 of the North Dakota Century Code, relating to dental services offered through a nonprofit organization; 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 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; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1200, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on Engrossed HB 1205 as printed on SJ page 1357 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1205, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to amend and reenact section 62.1-04-03 of the North Dakota Century Code, relating to concealed weapon permit testing.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Grindberg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lindaas; Lyson; Mutch; Nething; Robinson; Schobinger; Seymour; Stenehjerm; Tallackson; Taylor; Trenbeath; Triplett; Urlacher

NAYS: Bercier; Brown; Every; Fairfield; Freborg; Heitkamp; Krauter; Lee, G.; Lee, J.; Mathern; O'Connell; Syverson; Thane; Tollefson; Traynor; Wardner; Warner

ABSENT AND NOT VOTING: Nelson

Engrossed HB 1205, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. NOTHING MOVED that the conference committee report on Engrossed HB 1028 as printed on SJ page 1356 be adopted, which motion prevailed on a voice vote.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1523.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1021, HB 1526.

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 2096, SB 2256, SB 2297, SB 2298, SB 2324, SB 2384, SCR 4021.

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: SB 2179, SB 2294.

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 1188, HB 1190, HB 1191, HB 1200, HB 1205.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1028.

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 1507.

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 1010 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1010: Reps. Timm; Carlisle; Williams

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

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

SB 2001: Reps. Monson; Carlson; Glassheim

SB 2003: Reps. Martinson; Wald; Aarsvold

SB 2018: Reps. Carlson; Skarphol; Glassheim

SB 2032: Reps. Carlson; Skarphol; Glassheim

SB 2217: Reps. Belter; Brandenburg; S. Kelsh

SB 2228: Reps. Monson; Skarphol; Glassheim

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 1258.

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

MR. PRESIDENT: The House has adopted the conference committee report on: HB 1465.

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 2297, SB 2324.

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

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1148.

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

MR. PRESIDENT: The House has adopted the conference committee reports: SB 2096, SB 2179, and SB 2384.

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

MR. PRESIDENT: The House has not adopted the conference committee report on: SB 2298.

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

MR. SPEAKER: The President has signed: SB 2005, SB 2027, SB 2028, SB 2044, SB 2101, SB 2117, SB 2120, SB 2208, SB 2227, SB 2269, SB 2272, SB 2281, SB 2343, SB 2344, SCR 4030.

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

MR. SPEAKER: The President has signed: SB 2017, SB 2022, SB 2067, SB 2186, SB 2280, SB 2301, SB 2336, SB 2368, SB 2371, SB 2411, SB 2412.

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

MR. SPEAKER: The President has signed: HB 1121, HB 1153, HB 1321, HB 1325, HB 1326, HB 1333, HB 1337, HB 1344, HB 1518, HB 1527, HCR 3002.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 6, 2005: SCR 4030.

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, April 7, 2005, which motion prevailed.

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.

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.

REPORT OF CONFERENCE COMMITTEE

HB 1148, as engrossed: Your conference committee (Sens. Lyson, Brown, Warner and Reps. Porter, Price, Potter) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1234 and place HB 1148 on the Seventh order.

Engrossed HB 1148 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1248, as engrossed: Your conference committee (Sens. Brown, Dever, Warner and Reps. Weisz, Nelson, Sandvig) recommends that the **SENATE RECEDE** from the

Senate amendments on HJ page 1215, adopt amendments as follows, and place HB 1248 on the Seventh order:

That the Senate recede from its amendments as printed on page 1215 of the House Journal and pages 877 and 878 of the Senate Journal and that Engrossed House Bill No. 1248 be amended as follows:

Page 1, line 2, after "annuities" insert "; and to provide for application"

Page 3, line 8, remove "and interest"

Page 3, line 9, after "to" insert "at least eighty-five percent of"

Page 3, line 23, after "child" insert "who resided and was supported financially by the deceased" and after "or" insert "by a"

Page 3, line 26, after "children" insert "who resided and were supported financially by the deceased" and after the second "or" insert "the"

Page 3, after line 30, insert:

"SECTION 2. APPLICATION. If any provision of this Act is determined by the federal government to be in conflict with existing or future federal requirements with respect to federal participation in medical assistance, the federal requirements prevail."

