

## JOURNAL OF THE SENATE

## Sixtieth Legislative Assembly

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Bismarck, March 15, 2007

The Senate convened at 12:30 p.m., with President Pro Tem J. Lee presiding.

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

The roll was called and all members were present except Senators Grindberg, Taylor, and Urlacher.

A quorum was declared by the President Pro Tem.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1233, which is on the Sixth order, be laid over one legislative day, and Engrossed HB 1229, as amended, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that Engrossed HB 1049, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1049 was rereferred.

## CONSIDERATION OF AMENDMENTS

**HB 1051, as reengrossed: SEN. COOK (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 833-836 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## REQUEST

**SEN. ERBELE REQUESTED** that his remarks be printed in the Journal, which request was granted.

## REMARKS OF SENATOR ERBELE

Madam President and fellow Senators: In recent days we have praised the efforts of several state champion athletic teams. Generally, we do this immediately after the championship event. However, I am almost a month behind in presenting to you for our congratulations a truly remarkable championship team. In fact, we have several teams to honor today. I delayed this announcement until today so that members of those teams could be with us in the chamber balcony.

The junior and senior classes from Napoleon High School are visiting the Capitol today, and among their members are the 2006 Napoleon Imperial 9-Man Football Champions, the 2007 Class B Wrestling Dual Champions, the Class B Wrestling Individual Champions, and the State Parliamentary Procedure Team. These teams are not only from District 28, the district I represent, but also from Logan County, my home county.

State champion wrestling squads are nothing new for the Imperials and Coach Barry McCleary. In fact, this most recent 2007 championship makes it six state championships in a row. Six consecutive dual titles, now that is something that has never been done before by any class B school. What makes it even more unique is that in this age of sport team consolidations, the Napoleon Imperial wrestlers are still a stand-alone team with about 75 students in the high school.

The Imperials posted an impressive 219 points for the first place victory. From 160 pounds to 215 pounds, the Imperials swept the board, bringing home a record six individual state titles to match their sixth consecutive sweep of the tournament. The individual state title winners are:

At 160 pounds, Jordan Dewald with 180 career wins and a Class B Mr. Wrestler candidate, he picked up his third straight state championship.

Shannon Fettig finished the season with a 41-0 record as he picked up his second state championship.

Taylor Grunefelder picked up the state title at 189 pounds with a 42-1 season record.

Kriss McCleary, at 215 pounds, picked up his third straight title with a 42-1 season record.

Other state title winners were Kevin Bitz at 125 pounds and sophomore Evan Gross at 135 pounds.

Coach McCleary and his assistants, Norman Kleppe and Jeff Schneider, are to be commended for their dedication to the students of Napoleon. They have helped to build pride, strength, courage, and a sense of community and citizenship into their charges. They have created champions both on and off the mat.

Also, the community of Napoleon has another state championship to be proud of. These same players won the 9-man football championship last fall, finishing the season with a 12-0 record under the guidance of Dave Laber.

Finally, the school has excelled in academics as well. The Napoleon State Parliamentary Procedure Team, guided by Coach Brian Schneider, has won the state championship and finished fifth in the nation in Indianapolis, Indiana.

Congratulations to the wrestlers, football team, parliamentary procedure team, coaches, parents, and fans of these fine Napoleon Imperial teams. May you continue to be successful as you strive to do your best. Best wishes to you from the North Dakota Senate.

### SECOND READING OF HOUSE BILL

**HB 1136:** A BILL for an Act to create and enact a new subsection to section 23-07-17.1 of the North Dakota Century Code, relating to circumstances when children's immunization requirements may be waived; and to amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota Century Code, relating to children's required immunizations for attending school.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Krauter

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1136, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1432:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to health treatment management services for state employees and their families; and to provide a continuing appropriation.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1432, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1462:** A BILL for an Act to provide a sales and use tax exemption for materials used in the compression, processing, gathering, and refining of gas and materials used in the construction or expansion of a refinery; to create and enact section 17-01-01 of the North Dakota Century Code, relating to a comprehensive energy policy for the state and the 25x'25 initiative; to amend and reenact section 54-35-18 of the North Dakota Century Code, relating to the electric industry competition committee; to authorize the legislative council to make certain statutory revisions; to provide for a department of commerce study; and to provide for a report to the legislative council.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Stenehjem

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1462, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1479:** A BILL for an Act to provide for a legislative council study of agency exemptions from the Administrative Agencies Practice Act.

