

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

Bismarck, April 7, 2005

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

The prayer was offered by Reverend Larry Giese, First Lutheran Church, Mandan.

The roll was called and all members were present except Senator O'Connell.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 6, 2005, I have signed the following: SB 2041, SB 2087, SB 2102, SB 2118, SB 2125, SB 2141, SB 2181, SB 2215, SB 2216, SB 2246, SB 2265, SB 2282, SB 2335, SB 2340, SB 2348, SB 2356, SB 2362, SB 2375, SB 2378, and SB 2393.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 7, 2005: SB 2017, SB 2022, SB 2067, SB 2186, SB 2280, SB 2301, SB 2336, SB 2368, SB 2371, SB 2411, SB 2412.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 7, 2005: 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.

REQUEST

SEN. EVERY REQUESTED that the remarks of Sen. Warner be printed in the Journal, which request was granted.

REMARKS OF SENATOR WARNER

Today, April 7th, marks the 200th anniversary of the first letter to be posted from North Dakota. On that day, as today, the weather was warming, the ice on the Missouri was breaking up and the keelboat was preparing to return to St. Louis. Meriwether Lewis wrote one last letter to his mother from a site a few miles north of here.

He wrote: "I must request of you before I conclude this letter, to send my brother John Markes to the college at Williamsburg as soon as it shall be thought that his education has been sufficiently advanced to fit him for that school for you may rest assured that as you regard his future prosperity you had better make any sacrifice of his property than suffer his education to be neglected or remain incomplete."

We, here in this place as Lewis in his, have education on our minds. In the coming days we will make fundamental decisions that will determine if a new generation of our brightest and best will become teachers or leave for greener fields. We will decide if our colleges and universities educate well-rounded individuals capable of advancing the human condition in a liberal democracy or become trade schools for white collar workers.

We, here in our time as Lewis in his, face and uncertain future. The boat that would take us back to where we were has left and we have no choice but to go forward into an unknowable future, armed with courage, curiosity and intelligence. We, like Lewis, will carry with us the best scientific knowledge and instruments of our day. We will see wonders we could not have imagined and face dangers that could destroy us. Along the way, we will learn to rely on people who are strange to us, with a different color skin, different customs and cultures. From each other we will learn not merely to survive but to grow and prosper.

Mr. President, Members of the Senate: The weather is warming, the ice is breaking up and we are restless to be on our way. But before we go, let us here, in our time, remember the importance of education. Let us here, in our time, embark on our own Voyage of Discovery.

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 1189, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1189: Sens. Traynor, Freborg, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2012 as printed on SJ pages 1118-1125 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 2012: Sens. Trenbeath, Stenehjem, Tallackson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2270 as printed on SJ pages 1285-1286 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 2270: Sens. Klein, Mutch, Heitkamp.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2383 as printed on SJ page 1141, which motion prevailed on a voice vote.

Engrossed SB 2383, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to create and enact a new subsection to section 50-25.1-02 of the North Dakota Century Code, relating to the definition of children's advocacy center; to amend and reenact section 50-25.1-05 and subsection 3 of section 50-25.1-11 of the North Dakota Century Code, relating to the role of children's advocacy centers in the investigation of child abuse and neglect; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell

Reengrossed SB 2383 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to SB 2146 as printed on SJ pages 974-975, which motion prevailed on a voice vote.

SB 2146, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to provide adjusted compensation for eligible resident veterans and for the filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to create and enact a new subdivision to subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax deductions; to provide a penalty; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: O'Connell

Engrossed SB 2146 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to amend and reenact section 54-44.4-08 of the North Dakota Century Code, relating to the purchase of recycled paper products by state agencies and institutions.

ROLL CALL

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

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

NAYS: Mathern

ABSENT AND NOT VOTING: O'Connell

Engrossed HB 1092 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 338 be further amended to read "sixty-fifth" in place of "sixty-third", thereby extending the deadline for reporting bills out of committee, which motion prevailed.

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 1189: Sens. Traynor; Freborg; Every

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 2146 and SB 2383.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2012 and SB 2270 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2012: Sens. Trenbeath; Stenehjem; Tallackson

SB 2270: Sens. Klein; Mutch; Heitkamp

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 1092.