Renumber accordingly

Engrossed HB 1248 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1258, as engrossed: Your conference committee (Sens. Krebsbach, Klein, Fairfield and Reps. Dietrich, Keiser, Boe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1345 and place HB 1258 on the Seventh order.

Engrossed HB 1258 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1284, as engrossed: Your conference committee (Sens. Syverson, Traynor, Nelson and Reps. Klemin, Koppelman, Zaiser) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1321, adopt amendments as follows, and place HB 1284 on the Seventh order:

That the Senate recede from its amendments as printed on page 1321 of the House Journal and page 1018 of the Senate Journal and that Engrossed House Bill No. 1284 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 51-12-01 of the North Dakota Century Code, relating to false and misleading advertising; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 51-12-01 of the North Dakota Century Code is amended and reenacted as follows:

51-12-01. False and misleading advertising prohibited.

1. No person, ~~firm, corporation, limited liability company, or association~~ with intent to sell, dispose of, increase the consumption of, or induce the public to enter ~~into~~ an obligation relative to, or to acquire title or interest in any food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public, may make, publish, disseminate, circulate, or place before the public, or directly or indirectly shall cause to be made, published, disseminated, circulated, or placed before the public in a newspaper, or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet, tab, label, letter, or in any other way, an advertisement ~~which~~ that contains any assertion,

representation, or statement of fact, including the price thereof, which is untrue, deceptive, or misleading regarding such food, drug, medicine, patent and proprietary product, merchandise, security, service, performance, medical treatment, paint, varnish, oil, clothing, wearing apparel, machinery, or anything offered to the public.

2. It is not a violation of this section to advertise a performance by a performing group if at least one member of the performing group was a member of the recording group, the performance is identified as a "salute" or "tribute" to the recording group, the performance is expressly authorized in the advertising by the recording group, the advertising does not relate to a live music performance taking place in this state, or the advertising contains a disclaimer that the performing group is not the recording group or is not affiliated with the recording group."

Renumber accordingly

Engrossed HB 1284 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1286: Your conference committee (Sens. Trenbeath, Syverson, Nelson and Reps. Boehning, Charging, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 940-941, adopt amendments as follows, and place HB 1286 on the Seventh order:

That the Senate recede from its amendments as printed on pages 940 and 941 of the House Journal and page 702 of the Senate Journal and that House Bill No. 1286 be amended as follows:

Page 3, line 9, replace "fifteen" with "twenty-five"

Renumber accordingly

HB 1286 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1314, as engrossed: Your conference committee (Sens. Krebsbach, Mutch, Heitkamp and Reps. Ruby, Vigesaa, Ekstrom) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1189-1190 and place HB 1314 on the Seventh order.

Engrossed HB 1314 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1347, as engrossed: Your conference committee (Sens. Espegard, Klein, Heitkamp and Reps. Froseth, Dosch, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1190 and place HB 1347 on the Seventh order.

Engrossed HB 1347 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1402, as engrossed: Your conference committee (Sens. Lyson, Traynor, Heitkamp and Reps. Drovdal, Norland, Solberg) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 955 and place HB 1402 on the Seventh order.

Engrossed HB 1402 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1421, as engrossed: Your conference committee (Sens. Cook, G. Lee, Fairfield and Reps. Devlin, Koppelman, Ekstrom) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1392-1396 and place HB 1421 on the Seventh order.

Engrossed HB 1421 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1438, as engrossed: Your conference committee (Sens. Cook, Dever, Triplett and Reps. Herbel, N. Johnson, Kaldor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1265 and place HB 1438 on the Seventh order.

Engrossed HB 1438 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1465, as reengrossed: Your conference committee (Sens. Brown, J. Lee, Warner and Reps. Delzer, Price, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1343 and place HB 1465 on the Seventh order.

Reengrossed HB 1465 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