**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 37 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Anderson; Andrist; Bakke; Behm; Bowman; Christmann; Dever; Erbele; Fiebiger; Fischer; Flakoll; Freborg; Hacker; Heckaman; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nething; Oehlke; Olafson; Pomeroy; Potter; Robinson; Seymour; Stenehjem; Tallackson; Tollefson; Triplett; Wanzek; Wardner; Warner

**NAYS:** Cook; Heitkamp; Horne; Krauter; Mathern; Nelson; O'Connell

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1479 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1492:** A BILL for an Act to amend and reenact section 10-06.1-24 of the North Dakota Century Code, relating to a penalty for violation of the corporate farming provisions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Bowman; Christmann; Cook; Erbele; Fischer; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Lindaas; Marcellais; Mathern; Nething; O'Connell; Oehlke; Olafson; Robinson; Stenehjem; Tallackson; Tollefson; Wanzek; Wardner

**NAYS:** Anderson; Dever; Fiebiger; Flakoll; Horne; Lee, G.; Lee, J.; Lyson; Nelson; Pomeroy; Potter; Seymour; Triplett; Warner

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1492, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1501:** A BILL for an Act to create and enact a new subsection to section 28-32-50 and a new section to chapter 61-28 of the North Dakota Century Code, relating to appeals regarding permits for livestock feedlots and other permitted facilities.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Potter; Triplett

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1501, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1147:** A BILL for an Act to amend and reenact sections 47-16-06 and 47-16-15 of the North Dakota Century Code, relating to the notice of termination of residential leases.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1147, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1160:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 and a new subsection to section 57-40.5-03 of the North Dakota Century Code, relating to motor vehicle excise tax and aircraft excise tax exemptions for ambulances and air ambulances purchased by emergency medical services operations; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Hacker

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1160, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### **SECOND READING OF HOUSE BILL**

**HB 1169:** A BILL for an Act to amend and reenact section 15.1-02-01 of the North Dakota Century Code, relating to qualifications of the superintendent of public instruction.

### **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, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

HB 1169 passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1216:** A BILL for an Act to amend and reenact subsection 3 of section 12.1-20-01, section 12.1-20-03, subsection 1 of section 12.1-20-03.1, and sections 12.1-32-06.1 and 12.1-32-07.1 of the North Dakota Century Code, relating to sentencing and probation supervision of sexual offenders; and to provide a penalty.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bakke; Behm; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hacker; Heckaman; Heitkamp; Holmberg; Horne; Kilzer; Klein; Krauter; Krebsbach; Lee, G.; Lee, J.; Lindaas; Lyson; Marcellais; Nelson; Nething; O'Connell; Olafson; Robinson; Stenehjem; Tallackson; Tollefson; Wanzek; Wardner

**NAYS:** Anderson; Fiebiger; Mathern; Oehlke; Pomeroy; Potter; Seymour; Triplett; Warner

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

HB 1216, as amended, passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1241:** A BILL for an Act to create and enact section 10-19.1-00.1, a new section to chapter 10-19.1, a new subsection to section 10-19.1-48, sections 10-19.1-74.1 and 10-19.1-139.1, a new section to chapter 10-32, section 10-32-42.1, a new subsection to section 10-32-85, section 10-33-01.3, a new subsection to section 10-33-44, and sections 10-33-72.1, 10-34-02.1, 45-10.2-06.1, and 45-13-02.1 of the North Dakota Century Code, relating to business corporations, limited liability companies, nonprofit corporations, real estate investment trusts, limited partnerships, and partnerships; and to amend and reenact sections 10-19.1-01, 10-19.1-01.2, 10-19.1-10, 10-19.1-13, and 10-19.1-23, subsection 2 of section 10-19.1-39, section 10-19.1-41, subsection 3 of section 10-19.1-61, section 10-19.1-63, subsection 1 of section 10-19.1-65, subsection 6 of section 10-19.1-66, section 10-19.1-69, subsection 1 of section 10-19.1-75, subsection 1 of section 10-19.1-76.1, subsection 2 of section 10-19.1-84, section 10-19.1-87, subsection 1 of section 10-19.1-93, sections 10-19.1-96, 10-19.1-97, and 10-19.1-98, subsection 1 of section 10-19.1-99, section 10-19.1-100, subsection 1 of section 10-19.1-100.1, section 10-19.1-101, subsection 2 of section