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 2205.

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 1001.

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

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

SB 2004: Reps. Bellew; Delzer; Kerzman

SB 2007: Reps. Wieland; Bellew; Metcalf

SB 2267: Reps. Delzer; Pollert; Metcalf

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 1012 and HB 1021 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1012: Reps. Delzer; Pollert; Kerzman

HB 1021: Reps. Carlson; Skarphol; Glassheim

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

MR. PRESIDENT: The Speaker has signed: SCR 4039.

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

MR. PRESIDENT: The Speaker has signed: HB 1120, HB 1151, HB 1168, HB 1174, HB 1177, HB 1274, HB 1305, HB 1409, HB 1418, HB 1475, HB 1525, HB 1528.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1408, HB 1507.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1028, HB 1188, HB 1190, HB 1191, HB 1200, HB 1205, HB 1464, HB 1523.

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

MR. SPEAKER: The President has signed: SB 2395, SCR 4012.

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

MR. SPEAKER: The President has signed: 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, HCR 3005, HCR 3017, HCR 3031, HCR 3055.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 7, 2005: SCR 4012.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 7, 2005: SB 2395.

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.

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 1010, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1010: Sens. Grindberg, Kringstad, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. J. LEE MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2298, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed SB 2298: Sens. Brown, Lyson, Warner.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Cook, Chairman)** has cast a vote of 3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING in favor of rejecting the introduction of a concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to increases in compensation for members of the legislative assembly.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BROWN MOVED that the conference committee report on Engrossed HB 1248 as printed on SJ pages 1378-1379 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1248, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact section 50-24.1-02.8 of the North Dakota Century Code, relating to transfers involving annuities; and to provide for application.

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, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Espegard

Engrossed HB 1248, 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 1284 as printed on SJ pages 1379-1380 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1284, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1284: A BILL 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nothing; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

Engrossed HB 1284, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TRENBEATH MOVED that the conference committee report on HB 1286 as printed on SJ page 1380 be adopted, which motion prevailed on a voice vote.

HB 1286, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1286: A BILL for an Act to create and enact a new subsection to section 44-04-18.10 and a new subsection to section 44-04-19.2 of the North Dakota Century Code, relating to the release of confidential records disclosed to another entity and the sequestering of competitors in a competitive selection or hiring process; and to amend and reenact subsection 2 of section 28-32-33, subsection 6 of section 39-08-13, subsection 8 of section 44-04-17.1, section 44-04-18, subsection 2 of section 44-04-18.1, sections 44-04-18.4, 44-04-18.12, and 44-04-19.1, subsections 5 and 6 of section 44-04-20, and section 44-04-21.1 of the North Dakota Century Code, relating to discovery in adjudicative proceedings, providing copies of records, fees for copies, release of bidding records, litigation and investigatory records, meeting notices, and violations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1286, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TRIPLETT MOVED that the conference committee report on Engrossed HB 1438 as printed on SJ page 1380 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1438 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to amend and reenact sections 11-10.2-03 and 40-01.1-02 of the North Dakota Century Code, relating to local governance option advisory studies.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Every; Fairfield; Fischer; Grindberg; Heitkamp; Krauter; Lee, J.; Lindaas; Mathern; Nelson; O'Connell; Robinson; Tallackson; Taylor; Triplett; Urlacher; Warner

NAYS: Andrist; Brown; Christmann; Cook; Dever; Erbele; Espegard; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee, G.; Lyson; Mutch; Nething; Schobinger; Seymour; Stenehjem; Syverson; Thane; Tollefson; Traynor; Trenbeath; Wardner

Engrossed HB 1438 lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BROWN MOVED that the conference committee report on Reengrossed HB 1465 as printed on SJ page 1381 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1465 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1465: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to the management of the state medical assistance program; to provide for a report; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed HB 1465 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on Engrossed HB 1258 as printed on SJ page 1379 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ESPEGARD MOVED that the conference committee report on Engrossed HB 1347 as printed on SJ page 1380 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KREBSBACH MOVED that the conference committee report on Engrossed HB 1314 as printed on SJ page 1380 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1402 as printed on SJ page 1380 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FAIRFIELD MOVED that the conference committee report on Engrossed HB 1421 as printed on SJ page 1380 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1148 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1001, as engrossed: Your conference committee (Sens. Fischer, Kringstad, Tallackson and Reps. Thoreson, Kempenich, Williams) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1386 and place HB 1001 on the Seventh order.

Engrossed HB 1001 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FISCHER MOVED that the conference committee report on Engrossed HB 1001 be adopted, which motion prevailed on a voice vote.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. J. LEE MOVED that the conference committee report on Engrossed SB 2303 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2303, as amended, was placed on the Eleventh 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, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lyson; Mutch; Nething; O'Connell; Schobinger; Stenehjerm; Syverson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Bercier; Every; Fairfield; Lindaas; Mathern; Nelson; Robinson; Seymour; Tallackson; Taylor; Triplett; Warner

Reengrossed SB 2303 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LYSON MOVED that the conference committee report on Engrossed SB 2341 as printed on SJ page 1378 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to drug abuse treatment for first-time felons; to amend and reenact subsections 7 and 8 of section 19-03.1-23 and section 62.1-02-01 of the North Dakota Century Code, relating to drug abuse treatment for first-time felons; to repeal section 19-03.1-30 of the North Dakota Century Code, relating to conditional discharge for possession as first offense; 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 46 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Warner

Reengrossed SB 2341 passed and the title was agreed to.

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

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

Engrossed SB 2026, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to amend and reenact sections 43-07-02, 43-07-04, 43-07-10, 43-07-14, and 43-07-18 of the North Dakota Century Code, relating to licensure and regulation of contractors; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2026 passed, the title was agreed to, and the emergency clause was declared carried.

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

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

Engrossed SB 2133, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to amend and reenact section 49-22-22 of the North Dakota Century Code, relating to energy conversion and transmission facility siting process expense recovery and to creation of a special fund; to provide an appropriation; to provide a continuing appropriation; to provide for retroactive application; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2133 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Kilzer, Schobinger, Tallackson and Reps. Carlisle, Thoreson, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1091-1094 and place SB 2002 on the Seventh order.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KILZER MOVED that the conference committee report on Engrossed SB 2002 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2002, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges; to provide an exemption to section 54-44.1-11 relating to unexpended appropriations; 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; Espgaard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Trenbeath

Reengrossed SB 2002 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2019, as engrossed: Your conference committee (Sens. Thane, Grindberg, Mathern and Reps. Wald, Rennerfeldt, Gulleeson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1143-1144 and place SB 2019 on the Seventh order.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. THANE MOVED that the conference committee report on Engrossed SB 2019 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2019, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for career and technical education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2019 passed and the title was agreed to.

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

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

Engrossed SB 2008, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions; and to provide a contingent 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 47 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Reengrossed SB 2008 passed and the title was agreed to.

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

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

Engrossed SB 2009, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to amend and reenact section 4-02.1-09 of the North Dakota Century Code, relating to compensation of state fair board members.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Brown; Christmann; Cook; Dever; Erbele; Espegard; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Mutch; Nelson; Nething; O'Connell; Robinson; Schobinger; Seymour; Stenehjem; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wardner

NAYS: Syverson; Triplett; Warner

Reengrossed SB 2009 passed and the title was agreed to.

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

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

SB 2298: Sens. Brown; Lyson; 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 1010: Sens. Grindberg; Kringstad; Tallackson

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 2008, SB 2009, SB 2019, SB 2303, SB 2341.

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 2002, SB 2026, SB 2133.

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 1248, HB 1284, HB 1286.

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 1465.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1001, HB 1148, HB 1258, HB 1314, HB 1347, HB 1402, HB 1421.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: HB 1438.

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 2409: Reps. Price; Delzer; Sandvig

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 1011, HB 1290.

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 1017.

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 2256.

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

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2205, SB 2294.

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., Friday, April 8, 2005, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2111: Your conference committee (Sens. Espegard, Nething, Heitkamp and Reps. Dosch, Nottestad, Amerman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 928 and place SB 2111 on the Seventh order.