10-19.1-102, sections 10-19.1-102.1, 10-19.1-103, and 10-19.1-104, subsection 2 of section 10-19.1-104.1, subsection 1 of section 10-19.1-110, sections 10-19.1-146, 10-19.1-147, 10-32-02, 10-32-07, 10-32-10, and 10-32-27, subsection 1 of section 10-32-37, section 10-32-43, subsection 1 of section 10-32-76, subsection 2 of section 10-32-94, section 10-32-100, subsection 1 of section 10-32-101, section 10-32-102, subsection 1 of section 10-32-103, sections 10-32-104 and 10-32-105, subsections 2 and 3 of section 10-32-106, sections 10-32-106.1 and 10-32-107, subsection 4 of section 10-32-108, sections 10-33-01, 10-33-06, 10-33-10, 10-33-34, and 10-33-73, subsection 40 of section 45-10.2-02, subsection 1 of section 45-10.2-27, section 45-10.2-81, subsection 26 of section 45-13-01, subsection 6 of section 45-13-05, subsection 24 of section 45-22-01, subsection 2 of section 45-22-22, and subsection 24 of section 45-23-01 of the North Dakota Century Code, relating to business corporations, limited liability companies, nonprofit corporations, limited partnerships, partnerships, limited liability partnerships, and limited liability limited partnerships.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1241, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1249:** A BILL for an Act to amend and reenact section 15-10-38 of the North Dakota Century Code, relating to loan forgiveness for teachers.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Hacker; Holmberg; Kilzer; Klein; Krebsbach; Lee, G.; Lee, J.; Lyson; Nething; Oehlke; Olafson; Stenehjem; Tollefson; Wanzek; Wardner

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

Engrossed HB 1249, as amended, lost.

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#### SECOND READING OF HOUSE BILL

**HB 1258:** A BILL for an Act to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Grindberg; Taylor; Urlacher

HB 1258, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### **SECOND READING OF HOUSE BILL**

**HB 1331:** A BILL for an Act to amend and reenact sections 61-16.1-51 and 61-21-43.1 of the North Dakota Century Code, relating to obstructions to drains.

### **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 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist; Grindberg; Taylor; Urlacher

Engrossed HB 1331 passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1317:** A BILL for an Act to create and enact a new chapter to title 49 of the North Dakota Century Code, relating to the decommissioning of commercial wind energy facilities; to amend and reenact the new section to chapter 57-06 of the North Dakota Century Code as created by section 2 of House Bill No. 1072, as approved by the sixtieth legislative assembly, relating to centrally assessed wind turbine electric generators; and to provide an effective date.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist; Grindberg; Taylor; Urlacher

Engrossed HB 1317, as amended, passed and the title was agreed to.

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### **SECOND READING OF HOUSE BILL**

**HB 1507:** A BILL for an Act to create and enact a new section to chapter 51-27 of the North Dakota Century Code, relating to computer and internet fraud; to amend and reenact section 51-27-01 of the North Dakota Century Code, relating to definitions; and to provide a penalty.

### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Andrist; Grindberg; Taylor; Urlacher

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

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3002:** A concurrent resolution directing the Legislative Council to study the judicial election and judicial selection process in North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3002 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3008:** A concurrent resolution directing the Legislative Council to study the issues of fairness, equity, and the best interests of children as they relate to issues of child custody and visitation.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3008 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3012:** A concurrent resolution directing the Legislative Council to study the determination of the cost of elementary and secondary education.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3012 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3013:** A concurrent resolution directing the Legislative Council to study statutes and institutional resources relating to the domestic violence protection order process, including criminal cases for alleged violation of protection orders.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3013 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3024:** A concurrent resolution in support of the efforts of the Congressional Delegation, the Governor's Task Force on Military in North Dakota, the Grand Forks Council on Military Relations, the Minot Task Force 21, and the Fargo-Moorhead (F-M) Air National Guard Support Group to maintain and enhance military force structure and missions in this state and support of state and local officials in their efforts to keep this state a first-class place for members of the armed forces to live and work.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed HCR 3024 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3026:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing legislation for the enforcement and assessment of civil penalties for violation of the one-call excavation notice system.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3026 was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3028:** A concurrent resolution urging Congress to recognize the multiple benefits of industrial hemp and to facilitate the growing of industrial hemp and the expansion of industries reliant on industrial hemp-based products.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3028, as amended, was declared adopted, and the title was agreed to on a voice vote.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3031:** A concurrent resolution urging Congress to reintroduce the Restitution for Victims of Crime Act to improve the collection of federal court-ordered restitution and other criminal debt and urging the United States Department of Justice to recover court-ordered restitution that is owed innocent victims.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3031 was declared adopted, and the title was agreed to on a voice vote.

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**MOTION**

**SEN. STENEHJEM MOVED** that the vote by which HB 1169 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

**MOTION**

**SEN. STENEHJEM MOVED** that the vote by which HB 1249 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1072, HB 1081, HB 1101, HB 1158, HB 1324, HB 1346, HB 1357, HB 1358, HB 1378, HB 1396.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1270, HB 1282, HB 1303, HB 1456.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1431, HB 1458, HB 1486.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed: HB 1371.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2285, SB 2312.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2300.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2036, SB 2053, SB 2096, SB 2128, SB 2247, SB 2251, SB 2277, SB 2329.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2036**

Page 2, line 28, replace "under which at least a majority of the employees" with an underscored period

Page 2, remove line 29

Page 3, remove lines 20 through 23

Page 3, line 24, replace "4." with "3."

Page 3, line 27, replace "5." with "4."

Page 4, line 1, replace "6." with "5."

Page 4, line 5, replace "7." with "6."

Page 4, line 17, replace "8." with "7."

Page 5, line 27, remove "audited and" and replace "an independent" with "a"

Page 8, replace lines 21 through 30 with:

"b. (1) A statement that provides that:

(a) The professional employer organization shall pay wages to any covered employee and shall withhold, collect, report, and remit payroll-related and unemployment taxes on wages paid to the covered employee by the professional employer organization;

(b) The client shall accurately report all wages of a covered employee to the professional employer organization; and

(c) The professional employer organization shall make payments for employee benefits for covered employees to the extent the professional employer organization has assumed responsibility in the professional employer agreement.

(2) As used in this subdivision, the term "wages" means all remuneration for services to the professional employer organization and the client, regardless of source, including a commission or bonus and the cash value of any remuneration in a medium other than cash. Any gratuity customarily received by an individual in the course of the individual's service from any source other than the client or the professional employer organization must be treated as wages received from the individual's coemployers."

Page 9, remove lines 1 and 2

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2053**

Page 2, after line 31, insert:

"6. A state agency receiving federal tax information under section 6103 of the Internal Revenue Code, as amended [26 U.S.C. 6103], in conjunction with the state auditor, may enter a contract with the vendor selected by the state auditor under subdivision c of subsection 1 to conduct a review and assessment of the state agency's computer systems and related security systems, including an assessment of system vulnerability, network penetration, potential security breach, and susceptibility to cyber attack or cyber fraud."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2096**

Page 1, line 11, after "lands" insert "as defined by section 61-33-01"

Page 1, line 18, remove the overstrike over "~~by a court~~"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2128

Page 2, line 27, after "any" insert "variety"

Page 2, line 28, after the first "the" insert "variety"

Page 5, line 28, replace "that" with "whether"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2247

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 60-02.1 and a new section to chapter 60-10 of the North Dakota Century Code, relating to licensure and bonding exemptions for roving grain buyers; and to provide an expiration date."

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1.** A new section to chapter 60-02.1 of the North Dakota Century Code is created and enacted as follows:

**Roving grain buyers - Exception - Applicability of provisions.**  
Notwithstanding any other law, this chapter does not apply to any person that purchases, solicits, or merchandises grain, which has been cleaned, processed, and made ready for consumption, from a public warehouseman licensed and bonded under chapter 60-02 or from a facility-based grain buyer licensed and bonded under this chapter. If the person engages in any activity other than those described in this section, the person is subject to the law governing those other activities.