SB 2111 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2200, as engrossed: Your conference committee (Sens. Trenbeath, Hacker, Nelson and Reps. R. Kelsch, Owens, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 973-974, adopt amendments as follows, and place SB 2200 on the Seventh order:

That the House recede from its amendments as printed on pages 973 and 974 of the Senate Journal and pages 1220 and 1221 of the House Journal and that Engrossed Senate Bill No. 2200 be amended as follows:

Page 1, line 2, remove "to provide a penalty;"

Page 1, line 7, remove "- **Penalty**"

Page 1, line 9, replace "a systems data module" with "an event data recorder"

Page 1, line 10, replace "that fact" with "by model year 2007 the presence, capacity, and capabilities of the event data recorder"

Page 1, line 13, replace "systems data module" with "an event data recorder" and replace "device" with "feature"

Page 1, line 14, after "vehicle" insert "and does any of the following" and replace the period with ":

- a. Records the speed of the vehicle and the direction the motor vehicle is traveling.
- b. Records vehicle location data.
- c. Records steering performance.

- d. Records brake performance, including whether brakes were applied before an accident.
- e. Records the driver's safety belt status.
- f. Has the ability to transmit information concerning an accident in which the vehicle has been involved to a central communications system when an accident occurs."

Page 1, line 15, replace "a recording device" with "an event data recorder"

Page 1, line 16, remove "registered" and after "vehicle" insert "at the time the data is recorded, or through consent by the owner's agent or legal representative"

Page 1, line 22, after "number" insert ", with the last four digits deleted,"

Page 2, after line 8, insert:

- "c. By stipulation of the parties to the proceeding or by order of the court.
- 3. "Owner" means a person having all the incidents of ownership, including the legal title of a vehicle regardless of whether the person lends, rents, or creates a security interest in the vehicle; a person entitled to the possession of a vehicle as the purchaser under a security agreement; or the person entitled to possession of the vehicle as lessee pursuant to a written lease agreement, if the agreement at inception is for a period in excess of three months.
- 4. A person, including a service or data processor operating on behalf of the person, authorized to download or otherwise retrieve data from an event data recorder pursuant to subdivision a of subsection 2 may not release that data except for the purposes of motor vehicle safety and medical communities to advance motor vehicle safety, security, or traffic management; or to a data processor solely for the purposes permitted by this subsection and only if the identity of the owner or driver of the vehicle is not disclosed."

Page 2, line 9, replace "3." with "5."

Page 2, line 10, replace "the listing of where the motor vehicle travels" with "vehicle location data"

Page 2, line 13, after "the" insert "terms and conditions of the" and remove "agreement"

Page 2, replace lines 16 and 17 with:

- "6. An insurer may not require as a condition of insurability consent of the owner for access to data that may be stored within an event data recorder and may not use data retrieved with the owners consent before or after an accident for the purpose of rate assessment."

Renumber accordingly

Engrossed SB 2200 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1011, as engrossed: Your conference committee (Sens. Bowman, Schobinger, Lindaas and Reps. Kempenich, Thoreson, Kroeber) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1389 and place HB 1011 on the Seventh order.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1017, as engrossed: Your conference committee (Sens. Thane, Andrist, Lindaas and Reps. Rennerfeldt, Brusegaard, Aarsvold) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1382-1384, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1382-1384 of the House Journal and pages 1042 and 1043 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 3, after "appropriations" insert "; and to declare an emergency"

Page 2, line 1, replace "177,549" with "174,055"

Page 2, line 5, replace "(36,637)" with "(36,762)"

Page 2, line 7, replace "833,502" with "827,137"

Page 2, line 8, replace "9,616,967" with "9,610,477"

Page 2, line 9, replace "15,799" with "15,425"

Page 2, line 10, replace "17,864,054" with "17,847,206"

Page 2, line 11, replace "10,625,002" with "10,612,621"

Page 2, line 12, replace "7,239,052" with "7,234,585"

Page 2, line 18, replace "3,746,065" with "3,742,571"

Page 2, line 22, replace "156,383" with "156,258"

Page 2, line 24, replace "7,151,866" with "7,145,501"

Page 2, line 25, replace "24,987,952" with "24,981,462"

Page 2, line 26, replace "290,945" with "290,571"

Page 2, line 27, replace "47,753,753" with "47,736,905"

Page 2, line 28, replace "31,343,718" with "31,331,337"

Page 2, line 29, replace "16,410,035" with "16,405,568"

Page 3, after line 17, insert:

"SECTION 7. APPROPRIATION. There is appropriated from special funds derived from federal funds the sum of \$4,000,000, or so much of the sum as may be necessary, to the adjutant general's office for the purpose of completing construction projects at federally supported facilities and roads, for the period beginning with the effective date of this Act and ending June 30, 2005.