**SECTION 2.** A new section to chapter 60-10 of the North Dakota Century Code is created and enacted as follows:

**Roving grain buyers - Exception - Applicability of provisions.**  
Notwithstanding any other law, this chapter does not apply to any person that purchases, solicits, or merchandises grain, which has been cleaned, processed, and made ready for consumption, from a public warehouseman licensed and bonded under chapter 60-02 or from a facility-based grain buyer licensed and bonded under chapter 60-02.1. If the person engages in any activity other than those described in this section, the person is subject to the law governing those other activities.

**SECTION 3. EXPIRATION DATE.** This Act is effective through July 31, 2009, and after that date is ineffective."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2251

Page 1, line 10, replace "two licenses" with "one license"

Page 1, line 18, replace "game and" with "national wild turkey federation superfund"

Page 1, line 19, remove "fish fund"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2277

Page 1, line 8, overstrike "before the"

Page 1, line 9, overstrike "officer proceeds to sell the" and remove "property"

Page 1, line 10, after "~~such~~" insert "the"

Page 1, line 11, overstrike the first comma, replace "a" with "the county's official", remove "of general circulation", and overstrike "in the county"

Page 1, line 12, remove "as" and overstrike "designated by the judgment creditor or the judgment creditor's"

Page 1, line 13, overstrike "attorney, or," and overstrike "by posting advertisements in five public"

Page 1, line 14, overstrike "places in the county"

Page 1, line 20, overstrike "or posting"

Page 2, line 12, overstrike "a" and insert immediately thereafter "the county's official" and remove "of"

Page 2, line 13, remove "general circulation" and overstrike "in the county"

Renumber accordingly

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2329**

Page 1, line 8, remove "eight hours of"

Renumber accordingly

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2248.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248**

Page 1, line 3, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 3, after line 8, insert:

**"SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2248**

In addition to the amendments adopted by the House as printed on page 848 of the House Journal, Engrossed House Bill No. 2248 is further amended as follows:

Page 1, line 7, remove the underscore under the boldfaced period and insert immediately thereafter:

"1."

Page 1, line 9, overstrike "1." and insert immediately thereafter "a."

Page 1, line 16, overstrike "2." and insert immediately thereafter "b."

Page 1, line 21, overstrike "3." and insert immediately thereafter "2."

Page 2, after line 8, insert:

"3. The attorney general may issue an administrative subpoena compelling an internet service provider or cellular phone company to provide subscriber information to a law enforcement agency investigating a possible violation of this section."

Renumber accordingly

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

**MR. SPEAKER:** Your signature is respectfully requested on: SB 2056, SB 2113, SB 2118, SB 2123, SB 2139, SB 2228, SB 2259, SB 2287, SB 2296, SB 2364, SB 2388.

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

**MR. PRESIDENT:** Your signature is respectfully requested on: HB 1055, HB 1059, HB 1063, HB 1082, HB 1181, HB 1231, HB 1355, HB 1369, HB 1386, HB 1393, HB 1414, HB 1506.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The President has signed: SB 2153.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on March 15, 2007: SB 2153.

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Tuesday, January 16, 2007, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1027, as reengrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1027 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1093, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1093 was placed on the Sixth order on the calendar.

Page 1, line 3, after "fund" insert "; to provide legislative intent"

Page 1, line 15, replace "two" with "three"

Page 1, after line 19, insert:

**"SECTION 2. LEGISLATIVE INTENT - LIGNITE LITIGATION.** It is the intent of the legislative assembly that \$500,000 of the amount allocated to the lignite research fund in section 1 of this Act is to be used to pay for fees associated with lignite litigation which may be brought by the state to protect and promote the continued development of lignite resources."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1099, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1099 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1135: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1135 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1174, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1174 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1222, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1263, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1263 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "one" and insert immediately thereafter "five"

Page 1, line 8, overstrike "three" and insert immediately thereafter "ten"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1299, as engrossed: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1299 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1326: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1326 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1328, as engrossed: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1328 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1350: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1366: Human Services Committee (Sen. J. Lee, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1366 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1411: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1411 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1437, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452, as engrossed: Judiciary Committee (Sen. Nething, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1452 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1459, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1459 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1476, as engrossed: Transportation Committee (Sen. G. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1476 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3025: Industry, Business and Labor Committee (Sen. Klein, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3025 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3039, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3039 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3063, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3063 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3064, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HCR 3064 was placed on the Fourteenth order on the calendar.

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

**William R. Horton, Secretary**