SECTION 8. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1017 - Adjutant General - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$3,757,644	\$3,746,065	(\$3,494)	\$3,742,571	\$3,742,571	
Operating expenses	3,213,528	3,213,528		3,213,528	3,213,528	
Capital assets	870,000	870,000		870,000	870,000	
Grants	5,329,514	5,329,514		5,329,514	5,329,514	
Civil Air Patrol	156,714	156,383	(125)	156,258	156,258	
Tuition and enlistment compensation	2,007,500	2,007,500		2,007,500	2,007,500	
Air Guard contract	7,174,492	7,151,866	(6,365)	7,145,501	7,145,501	
Army Guard contract	25,008,357	24,987,952	(6,490)	24,981,462	24,981,462	
Veterans' Cemetery	<u>292,003</u>	<u>290,945</u>	<u>(374)</u>	<u>290,571</u>	<u>290,571</u>	
Total all funds	\$47,809,752	\$47,753,753	(\$16,848)	\$47,736,905	\$47,736,905	\$0
Less estimated income	<u>31,384,915</u>	<u>31,343,718</u>	<u>(12,381)</u>	<u>31,331,337</u>	<u>31,331,337</u>	

General fund	\$16,424,837	\$16,410,035	(\$4,467)	\$16,405,568	\$16,405,568	\$0
FTE	139.00	139.00	0.00	139.00	139.00	0.00

Dept. 540 - Adjutant General - Detail of Conference Committee Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$3,494)	(\$3,494)
Operating expenses		
Capital assets		
Grants		
Civil Air Patrol	(125)	(125)
Tuition and enlistment compensation		
Air Guard contract	(6,365)	(6,365)
Army Guard contract	(6,490)	(6,490)
Veterans' Cemetery	(374)	(374)
Total all funds	(\$16,848)	(\$16,848)
Less estimated income	(12,381)	(12,381)
General fund	(\$4,467)	(\$4,467)
FTE	0.00	0.00

¹ This amendment reduces funding for state employee health insurance premiums from \$559.15 to \$553.95 per month.

This amendment also:

- Provides that any unspent general fund appropriation relating to the \$5 million appropriated for the payment of adjusted compensation to veterans be transferred to the Veterans' Cemetery trust fund during the 2007-09 biennium, as provided by the House. The Senate provided that any unspent general fund appropriation relating to the adjusted compensation be retained by the Adjutant General for continuing bonus needs.
- Adds a section appropriating \$4 million of federal funds to the Adjutant General for the remainder of the 2003-05 biennium for completing construction projects at federally supported facilities and roads. The Senate added a section appropriating \$3 million of federal funds to the Adjutant General for the remainder of the 2003-05 biennium.

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1290: Your conference committee (Sens. Syverson, Trenbeath, Nelson and Reps. Bernstein, Maragos, Onstad) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1216, adopt amendments as follows, and place HB 1290 on the Seventh order:

That the Senate recede from its amendments as printed on page 1216 of the House Journal and pages 878 and 879 of the Senate Journal and that House Bill No. 1290 be amended as follows:

Page 1, line 7, replace "a person" with "an individual"

Page 1, line 9, replace "person" with "individual" and remove ", at the individual's own cost,"

Page 1, line 12, after the period insert "The court shall provide notice to the selected provider of the required examination or testing. The provider shall notify the court if the individual fails to appear for the examination or testing. The testing must be at the individual's own cost. Submission of an individual to a medical examination or other reasonable random testing as a condition for release is not required if the court makes a specific finding on the record that:

1. The individual has not been arrested for a felony offense relating to the use, possession, manufacture, or delivery of methamphetamine;
2. The individual will appear as required by the court and will comply with all conditions of release without submission to an examination or testing; and

3. Not imposing examination or testing as a condition of release will pose no danger to the individual or to the community."

Renumber accordingly

HB 1290 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